



California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
c/o AECOM, attn. Carnegie SVRA General Plan
2020 L Street, Suite 400
Sacramento, CA 95811

February 4, 2016

SUBJECT: COMMENTS ON CARNEGIE SVRA GENERAL PLAN UPDATE FINAL ENVIRONMENTAL IMPACT REPORT

Dear CDPR;

Grassetti Environmental Consulting (GECO) has been retained by Citizens' Committee to Complete the Refuge (CCCR) and the Ohlone Chapter of the Audubon Society (OAS) to review the Draft and proposed Final Program Environmental Impact Report (DEIR and FEIR, respectively) on the Carnegie State Vehicular Recreation Area Preliminary General Plan for compliance with the California Environmental Quality Act (CEQA) and its implementing Guidelines. I previously submitted comments on the DEIR on behalf of CCCR and OAS on June 23, 2015. CDPR subsequently prepared the Final EIR (FEIR), which was released for public review in January 2016. This letter addresses the adequacy of the responses to my previous comments, as well as the adequacy of the FEIR to meet CEQA requirements.

This review concludes that the FEIR generally does not correct many of the deficiencies noted in our earlier letter and, in many cases, does not provide meaningful responses to comments, and therefore continues to fail to meet CEQA Statutes and Guidelines. The bases for these conclusions are detailed below.

Inadequate Project Description

As detailed in our June 2015 letter, the DEIR's project description fails to meet basic project description requirements because it does not provide sufficient information on which to conduct an environmental impact assessment. The responses to comments do not substantively augment the DEIR's project description, so this deficiency remains. As described in our earlier letter, the DEIR focuses only on potential changes in use levels and types, and not on physical changes to the environment. Absent a description of potential physical on-the-ground changes resulting from the potential changes in land use, it is impossible to conduct an adequate impact assessment (as is discussed with respect to each of the technical sections, below).

Specifically, the DEIR failed to present any information on the existing OHV trails and facilities at the Carnegie site, even though the 2004 NOP/Initial Study included detailed tables of acreages of different proposed land uses, detailed descriptions of trail lengths, widths, and

construction techniques, details of fencing and gates that would assure no trespass of OHV's onto non-trail areas, and detailed descriptions of water crossings and bridges. Our request that the FEIR add the number of miles of existing trails, typical width and slope of these trails, acreage of disturbance from these trails, extent of riders venturing off of the designated trails, areas/acreages of erosion problems, areas/acreages of habitat degradation, ongoing remediation areas, and a discussion of how successful current General Plan policies have been in limiting the impacts of existing OHV uses on the site was not responded to in the FEIR. Furthermore, and of significant importance given the substantive natural resource values of the expansion area, there is no discussion provided of the success or failure of past and ongoing efforts to protect, remediate, or restore areas of natural resource value within the existing Carnegie SVRA. In addition no discussion has been provided of the extent to which mitigation for any impacts to the natural resources of the existing Carnegie SVRA has or has not occurred. The Project Description should describe existing management efforts and any changes to those efforts proposed by the project. Absent this context, accurate and verifiable, impact assessment is not possible.

The FEIR also fails to clearly separate out the land use plan from the environmental protection guidelines in the plan, as requested in our detailed comments on the DEIR. Specific uses to be allowed under each "Visitor Experience Area" classification remain undefined. Absent this, the EIR's vague discussions of these areas appear to be land use goals rather than descriptions of proposed physical changes to each area, and are inadequately detailed to allow meaningful identification of impacts.

The EIR's Project Description even at the first tier level continues to fail to provide adequate information regarding the project to permit an adequate assessment of its potential impacts to the physical environment and is fatally flawed.

Piecemealing Issues

In our DEIR comment letter we noted that State Parks owns nearly 400 acres of "buffer zone" and grazing lands that include much of the housing for employees who work at Carnegie, and commented that because these parcels do not have independent utility absent the OHMV park, they must be included in the Plan. We requested that the Project Description include all State Parks lands used for any aspect of the Carnegie operations, including residential and buffer lands. Response O-11-3 purports to respond to this comment but fails entirely to address the piecemealing issue. Instead it just states the obvious, that "The lands outside of the planning area will not be governed by this General Plan." The response goes on to say that our comment does not provide evidence of any significant impacts to the excluded lands. This misses the point of the comment. Our comments, in total, identify many potentially significant impacts that require mitigation. Further, as detailed in this letter and in our previous letter, the Plan Guidelines do not constitute an enforceable commitment to mitigate, resulting in additional significant impacts. See further discussion below under "Inappropriate Substitution of Plan Policies for Specific, Binding, and Enforceable Mitigation Measures".

As discussed in our earlier letter, this piecemealing has resulted in the arbitrary exclusion of alternatives that could otherwise reduce or avoid potentially significant environmental impacts

of the proposed Plan, and therefore does have an indirect environmental impact. Further, the FEIR stated that the 400+ acres could not be used for OHV use as alternatives because of deed restrictions. A deed search/property profile on each parcel (not a full title search) found no such deed restrictions in the public record. (See 2/5/16 comment letter submitted by Friends of Tesla Park).

Inadequate Setting Information

Our DEIR comment letter detailed numerous specific examples of how the EIR improperly uses incorporation of plan information in place of setting descriptions, which resulted in an inadequate presentation of the existing conditions. This deprives decision-makers, agencies, and the public of information essential to discerning what setting information is relevant to the impact discussion.

The EIR uses this approach to the extreme, and goes well beyond the Guidelines' allowable incorporation in two major ways. First, the Guidelines (Section 15150(c)) specify, "*Where an EIR...uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized.... The relationship between the incorporated part of the referenced document and the EIR shall be described.* In the sections identified as deficient above, there are no summaries of the existing conditions nor is there any text relating the incorporated information to the EIR. Second, the Guidelines (Section 1515(f)) specifically address when incorporation by reference is appropriate, stating; "*Incorporation by reference is most important for including long, descriptive, or technical materials **that provide general background but do not contribute directly to the analysis of the problem at hand.***" [emphasis added] This DEIR uses incorporation by reference ***in place of the entire setting sections*** for the issue areas identified above, in clear non-conformance with the Guidelines. At least six of the technical sections of this EIR contain no environmental setting information, improperly incorporate information by reference, and fail to identify which incorporated information is germane to the impacts analyses, and in what ways it is relevant. As detailed in our earlier letter, this approach makes it extremely difficult for the reader to find and determine the information in the setting sections that are applicable to the impact sections.

The FEIR response (O11-4) and responses to our numerous specific examples of this inadequacy fail to include any changes to the DEIR.

Inadequate Impact Analyses

Unsupported Projections of Future Use Levels

Our DEIR comment letter stated that the DEIR's future use levels for the park were erroneously based on the maximum past use plus a growth rate increase based on Alameda and San Joaquin County population growth rates rather than the Online Survey Results (March 2013, Figure 1) cited in the recreation section, which do not support correlating growth in these counties to growth in park use, but rather that facility users come equally

from all of the Bay Area counties, with an additional major component of visitors from southern California. We requested that the EIR should revisit the growth projections based on economic correlations, the Visitor Survey and other relevant factors, and provide projections based on substantial evidence, and that growth-rate dependent sections of the EIR be re-evaluated.

Our comments were specifically aimed at the need for expansion of the facility. The response doubles down on the DEIR's growth assumptions, failing to account for the apparent discrepancies between that methodology and the user survey. Further, there is light use of the facility during weekdays and in the summer, so the expressed need for more OHV park land is likely based on peak season and special-event uses. This continues to present a potentially distorted picture of the need for the expansion.

Lack of Substantial Evidence and Analyses Supporting Impact Conclusions

Our DEIR comment letter pointed out that the EIR's impact assessment has been structured to include a setting section consisting mostly of information incorporated by reference but not summarized, very brief mention of a potential impact topic, then a list of policies and guidelines, followed by a conclusion that the impact is less than significant. This construct has for the most part resulted in a document that fails to provide any evidence supporting the impact conclusions. Further, in the cases where there may be some evidence, there is no analytical discussion linking the evidence to the conclusion. EIRs must be based on substantial evidence, not unsupported conclusions; therefore this EIR is structurally and fatally flawed. We provided numerous specific instances of this defect in Attachment 1 to the DEIR comment letter. Response [O11-6) of the FEIR provides no substantive response to any of our detailed comments on this issue, but rather blandly claims that this is a disagreement among experts. The fact that the FEIR fails to provide evidence supporting the conclusions of less than significant impact, or in the instances where some evidence has been provided there has been no meaningful analysis of the evidence, is not a mere disagreement amongst experts. This is a substantive deficiency.

Inappropriate Substitution of Plan Policies for Specific, Binding, and Enforceable Mitigation Measures

As detailed in our DEIR comment letter, the Guidelines and Policies contained in the Plan also need to be discussed in terms of their required implementation and enforcement. CEQA Guidelines Section 15126.4 (a)(2) state, "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation or project design." However, this DEIR states only that, "The goals establish the purpose and desired future conditions the SVRA, and the guidelines provide the direction that the OHMVR Division ***will consider*** [emphasis added] to achieve these goals". "Will consider" is hardly a commitment to require policy and guideline implementation.

In our July letter, we requested that the Plan and DEIR clearly spell out if these goals and guidelines are just general desires of the OHMRV Division, or if they are prescriptive requirements. Master Response 2.1.3 fails to do this and, instead, doubles down on the use of unenforceable vague, non-committal guidelines and policies as mitigation, stating:

“The DEIR relies on the goals and guidelines to mitigate or avoid impacts (except for air quality impacts...) and does not contain mitigation measures.” [emphasis added]

As stated in our DEIR comment letter, including the guidelines and policies as part of Project Description has resulted in mitigation being assumed in the document that may never be implemented, and for which there is no assurance of effectiveness. Further the effectiveness of these guidelines, if implemented, has not been substantiated anywhere in the DEIR. This is in direct conflict with guidance provided by the Courts in the Trisha Lee Lotus v. Caltrans case (January 30, 2014), where the EIR improperly incorporated the proposed mitigation measures into its project description and summarily concluded any potential project impacts would be less than significant. For several reasons, CEQA's procedures require a separate identification and analysis of such proposed measures. This analytical procedure is necessary in order for the lead agency: (1) to make required findings regarding potentially significant project impacts; (2) to determine whether mitigation measures are required; (3) to adequately evaluate the range or efficacy of required mitigation measures or project modifications; and (4) to trigger the required adoption of an enforceable mitigation monitoring program. Accordingly, failure to discuss the significance of project impacts apart from proposed mitigation measures was a “structural deficiency in the EIR” which resulted in a failure to consider whether other possible mitigation measures would be more effective. The Court in that case concluded:

“Contrary to the trial court's conclusion, this short-cutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decision-making and informed public participation. It precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences. The deficiency cannot be considered harmless.”

This EIR follows the same impermissible approach. Impacts are never assessed in terms of their significance, but rather just the general topic of the impact is identified, then the plan guidelines and policies are repeated, followed by a conclusion that the impacts would not be significant. Numerous instances of this were detailed in Attachment A of our DEIR comment letter. The EIR, in virtually every instance, fails to assess whether and to what degree the guideline or policy would actually mitigate the impacts. This, approach, compounded with the lack of specificity or enforceability of many of the guidelines and policies, and the general lack of enforceability of the plan as a whole, results in a shell of an EIR, made up entirely of goals followed by conclusions, unsupported by any evidence or analysis.

With the exception of Air Quality, the DEIR relies on plan guidelines and policies as mitigation. As noted above, these do not provide certain, verifiable mitigation measures because:

- Guidelines and policies are not enforceable
- Most of the guidelines and policies are so vaguely written so as not to assure mitigation
- The DEIR includes no assessment of the magnitude of the potential impacts and no evaluation as to how, whether, and to what extent the guidelines and policies would mitigate the impacts.

In addition to these problems, many of the guidelines and policies relied upon as mitigation impermissibly defer mitigation to future studies and future permits from other agencies (see *Sundstrom v. Mendocino County* decision). These are detailed in Attachment A.

The FEIR response (O11-7) just reiterates the DEIR's erroneous approach.

Other Inadequate Impacts Evaluations

As listed in our DEIR comment letter, Attachment 1, the impact assessment includes numerous other deficiencies, which, as indicated in a version of that attachment that responds to the FEIR, have not been substantively responded to in the FEIR.

The EIR is Part of a Tiering “Shell Game”

As described in our DEIR comment letter, the deferral of mitigation to future studies is part of an overall tiering “shell game”, where the program DEIR defers consideration to the project level, and the project approvals are proposed to rely on the program EIR (see section 1.1, p. 1-2) “If the OHMRV division finds that a subsequent project would not result in new effects or require new mitigation measures, it can approve the activity as being within the scope of this DEIR.” For over 35 years, OHMVR has used NOEs for nearly all actions at Carnegie, (except 2 MNDs and 1 ND). OHMVR has never sought or obtained an Incidental Take Permit for the entire operation, and therefore the public has no assurance that such a permit would be obtained in the future.

We have to look no further than the impacts of the existing Carnegie SVRA on federal and state listed species to highlight the need for up front identification of mitigation measures even at the programmatic level. The 2000 DEIR for a Carnegie SVRA General Plan Update stated that OHMVR was coordinating with USFWS and CDFG on a comprehensive Habitat Conservation Plan (HCP) in order to obtain Incidental Take Permits (ITPs) for direct and indirect impacts to listed species. This was reiterated in the 2004 Notice of Preparation (NOP) of a Recirculated EIR (REIR). We are aware an ITP was issued for specific work regarding removal of sediment from sediment basins, however, the USFWS in the original and in later extensions reiterated the need for a *comprehensive* conservation plan for existing operations and maintenance within the current Carnegie SVRA.

The EIR should describe the status of the HCP process. Has an ITP ever been granted for the comprehensive impacts of operations and maintenance within the existing Carnegie SVRA? The fact that there has been no HCP produced with the passing of sixteen years highlights the substantive problem with deferring mitigation measures within this EIR process.

Given the vagueness of the impacts and mitigation discussions in this DEIR, the minimal CEQA review conducted in the past by OHMVR, and the lack of substantive responses in the FEIR, it seems likely that no actual evaluation of impacts will ever be conducted by OHMRV, with the exception of assessments required by other agencies for any required permits.

We reiterate our concern that this approach denies both the public and decision-makers adequate information needed to participate fully in the CEQA and project approval processes, and fails to assure significant adverse impacts can and will be reduced to levels that are less than significant, or that mitigation for potentially significant impacts will occur.

The proposed update of the Carnegie SVRA General Plan includes proposed expansion of OHV and other uses onto an area of known, high, natural and cultural resource value. The issue of inadequate identification of impacts (even at a programmatic level) and the failure to provide substantive identification and analysis of mitigation measures that are enforceable will result in on-the-ground significant and adverse impacts. The FEIR should be revised to include mitigation measures to address each of the programmatic impacts.

Inadequate Consideration of Alternatives

As detailed in our comment O11-12, CEQA requires that EIRs consider a range of reasonable alternatives that achieve most of the project objectives, even if they cost more than the project (Guidelines Section 15126.6 a-c). This DEIR includes only one alternative (other than the No Project Alternative), and that alternative is not feasible because it does not provide access to the fragmented Advanced Trails Areas proposed on the Tesla Site. More importantly, no evidence has been provided to demonstrate this alternative would substantively reduce Project impacts because there would be no reductions in either facilities or user levels. Areas of disturbance may in fact, not be reduced measurably (due to required travel through Limited Recreation Areas and the lack of protection afforded to Limited Recreation Areas). While this is not sufficient to mitigate for impacts to sensitive resources and loss of grazing across the entire expansion area, it demonstrates that OHMVR can consider non-OHV use alternatives for the expansion area. We are reiterating our request that reasonable alternatives that provide for conservation of the expansion area with no OHV use, and with OHV use within the existing SVRA and adjacent residential parcels, be included in this EIR.

The EIR contains no evidence or analysis that the proposed alternative would actually reduce impacts. Therefore, the EIR fails to meet the mandate of identifying and analyzing feasible alternatives that would substantially lessen the significant environmental effects of the proposed project. (Public Resources Code §21002). Please note that, as detailed in this letter and our previous letter, there is substantial evidence that the project would result in significant unmitigated impacts and, absent enforceable mitigation, no substantial evidence has been

provided that all these impacts would be mitigated to less-than-significant levels by plan guidelines.

The DEIR also is deficient because it fails to consider feasible alternatives suggested by the public, fails to identify and analyze impacts of alternatives, and fails to consider alternatives that meet the agency's mandates to balance resource use and protection, as detailed in our DEIR comment letter. We are reiterating our request that reasonable alternatives be included in this EIR.

Additional specific deficiencies in the Alternatives chapter were listed in our Attachment A. The FEIR (Responses O11-12 and Master Response 7) fail to address this deficiency, and, instead, double down on the DEIR's approach of eliminating any alternatives that would substantively reduce project impacts.

Inadequate Responses to Comments


As indicated above and in the attached annotated Attachment A, the vast majority of detailed, specific comments either are not directly responded to or the response is that the guidelines will mitigate, and the real impact assessment will be conducted later, at the time specific projects or permits are proposed. There are three problems with this approach: 1) in many cases, there will be no future CEQA review, leaving the impact unassessed, 2) the EIR is supposed to address impacts, and not defer that analysis to future review as part of some future permits (which may be limited to certain types of projects or small areas of the site), and 3) the Plan guidelines don't assure mitigation. Furthermore, there is no assurance the public will have the opportunity to review and provide comments if and when project details become available.

Conclusions

As summarized above and documented in our specific comments in Attachment A, the FEIR fails to meet even the most basic CEQA requirements for Project Description, Environmental Setting, Impacts, or Alternatives analyses. The FEIR continues to rely upon vague and unenforceable GPR Guidelines in place of real mitigation, and fails to assess the project impacts pre- and post GPR Guidelines. It is my professional opinion that the EIR should be completely re-written and recirculated for public and agency review.

Please feel free to contact me at (510) 849-2354 if you have any questions regarding this letter.

Sincerely,



Richard Grassetto
Principal

Grassetti Environmental Consulting

Revised Attachment A: Table of Specific Comments -with Review of Agency Responses

Page #/Paragraph	Issue	Type of Deficiency	Assessment of FEIR Response
Section 2.2.4, pp 2-10	Needs general descriptions of each of the types of facilities listed, including, but not limited to, entrance driveways and gates; OHV routes; 4WD technical course; gathering and picnic areas, interpretive facilities; new housing, offices, and ranger station; water crossings; camping areas; etc. Absent this information, this EIR cannot be used for approval of any of these facilities.	Inadequate project description	<i>No information added, therefore the project description remains inadequate</i>
Figure 2-3	Excludes Carnegie housing sites and buffer areas from Plan. This means that no stream restoration would occur on the excluded parcels. Further, as described in the letter, this is piecemealing that artificially limits alternatives options.	Piecemealing of project; limits range of alternatives inappropriately .	<i>No response to piecemealing/ alternatives comments- no information added FEIR deficient</i>
Table 2-1	Descriptions of Visitor Experience Areas is very vague, does not clearly state what can or cannot occur in these areas (e.g., statements such as “should be designed and managed to avoid or minimize impacts on the surrounding resources” do not assure protection of those resources); these descriptions do not address the specific facilities proposed as part of the project. Wording such as “could”, “should”, “where most appropriate”, “there may be”, “could be adaptively modified”, and exceptions to protections at the discretion of staff result in a plan that is toothless and entirely unenforceable.	Inadequate detail/vague/ unenforceable Project Description	<i>No specific responses- FEIR (Response 011-3) states “...the guidelines provide the direction that OHMVR will consider implement[sic] to achieve these goals.” This response doubles down on the original deficiency.</i>

	<p>In this case, the EIR must evaluate the worst-case impacts.</p> <p>As detailed below, similar deficiencies in Plan guidelines and policies exacerbate this problem rather than solve it.</p>		
3.1.1, p. 3.1-1	Setting conditions are not summarized	Inadequate incorporation by reference	<i>No change-deficiency remains.</i>
Section 3.1.4; Figure 3.1-1	<p>This figure is meaningless and fails to identify viewsheds of concern, which are views from Corral Hollow/Tesla Road. The figure fails to say where the visibility is from. It's a plan view with no information applicable to assessing environmental impacts. Instead of this figure, the following approach should be used. First, a photo showing existing visual conditions of the Carnegie and Tesla sites should be included. Such photos have been provided to OHMRV in the Celeste Garamendi letter on the NOP, dated 7/11/12. Second, viewsheds from Corral Hollow/Tesla Road should be mapped. Third, visual simulations should be prepared showing the anticipated changes in appearance of the expansion area after OHMV's are permitted and trails and other facilities constructed. Absent this information, there is no substantial evidence supporting the impact assessment and conclusions.</p>	Inadequate setting and impact assessment	<i>No information/analysis added. Setting and impact assessment are inadequate and do not meet the standards of CEQA.</i>
Impact 3.3-1, pp. 3.1-4 through 6	<p>States, "OHV activities would not be visually apparent from surrounding viewshed. Thus keeping scenic views largely unobstructed".</p> <p>The EIR contains no evidence that</p>	Unsupported impact assessment/conclusion	<i>Some facilities have been moved- no new analysis has been conducted. Impact assessment</i>

	<p>views from Tesla/Corral Hollow road would not be significantly impacts by the proposed expansion and new facilities. Further, the issue is not view obstruction, but rather change in the character of views from pastoral landscapes and natural areas to bared trails/roads, eroded/denuded slopes slopes, and developed areas (for offices, housing, campground and ranger station).</p> <p>The analysis on p. 3.1-5 argues that because the changes to the landscape would affect a small percentage of the total acreage, the impacts would be less than significant. This is the wrong metric, particularly for a 4500-acre site, where a small percentage could still be a large area, which, in this case, is the case. Further, trails, the 4x4 area, new campground, and more intensive support facilities all would be adjacent to, and visible from Tesla/Corral Hollow Road. The DEIR provides argument, not facts.</p>		<p><i>and conclusions are not supported by evidence.</i></p>
<p>Guidelines, pp. 3.1-5 and 6</p>	<p>The Guidelines cited do not assure mitigation, as follows:</p> <ul style="list-style-type: none"> • Guidelines 1.1 and 1.5 discuss habitat value and not visual quality; no link to aesthetics is provided. • Guideline 5.4 requires fencing and buffer zones to reduce land use conflicts; no link to aesthetics is discussed • Guideline 8.1 encourages certain building design and landscaping approaches, but does not assure that buildings in a currently natural setting would not have a significant impact. 	<p>Guidelines don't assure mitigation; relationship of Guidelines to impacts not discussed or assessed.</p>	<p><i>No response to specific comments. Insufficient analysis of adequacy of mitigation and no assurance mitigation will occur</i></p>

	<p>Guideline 1.6 promotes “limit[ing] removal of trees” and replacing them with seedlings. “Limiting is too vague to be considered mitigation; seedlings take many years to grow into large trees, and do not reduce the aesthetic impact of mature tree removal The DEIR contains zero discussion or evidence of how, and to what extent, the above Guidelines mitigate visual impacts.</p>		
3.2-16	<p>Existing dust and TAC levels/impacts generated at Carnegie not addressed. What are the existing health risks to Park users? These need to be added to the setting discussion.</p>	Incomplete setting	<i>Still no data; response admits that issue is not addressed.</i>
Impact 3.2-1	<p>This discussion fails to identify how many acres will be graded/denuded/continually disrupted/generating dust for trails and practice areas. Yes it inexplicably concludes that the project would conform to the regional air quality plan. Later, the EIR concludes that the project would contribute to violation of air quality standards. How can a project that violates air quality standards not impede implementation of an air quality plan? Further, there is no evidence in the EIR supporting the conclusion that the project does not violate the air quality plan. The conclusion is unsupported by fact.</p>	Unsupported impact assessment/conclusion	<i>FEIR presents no new data or analysis. Impact assessment and conclusions are not supported by evidence</i>
Table 3.2-8	<p>Does this table include average 60-mile round trip driving emissions of vehicles towing OHVs?</p>	Possible incomplete emissions totals	<i>FEIR response appears adequate.</i>
PP. 3.2-29 and 32	<p>The Guidelines cited do not assure mitigation, as follows:</p>	Guidelines don’t assure	BAAQMD measures have

(Guidelines)	<ul style="list-style-type: none"> • Guideline 7.1 addresses only emissions on “Spare the Air” days, and not overall dust, TACs and other pollutants generated by the project. • Guideline 7.2 is purely informational and cannot be assumed to provide any actual reduction in emissions. • Guideline 7.3 applies to “additional” “OHVs on windy days. This guideline would still permit operations of OHVs that are already onsite to continue kicking up dust. In addition, no information regarding how this Guideline would be enforced is provided, and not definition of “windy” is included. Therefore the Guideline does not mitigate <p>The DEIR contains zero discussion or evidence of how, and to what extent, the above Guidelines mitigate the project’s air quality impacts.</p>	mitigation; relationship of Guidelines to impacts not discussed or assessed.	<p>been added but as “guidelines” rather than mitigation. However, not enforceable/no commitment to mitigate.</p> <p><i>Discussion still missing.</i></p>
Impact 3.2-4	Please provide analysis of project area dust constituents in the existing Carnegie area as well as in all parts of the expansion site that may host OHV trails to determine whether or not the dust may contain hazardous materials. Please assess potential health impacts of TACs and dust on facility users.	Incomplete impact assessment	<p><i>No relevant information added in response. Impact assessment remains incomplete.</i></p>
Section 3.3.1	Setting conditions are not summarized	Inadequate incorporation by reference	<p><i>No change from DEIR.</i></p>
General Plan	This discussion lists goals of the Visitor	Inadequate	<p><i>Response doesn’t</i></p>

<p>Impact Analysis, pp 3.3-14 and 15</p>	<p>Use Area designations and Guidelines but does not even attempt to identify or evaluate the effectiveness of the Visitor Use Area designations, as defined in the Plan, and the Guidelines, as written, on biological resources. Instead it identifies the use Areas and Guidelines, and then just assumes that they reduce impacts to a less-than-significant level.</p> <p>The criteria of significance described on p. 3.3-15 that, "Impacts on biological resources would be considered unavoidable if the overall purpose of the General Plan (providing OHV and other recreational activities) could not be achieved while still avoiding the potential impact on biological resources" is incorrect and misleading. The Plan that is the subject of the DEIR is not "the overall purpose of the General Plan; it is, instead, a set of specific land uses and facilities proposed for development within the project area. The DEIR's use of this erroneous significance criteria results in an assessment that fails to adequately evaluate or mitigate for project impacts.</p>	<p>impact assessment; Inappropriate significance criteria</p>	<p><i>address comment.</i></p> <p><i>No change from DEIR.</i></p> <p><i>Not addressed.</i></p>
<p>Impact 3.3-1</p>	<p>This analysis is based on plant surveys conducted 12-18 years ago. Some of the survey sites were re-surveyed in 2014, however no new overall site botanical survey was conducted to determine if special status plant populations may have established elsewhere on the site in the intervening years. The EIR provides no evidence that the limited 2014 re-survey addresses all areas that may be impacted by the Plan; in fact, it acknowledges, "the distribution and</p>	<p>Inadequate setting data resulting in inadequate impact assessment</p>	<p><i>Generic response stating that site has been surveyed several times. No direct response to cited deficiency.</i></p>

	<p>abundance of special-status plant species can change over time...” (p. 3.3-16), and “A comprehensive survey of the entire planning area has not been conducted since 2003 because no actions have been proposed that could adversely affect special status plants throughout the planning area”. This seems to entirely miss the purpose of this EIR, which is to address impacts of a plan that could adversely affect the plants throughout the planning area. Please provide updated floristic surveys of the entire planning area.</p>		
<p>PP 3.3-16 and 17; Plant Guidelines</p>	<p>The Guidelines cited do not assure mitigation, as follows:</p> <ul style="list-style-type: none"> • Guideline 1.1 improperly defers plan surveys to after Plan approval. Future study is not mitigation. • Guideline 1.2 does not provide any information as to how impacts to special status plant species will be prohibited; it is unenforceable. • Guideline 1.3 applies to buffers, which apparently are not firm or fixed, as evidences by the second sentence. No information is provided as to how this would be implemented. Therefore the Guideline does not mitigate <p>The DEIR contains zero discussion or evidence of how, and to what extent, the above Guidelines mitigate the project’s special status plant impacts.</p>	<p>Guidelines don’t assure mitigation; relationship of Guidelines to impacts not discussed or assessed.</p>	<p><i>Response claims that guidelines “require...” certain actions. But there’s nothing in the Plan or EIR “requiring” guidelines to be implemented.</i></p>
<p>Impacts 3.3-</p>	<p>The discussion fails to include any</p>		<p><i>No substantive</i></p>

<p>2 3.3-3</p>	<p>analysis of potential impacts of the project on riparian or wetland habitats. It just lists the habitat types, lists the Guidelines, and then concludes that the Guidelines would eliminate any significant impacts. The conclusions are entirely unsupported by evidence or analysis.</p> <p>The conclusion on p. 3.3-2 that “Analysis shows that there is no potential for significant loss or disturbance of riparian or special status natural communities...” assumes fully effective mitigation from Guidelines, which, as described below, is not the case.</p>		<p><i>response- just a deferral of analysis to permitting.</i></p>
<p>PP. 3.3-18-20; Bio Guidelines</p>	<p>The Guidelines cited do not assure mitigation, as follows:</p> <ul style="list-style-type: none"> • Water Guideline 1.1 ignores the fact that the project access and trails require stream crossings. Taken literally, no stream crossings may occur under this Guideline. If this is not the case, then the EIR needs to assess the potential impacts of stream crossings on sensitive habitats and species. • Water Guideline 1.2 states that State Parks will “work to attain no net loss of wetlands”. It is unclear what “work to attain” means. As worded, this language does not require no net loss of wetlands, and cannot be assumed to mitigate the loss of wetlands. • NRM Guideline 1.1 applies reduces, but does not avoid impacts to higher-value habitat 	<p>Guidelines don’t assure mitigation; relationship of Guidelines to impacts not discussed or assessed.</p>	<p><i>No substantive response to any of the specific guideline comments- just a deferral of analysis to permitting.</i></p>

	<p>areas.</p> <ul style="list-style-type: none">• NRM Guideline 1.2 is intended to be implemented “before planning ...facilities...”. The time for implementation of this measure is now, at the plan stage. Its proposed deferred implementation (to post Plan stage) fails to mitigate impacts.• NRM Guideline 1.3 defers mitigation to an unspecified later date. Further, it is designed to minimize unavoidable impacts to sensitive resources. “Minimized” unavoidable impacts can still be significant.• NRM Guidelines 2.1 and 2.2 (adaptive management) is after-the-fact impact response; it does not avoid impacts in the first instance. Further, the Adaptive Management Plan must be included as part of the General Plan, and not be deferred to some later time, as currently proposed.• NRM Guidelines 2.3 and 2.4 (general management strategies) are too vague to assure/require any mitigation, and are not enforceable.• Water Guideline 2.1 first states to avoid siting facilities in wetlands or stream corridors and the following text then discusses bridges and water crossings. These are in contradiction to one another. No evidence is presented to support the less than significant impacts determination, not is		
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	<p>there any actual analysis of effectiveness of the mitigation Guidelines.</p> <p>The DEIR contains zero discussion or evidence of how, and to what extent, the above Guidelines mitigate the project's special status plant impacts.</p>		
P. 3.3-22	<p>Wildlife Guideline 1.3 states first that elderberry plants will be avoided and then provides for future mitigation to be developed if they are not avoided. Will the plants be avoided or not? What will the future mitigation be? The EIR must provide the basic outline of the mitigation so that its effectiveness can be determined. As written, this Guideline improperly defers mitigation to future consultation, and fails to evaluate the effectiveness of the Guidelines.</p> <p>Also, an updated plant survey must be conducted as part of this planning study to identify the elderberry shrubs and plan to avoid them.</p>	<p>Guidelines don't assure mitigation; relationship of Guidelines to impacts not discussed or assessed.</p>	<p><i>Minor revisions to guidelines, which aren't committed to; mitigation deferred to permitting.</i></p>
P. 3.2-23	<p>Wildlife Guideline 1.7 defers development of any mitigation measures until a later date, yet is assumed to mitigate the project's impacts on amphibians. There is no substance to this measure, therefore there is no evidence that the project's potential impacts would be mitigated to a less than significant level.</p> <p>And the mitigation proposed - 150' buffers around areas of reported occurrences is inadequate as California tiger salamander can travel up to 2 miles to get to aestivation habitat.</p>	<p>Guidelines don't assure mitigation. Inadequate information.</p>	<p><i>No substantive response to any of the specific guideline comments- just a deferral of analysis to permitting.</i></p> <p><i>New discussion in Master response states that the entire area is</i></p>

			<i>within the buffer zone for the salamander. Defers mitigation to permitting.</i>
P. 3.3-23, Impact 3.3-6	<p>This discussion claims that NRM Guidelines 1.1, 1.2, and 1.3 'are designed to avoid and offset impacts on sensitive habitats and natural resources [including foothill yellow legged frog].' Yet there is no discussion of the effectiveness of these measures, how they would be implemented, or even whether they are enforceable.</p> <p>The Plan must be revised to include strict avoidance areas, shown on the Plan map.</p>	<p>Guidelines don't assure mitigation. Inadequate information.</p>	<p><i>No substantive response to any of the specific guideline comments- just a deferral of analysis to permitting. Response refers also to after-the-fact erosion control measures.</i></p>
P. 3.3-24	<p>The Guidelines cited do not assure mitigation, as follows:</p> <ul style="list-style-type: none"> • Water Guidelines 2.6 and 2.7 apply after the fact measures; they do not prevent erosion from happening. Therefore they are inadequate to reduce impacts to less than significant, especially in light of past and ongoing erosion problems at the facility (documented in the Garamendi letter and the annual SWMP reports, among other sources). • Water Guidelines 2.8 is couched in "...consider closing..." Considering doing something doesn't mitigate any impacts at all. 	<p>Guidelines don't assure mitigation.</p>	<p><i>No substantive response to any of the specific guideline comments- just a deferral of analysis to permitting. Response refers also to after-the-fact erosion control measures.</i></p>
P. 3.3-26-27	<p>The conclusions of Impacts 3.3-8 and 3.3-9 misstate the Guidelines and their</p>	<p>Misleading conclusion</p>	<p><i>No substantive response. "State</i></p>

	<p>mitigation effectiveness. See discussion above re p. 3.3-24. There is no analysis of the impacts, just a sentence stating generic impact, listing of policies, and unsupported conclusion.</p> <p>Also, the EIR should provide a map of all sensitive habitats to be avoided, and include strict avoidance language, with no loopholes.</p>	<p>based on no analysis or fact.</p>	<p><i>Parks believes that the General Plan Guidelines would avoid and minimize impacts on biological resources."</i></p>
PP. 3.3-27-28	<p>The EIR notes that the project would adversely affect designated sensitive whipsnake habitat, then states that facilities should be 150 feet away from such habitat, then allows development on that habitat pending some undisclosed, undeveloped mitigation measures. The Guideline also "Encourages..." further research. None of this mitigated the impacts to the species from motor vehicles. Further, there is no evidence in the EIR that snakes do not travel more than 150 feet from critical habitat. There is no evaluation of the likelihood of take of the snakes by proposed trails. Any actual mitigation is deferred to future consultation with USFWS. The mitigation must be in this document if the impact is going to be considered less than significant. It is the lead agency's responsibility under CEQA to apply all feasible mitigation regardless of whether this is a project or program EIR.</p>	<p>Inadequate mitigation; inadequate analysis; unsupported conclusions.</p>	<p><i>Response acknowledges that buffer zone inadequate- entire site needs to be protected. Mitigation deferred to permitting.</i></p>
P. 3.3-29	<p>Please address noise impacts of allowing OHMVs onto currently inaccessible lands on all potentially affected special status bird species (Include assessment of impacts to nesting, roosting, and foraging).</p>	<p>Missing impact.</p>	<p><i>Issue is generically addressed in Impact 3.3-28.</i></p>

<p>P. 3.3-29 and 30</p>	<p>The Guidelines cited do not assure mitigation, as follows:</p> <ul style="list-style-type: none"> • Wildlife Guideline 1.1 fails to commit the agency to any actual mitigation. • Wildlife Guideline 1.9 defers mitigation to future consultation with CDFW. No measures or even range of potential measures are committed to in this Guideline. Please state what will be done to mitigate the impacts. <p>The conclusions of Impact 3.3-11 misstate the Guidelines and their mitigation effectiveness. There is no analysis of the impacts, just a paragraph stating generic impact, listing of policies, and unsupported conclusion.</p>	<p>Impermissible deferral of mitigation to future consultation.</p>	<p><i>No substantive response to any of the specific guideline comments- just a deferral of analysis to permitting.</i></p>
<p>P. 3.3-30-31</p>	<p>Please provide evidence that siting facilities 100 feet from active kit fox or American badger dens reduces impacts to a less than significant level. Please provide an analysis of impacts of noise in the expansion areas on kit fox nesting.</p>	<p>Unsupported conclusion based on no analysis or fact.</p>	<p><i>FEIR added evidence for direct burrow impacts; noise impacts and indirect kill (take for kit fox) impacts not addressed.</i></p>
<p>P. 3.3-31-32</p>	<p>The conclusions of Impacts 3.3-12 and 13 misstate the Guidelines and their mitigation effectiveness. There is no analysis of the impacts, just a paragraph stating generic impact, listing of policies, and unsupported conclusion.</p>	<p>Misleading conclusion based on no analysis or fact.</p>	<p><i>No substantive response. "State Parks believes that the General Plan Guidelines would avoid and minimize impacts on biological resources." No substantive information</i></p>

			<i>provided to support this conclusion.</i>
P. 3.3-33	<p>The Guideline cited does not assure mitigation, as follows:</p> <ul style="list-style-type: none"> Wildlife Guideline 1.8 recommends consultation with wildlife agencies to develop mitigation. No measures or even range of potential measures are committed to in this Guideline. Please state what will be done to mitigate the impacts. 	Impermissible deferral of mitigation to future consultation.	<i>Guideline augmented; still has the problem if being a guideline and not required or enforceable mitigation.</i>
P. 3.4-3	<p>Second paragraph states that the cultural resources inventory covered 2349 acres of the 4675-acre site. Why wasn't the remaining acreage surveyed? Might there be other resources affected? How does the surveyed area correspond to the potential area of impact from implementation of the Plan?</p> <p>The historic resources and districts, as well as areas with prehistoric resources need to be mapped and overlain with plan to determine sensitivity. Although specific locations of sensitive sites need not be shown, the DEIR should include maps of the generally sensitive areas in order to evaluate impacts of the proposed project.</p>	Inadequate setting information.	<p><i>Response acknowledges need for more surveys, but doesn't do any.</i></p> <p><i>Analyses deferred.</i></p> <p><i>No new information added.</i></p>
PP. 3.4-5 through 9	<p>The DEIR states, "...all known resources would be protected, stabilized, and preserved in place. Park undertakings would avoid or minimize significant impacts on known cultural resources." Aside from the inherent contradiction between the two sentences above, the</p>	Guidelines don't assure mitigation. Inadequate information. Deferral of mitigation to	<i>No new information or direct responses to specific comments.</i>

	<p>Guidelines cited do not assure mitigation, as follows:</p> <ul style="list-style-type: none">• CR Guidelines 1.1 and 2.1 require maintaining and updating the existing inventory and a monitoring/assessment program, but no actual mitigation.• CR Guideline 1.2 promotes nomination of eligible resources to the NRHP, but, again, does not protect the resources from OHMV incursion or disturbance.• CR Guideline 1.3 is purely documentation, which is not mitigation.• CR Guidelines 2.2 and 2.8 are the protection/stabilization /preservation measures, but these measures have no details regarding how they would be implemented or enforced. Further, in the impact assessment no evidence is provided that the proposed plan would achieve or implement this Guideline. The impact assessment needs to show how these measures have been implemented geographically in the Plan before they can be concluded to be effective mitigation. In short, there's zero assessment as to how, and to what degree, these Guidelines have been incorporated into the land use plan.• CR Guideline 2.3 Impermissibly defers management and protection measures to some future document. These	future studies.	
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	<p>measures must be included in this Plan document to be able to evaluate and assure their effectiveness.</p> <ul style="list-style-type: none"> • CR Guideline 2.4. The DEIR provides no evidence that maintenance or facility development has been or would be designed “to avoid or minimize impacts” to sensitive cultural resources. In addition, “minimizing” impacts does not necessarily result in impacts that are less than significant. The Plan needs to be carefully compared with locations of known and potential resources and then evaluated and modified to avoid the resources <i>in this document</i>. • CR Guidelines 2.5 and 2.12 are just consultation, which does not mitigate impacts. The Guidelines do not require any particular response to the consultation results. • CR Guidelines 2.9 and 2.11 are after-the-fact measures that do not avoid impacts. 		
<p>PP 3.4-10-11 (Impacts 3.4.2 and 3)</p>	<p>CR Guidelines 3.1 and 3.2 defer ethnographic and traditional cultural place studies until after the Plan is adopted. This study needs to be included in the plan, and not impermissibly deferred. In addition, CR Guidelines 2.5, 3.3 and 3.4 fail to assure any mitigation of affected cultural properties.</p>	<p>Impermissible deferral or mitigation to future studies; inadequate setting information.</p>	<p><i>Analysis deferred. No response to specifics of comment.</i></p>
<p>Section 3.4, general</p>	<p>The section fails to provide any comparison of proposed project</p>	<p>Inadequate impacts</p>	<p><i>Analysis deferred. No response to</i></p>

comment	activities and land uses with locations of known sensitive cultural resources. Therefore the “analysis” is inadequate to identify impacts or determine their significance. This problem is compounded by the deferral of studies and failure to incorporate clear, verifiable, and enforceable mitigation measures.	assessment.	<i>specifics of comment.</i>
PP. 3.5-6-7	<p>First paragraph states that Water Guideline 2.8, which provides for trail closure during winter wet-weather periods, would mitigate erosion impacts. Although vehicular operations in the winter may exacerbate erosion, the bigger problem is the proposed barring of slopes for trails. This is not a seasonal issue, but rather an impact inherent in allowing OHV trails and practice areas on the property. Guideline 2.8 fails to address this larger impact, therefore the impact must still be considered significant.</p> <p>Although Soil Guidelines 1.1 and 1.4 would help limit erosion, they still permit trails on steep slopes, including those over 45%. They seem more focused on rider ability than slope/erosion protection. Therefore they do not assure any mitigation.</p>	Guidelines don't mitigate impacts.	<p><i>Response claims this is a disagreement among experts. It is not- it is a comment on lack of analysis of impacts.</i></p> <p><i>No response to substance of comment. Just cross-referencing to background documents and unenforceable guidelines.</i></p>
PP 3.5-5-10	<p>The discussion of Impacts 3.5-2 and 3.5-3 includes no analysis of erosion from project operation.</p> <p>Further the DEIR includes no analysis of the effectiveness of proposed BMPs on erosion protection. It just assumes full mitigation absent any analysis and in the face of existing erosion problems on the site from past use, which</p>	<p>Impact omission. Most important soils impact is not addressed at all.</p> <p>Mitigation effectiveness not assessed.</p>	<p><i>Impact addressed in Hydro section.</i></p> <p><i>No response to this portion of comment</i></p>

	indicates that BMPs may not be adequately effective.		
Chapter 3.6.4	See earlier comments re inappropriate/unsupported use of Alameda County and San Joaquin County growth as basis for assumed park use growth rates.	Unsupported growth assumptions.	<i>See general comment above in letter.</i>
Chapter 3.7- General	This section needs to be augmented to address potential health impacts to users of the site, both from accidents and from TACs.	Missing impact issues.	<i>TACs addressed; accidents not addressed.</i>
PP. 3.7-16 and 17	<p>Impact 3.7-5 needs to be augmented to assess impacts of fire to habitat.</p> <p>The section provides no history of fires at the Carnegie site, which would provide useful information by which to assess the project's impacts on the expansion area.</p> <p>Further, the EIR makes an unsupported statement that because access would be improved, fire hazards would be reduced. Generally, improved access to vehicles results in greater fire hazards, not reduced hazards. The discussion includes no references to contacts with any agencies with expertise in fire protection. At a minimum, CalFire and the Alameda and San Joaquin County Fire Departments should be contacted and referenced regarding the project's impacts and adequacy of mitigation.</p> <p>OM Guideline 3.5 states that accidental fire ignition should be prevented by spark arrestors and fuel monitoring, but provides no evidence as to the effectiveness in preventing fires.</p>	Inadequate setting. Unsupported impact conclusion.	<i>Response states that DEIR acknowledges increased fire risks, but then says that risk is less than significant. There's still no evidence supporting the LTS conclusion.</i>

Chapter 3.8	This section contains no setting information or summary.	Inappropriate use of incorporation by reference.	<i>See comment in letter above. No new information added.</i>
PP. 3.8-6-7; 3.8-17	<p>The Guidelines cited do not assure mitigation, as follows:</p> <ul style="list-style-type: none"> • Water Guideline 2.1 is too vague to assure mitigation; “properly” sited and “minimize” erosion impacts do not assure mitigation. • Water Guidelines 2.4, 2.5, and 2.6 are so vague as not to assure mitigation (2.4 and 2.6), and defer development of even the most general erosion control features until after the plan is adopted (2.5). • Water Guideline 2.7 is after the fact and therefore does not prevent the impact; • Water Guideline 2.8 is couched in “consider invoking ...”, which does not assure any mitigation; • Water Guideline 2.9 is by-passable at the discretion of the District Superintendent and therefore is not a blanket prohibition; • Soils Guideline 1.5 is couched in vague terms of undefined “restrict” and soils that “are preferred” for hill-climbing, rendering the measure ineffective and unenforceable as mitigation. • Soils Guideline 1.4 doesn’t protect against erosion because it allows trails on all slopes. Please add an evaluation of how 	Guidelines don’t assure mitigation. Inadequate information.	<i>Response: disagreement among experts (which is not the case); no responses to specific comments.</i>

	<p>effective this measure would be. Please describe any actual limits imposed by the measure, including the acres of trails expected on each slope class.</p>		
PP 3.8-15-18	<p>The assessments for Impacts 3.8-3 and 3.8-4 consist solely of a few sentences describing a generic impact, then a list of plan Guidelines, then a conclusion of less-than-significant. There is no supporting evidence or analysis showing how, and to what level, the Guidelines would mitigate the impacts.</p>	<p>Inadequate impact assessment.</p>	<p><i>Response refers to studies that are not summarized in DEIR. It is unclear how the cited studies show mitigation claimed in the EIR.</i></p> <p><i>Please summarize the studies in the FEIR and explain how they show that the proposed guidelines would be effective. Just referring to them in the response does not provide adequate disclosure.</i></p>
P. 3.9-1	<p>Land Use and Planning – General comment: The section fails to address the loss of agricultural resources. Further, this section incorrectly states that “No agricultural land uses occur in the planning area...” The Tesla site is designated for agricultural uses (as noted on p. 3.9-3) and has been actively grazed until very recently. Motor vehicle parks are not permitted under this land use. It is, in fact, agricultural land.</p> <p>This issue is generally addressed in Chapter 5, but that discussion</p>	<p>Inadequate impact assessment.</p>	<p><i>FEIR claims that loss of grazing land, by definition, is not a significant impact. No analysis of cumulative impact on Alameda County grazing land.</i></p> <p><i>FEIR continues to ignore /misconstrue Alameda County GP/Zoning conflict,</i></p>

	erroneously considers loss of grazing land to be, by definition, a less than significant impact. CEQA has no such limitations. Alameda County's comment letter clearly indicates that this is considered agricultural land, and that the conversion of agricultural land, including large acreages of grazing land, is a significant impact. This section should evaluate the ongoing loss of grazing lands in Alameda County and discuss the potential effects of the project's further diminution of this land use.		<i>even after County made it clear to them.</i>
P. 3.9-7	The Tesla site is designated for agricultural uses (as noted on p. 3.9-3) and has been actively grazed until very recently. Motor vehicle parks are not permitted under this land use. Yet the impact assessment states that General Plan implementation "would not conflict with an applicable land use plan....". This is incorrect. We suggest that the conformance of the proposed land use with the County's Agricultural designation be verified with the County.	Failure to identify impact.	<i>FEIR continues to ignore /misconstrue Alameda County GP conflict, even after County made it clear to them.</i>
Section 3.10- Table 3.10-1	The noise measurement locations are not located so as to be able to correctly characterize noise from the existing operations of the Carnegie park. Please add an additional noise measurement along Corral Hollow Road adjacent to the nearest OHV park trails/uses.	Inadequate baseline measurements.	<i>No appropriate location added.</i>
P. 3.10-6	Please provide justification for choosing the looser (less stringent?) FICON noise impact criteria over the stricter local Alameda County criteria, in light of CEQA's goal to "protect all Californians from excessive noise" (CEQA Statute, section 20101(b)).	Inappropriate significance criteria.	<i>Response ok.</i>

	Also, please add a noise impact criteria for adverse impacts to wildlife.		<i>Not added.</i>
P. 3.10-7	Why is a 1998 standard for OHV noise used instead of actual measurements of noise levels at Carnegie? How applicable is that noise level to OHVs with aftermarket motorcycle exhausts (exhaust systems?) commonly used at parks such as Carnegie?	Inappropriate impact assessment.	<i>Response cites disagreement among experts, which this is not. No direct response to the comment/questions.</i>
P. 3.10-9-17	The assessments for Impacts 3.10-1 and 3.10-3 consist solely of a few sentences describing a generic impact, then a list of plan Guidelines, then a conclusion of less-than-significant. There is no supporting evidence or analysis showing how, and to what level, the Guidelines would mitigate the impacts.	Inadequate impact assessment.	<i>Response cites disagreement among experts, which this is not. No direct response to the comment/questions.</i>
P. 3.10-9	The Guidelines cited do not assure mitigation, as follows: <ul style="list-style-type: none"> • OM Guideline 5.2 does not state how this requirement would be implemented, monitored, or assured. Please add. • OM Guideline 5.4 does not provide any specifics regarding appropriate buffer distances, and therefore cannot be deemed effective. 	Guidelines don't assure mitigation. Inadequate information.	<i>No response to specific comments.</i>
P. 3.10-10	The traffic noise impact assessment does not evaluate that noise at any sensitive receptors beyond 100 feet from the intersection. How near are the nearest residents? Might significant project noise impacts extend farther than 100 feet from the roadway?	Possible inadequate impact assessment.	<i>Ok response</i>

<p>P. 3.10-16</p>	<p>The DEIR found that noise levels as high as 74 dBA Leq may occur at residences along Tesla Road. First, is Leq the correct metric to use for sound that is exclusively generated during the daytime period? A peak hour noise level metric would better identify potential impacts to residents.</p> <p>Second, please show how the minimum 250-foot buffer (per OM Guideline 6.6) reduces the 74 dBA (or the higher peak-hour noise) to less than the Alameda County standard of 55/45 dBA.</p>	<p>Inadequate impact assessment.</p>	<p><i>Response says impacts would be adequately mitigated. No supporting evidence.</i></p> <p><i>No response.</i></p>
<p>P. 3.12-1</p>	<p>No existing setting information is provided.</p>	<p>Impermissible use of incorporation by reference.</p>	<p><i>Refers to master response saying this is ok.</i></p>
<p>P. 3.12-4</p>	<p>See earlier comments re inappropriate/unsupported use of Alameda County and San Joaquin County growth as basis for assumed park use growth rates.</p>	<p>Unsupported growth assumptions.</p>	<p><i>See earlier comment in letter.</i></p>
<p>P. 3.12-5</p>	<p>Please show calculations of non-potable water requirements for the project at buildout.</p>	<p>Unsupported assessment.</p>	<p><i>Deferred analysis, but with some evidence that onsite well is adequate.</i></p>
<p>P. 3.12-5</p>	<p>How was the well yield determined? Please provide data showing the sustained yield of the well/aquifer over the long term.</p>	<p>Unsupported assessment.</p>	<p><i>Deferred analysis, but with some evidence that onsite well is adequate.</i></p>
<p>P. 3.12-5</p>	<p>Water Guideline 3.1 directs planners to assess available water sources. This is an impermissible deferral of analysis to future studies. The General Plan is</p>	<p>Improperly deferred study. Guidelines not shown to</p>	<p><i>Deferred analysis, but with some evidence that onsite well is</i></p>

	<p>required to show that adequate long-term supplies exist for Plan buildout (See San Joaquin Natural Heritage v. County of San Joaquin (Diablo Grande) decision). Please consider safe yields in prolonged drought conditions, such as the region is currently experiencing.</p> <p>Please show supply/demand calculations with and without Guideline 3.2.</p> <p>Please show how Guideline 3.3 would be implemented.</p> <p>Please show how each Guideline would be enforced.</p>	<p>mitigate. Guidelines not enforceable.</p>	<p><i>adequate.</i></p>
P. 3.12-5	<p>Would increased well use adversely affect streamflow in Corral Hollow Creek or springs feeding the creek? If so, please assess the impacts of that drawdown on biological resources (springs, Wetlands, riparian habitats and species).</p>	<p>Improperly deferred study. Potential indirect impacts not assessed.</p>	<p><i>Not directly addressed in the response.</i></p>
PP. 3.12-8-9	<p>The discussion of fire protection is entirely inadequate. It fails to identify who provides fire protection service, fails to include any contacts with service providers, and fails to assess potential impacts to fire protection. It is entirely lacking in information.</p> <p>The assessment consists solely of a few sentences describing a generic impact, then a list of plan Guidelines, then a conclusion of less-than-significant. There is no supporting evidence or analysis showing how, and to what level, the Guidelines would mitigate the impacts.</p>	<p>Inadequate impact assessment.</p>	<p><i>Service providers identified in response; but still no evidence supporting conclusions.</i></p> <p><i>Response claims disagreement among experts, which is not the case. This is a public safety issue that should and must be addressed.</i></p>

PP 3.12-10-11	<p>The discussion of security and emergency services is entirely inadequate. It fails to identify who provides fire protection service, fails to include any contacts with service providers, and fails to assess potential impacts to service provision. It is entirely lacking in information.</p> <p>The assessment consists solely of a few sentences describing a generic impact, then a list of plan Guidelines, then a conclusion of less-than-significant. There is no supporting evidence or analysis showing how, and to what level, the Guidelines would mitigate the impacts.</p>	Inadequate impact assessment.	<p><i>Service providers identified in response; but still no evidence supporting conclusions.</i></p> <p><i>Response claims disagreement among experts, which is not the case.</i></p>
P. 3.3-14	<p>The survey results summarized on this page contradict the use of Alameda County and San Joaquin County growth as basis for assumed park use growth rates. Please describe how the assumed growth rates relate to this study's results.</p> <p>In addition, given the assumed low user growth, why is the expansion needed? If there is no need for the project, a Statement of Overriding Considerations cannot be made by the lead agency.</p>	Unsupported user growth rates.	<p><i>See earlier comments.</i></p> <p><i>Comment re need for project not addressed.</i></p>

P. 3.14-20	The traffic section needs to include an analysis of peak day (special event) traffic. This impact discussion is generic and includes no supporting data or analysis. Please add and also incorporate into noise analysis.	Incomplete impact assessment.	<i>Refers to traffic section.</i>
P. 3.14-21	Cited Guidelines are vague, unenforceable, and defer mitigation to future plans. Therefore they do not assure mitigation.	Guidelines don't assure mitigation. Mitigation deferred to future plans and studies. Inadequate information.	<i>No new info added.</i>
P. 4-3	Cumulative growth is based on Alameda County and San Joaquin County growth rates. Yet most Park users aren't coming from Alameda and San Joaquin Counties (per online survey). Please either support the use of these growth projections or replace with supportable ones.	Unsupported user growth rates.	<i>Refers to other similar comments/responses.</i>
P. 4-5	Why are no cumulative projects in San Joaquin County listed on this table?	Possible missing information.	<i>OK response.</i>
Chapter 4 General Comment	As with the EIR sections, the Cumulative Impact summaries in this section are lacking any factual basis or analyses, and rely on vague and unenforceable Guidelines as mitigation.	Guidelines don't assure mitigation. Inadequate analyses.	<i>No specific response- just x-references master responses.</i>
Section 5.1.1, p. 5-1	See earlier comments re erroneous assessment of agricultural impacts. Please evaluate the impacts of the loss of over 3,000 acres of grazing lands to the project. The sections sidesteps the project's	Inadequate impact assessment	<i>See earlier non-response re cumulative ag impacts. Se earlier non-</i>

	<p>clear inconsistency with the Tesla site's Alameda County General Plan Agriculture designation and defers to County zoning, which is subservient to the General Plan designation. Please provide a clear assessment of the project's conformance with the Agricultural land use designation. Please note that Alameda County, in its comments, is 'dissatisfied' with this analysis.</p> <p>In addition, please consider an alternative that eliminates this impact.</p>	<p>Inadequate impact assessment</p> <p>Alternatives</p>	<p><i>response re GP non-compliance.</i></p> <p><i>No response in FEIR.</i></p>
P. 5-2	<p>Please describe how the loss of oak woodlands is less than significant? How many trees/acres is "a limited number of trees"?</p>	<p>Inadequate impact assessment.</p>	<p><i>Comment not specifically addressed in response. Just regurgitation of oak protection guidelines.</i></p>
P. 5-2	<p>The Guidelines cited do not assure mitigation, as follows:</p> <p>None of the cited Guidelines except Plant Guideline 1.6 even are applicable to the impact, and that Guideline is so vague as to be unenforceable. What is meant by "limit removal of native trees"? What is the required tree replacement rate? How will temporal loss (time for trees to reach mature function) be mitigated? Is fragmentation of woodland considered? How do seedlings replace the biological, erosion control, and aesthetic values of existing mature trees? In short, how does this Guideline actually mitigate the project's impact?</p>	<p>Guidelines don't assure mitigation. Mitigation deferred to future plans and studies. Inadequate information.</p>	<p><i>Problems with non-enforceable guidelines not addressed; mitigation specifics deferred to future permits.</i></p> <p><i>No specific responses to specific comments and questions.</i></p>

P. 5-6	Section 5.3 – See earlier comment re water demand and supply. Please provide evidence that the long-term demands of the plan on water supply can be sustainably met and do not constitute a significant irreversible environmental change.	Inadequate impact assessment.	<i>See earlier responses. Partially addressed.</i>
Chapter 6	This chapter fails to clearly state the project objectives. Please add.	Missing project objectives.	<i>Response is that objectives are stated in PD- ok.</i>
Chapter 6	As detailed in the preceding letter, this section fails to consider a reasonable range of alternatives.	Missing reasonable range of alternatives.	<i>See general letter. Deficiency remains.</i>
PP. 6-6 and 6-7	As detailed in preceding letter, assessment of Reduced Developed Use Area Alternative is cursory, conclusory, and inadequate. It is entirely lacking in factual evidence or actual analysis. Conclusion that this alternative would not meet cited project objectives is entirely unsupported by fact or analysis.	Inadequate alternatives assessment.	<i>No change-analysis still inadequate.</i>