



DESERT TORTOISE COUNCIL

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Via email only

10 December 2019

California Department of Parks and Recreation
Attn: Katie Metraux, Planning Manager
1725 23rd Street, Suite 200
Sacramento, CA 95816, info@redrockgp.com

RE: Red Rock Canyon State Park General Plan Revision

Dear Ms. Metraux,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats occupied by Agassiz's desert tortoise (*Gopherus agassizii*) (synonymous with "Mojave desert tortoise"), our comments pertain to enhancing protection by revising the General Plan for Red Rock Canyon State Park (herein, "General Plan Revision") to facilitate the conservation and recovery of Agassiz's desert tortoise.

We were able to attend the public meetings in Ridgecrest, CA on 27 March 2019 and in Lancaster, CA on 24 October 2019, where we asked various questions of California State Park staff in attendance. Herein, we will provide answers to the four new questions identified on the California State Parks comment card dated October 2019 and restated below followed by our responses. We understand from comments made by California State Parks staff that the issues raised in this letter and in the Council's previous letter on the General Plan Revision dated 24 April 2019 will be addressed in the environmental documents associated with the General Plan Revision.

1. “Please review the updated Declaration of Purpose for the RRCSP [Red Rock Canyon State Park] General Plan (page 3 of the information packet provided). Do you have any suggested changes to the Declaration of Purpose?” (herein “Declaration”).

With regard to the second sentence in the Declaration, which states, “Prime resources in the unit include the geologic and scenic values associated with...” followed by a list of 10 named cliffs, canyons, buttes, etc. The RRCSP is at the very western extent of the ranges of the federally and State-threatened Agassiz’s desert tortoise and the State-threatened Mohave ground squirrel (*Xerospermophilus mohavensis*). The RRCSP is likely occupied throughout by these and other rare species, including Red Rock tarplant (*Deinandra arida*), which is listed by the California Native Plant Society (CNPS 2019) as a List1B.2 species [e.g., plants that are rare, threatened, or endangered in California and elsewhere; and, specifically, fairly threatened in California (moderate degree/immediacy of threat)], is federally designated as a Species of Concern, and is a Bureau of Land Management (BLM) designated Sensitive Species (source, March 2, 2012 Desert Renewable Energy Conservation Plan (DRECP) website¹). It is also a proposed Important Bird Area by Audubon, because of the canyons of the southeastern Sierra Nevada to the Tehachapi Mountains have “canyons [that] cannot be replaced for their value as breeding and migratory stopover habitat” (Audubon 2019). Butterbred Canyon just south of Red Rock Canyon State Park has more than 50 species of birds that nest here with 15 named as sensitive to endangered species. Nearby canyons (e.g., canyons of Red Rock State Park) have similar but not well documented occupancy due to lack of observers.” (Audubon 2019).

We respectively recommend that the Declaration be modified to include the following bold language: “Prime resources in the unit include the geologic, scenic, **and biologic** values associated with...” We believe that the presence of these species and numerous others listed at your website for the General Plan Revision (www.redrockgp.com) and importance of these habitats warrant this addition to the Declaration, and should be listed similarly to the cliffs, canyons, and buttes, particularly if any part of the RRCSP becomes redesignated as a State Recreation Area.

2. “Do you have any suggested revisions to the terms on page 4 of the information packet provided?”

We believe that the terms are explained well and are comprehensive. Although the Council would like to see the entire RRCSP designated as a Natural Preserve Management Zone, we understand that the need to accommodate a variety of uses expressly compatible with conservation management. Although we do not have any specific recommended changes for this part of the handout, we note that the map on page 8 of the handout, entitled “Revised Plan Concept,” highlights all areas north of Sierra View Road in dark green to indicate it would become a new “Proposed Natural Preserve,” which we strongly support.

¹ https://www.drecp.org/meetings/2012-02-24_meeting/species_profiles/Red%20Rock%20tarplant.pdf

However, the figure is misleading because the light-green cross-hatched color representing the proposed State Recreation Area designation is hidden beneath the dark green color. Had I not attended the public meeting, I would not be aware that California State Parks is proposing to establish a new State Recreation Area north of Sierra View Road. At the very least, California State Parks needs to reconsider the color theme so the public is aware that the newly Proposed Natural Preserve exactly overlaps the newly proposed State Recreation Area, which we view as incompatible designations. As in our previous comment letter, we believe that designating any part of the RRCSP as a State Recreation Area is inconsistent with the Declaration, but to superimpose a new State Recreation Area over the new Proposed Natural Preserve is counterintuitive and conflicting.

3. “Do you have feedback on the Revised Plan Concept?”

Yes. We appreciate that the current revisions appear to have eliminated the two earlier concepts that would have designated the entire RRCSP as a State Recreation Area (Concepts 1 and 2). We strongly support this change. However, we still contend that no part of the RRCSP should be designated as a State Recreation Area. Comments in our first letter (dated 24 April 2019) need to be addressed in pertinent environmental documents and demonstrate that in the past few years recreational opportunities have increased greatly on public lands managed by the BLM, including some near the RRCSP.

Since our April 2019 letter, we have learned that the BLM, without any solicitation of public input, last year expanded the Spangler Hills Open area to almost twice its previous size and that both El Mirage and Johnson Valley open areas have been expanded into Agassiz’s desert tortoise critical habitat (USFWS 1994). Two days after our previous letter, on 24 April 2019, the BLM released its final supplemental environmental impact statement on the West Mojave Route Designation Project (BLM 2019), in which they codified unrestricted, unauthorized recreational uses on both Cuddeback and Coyote dry lakes, which are located in the Fremont-Kramer and Superior-Cronese desert tortoise critical habitat units, respectively, and provided for competitive motorcycle events in the Ord-Rodman desert tortoise critical habitat unit. Please note that these two recent decisions need to be added to the list of projects identified in our April letter under point 9, page 3, that need to be evaluated as part of your cumulative effects analysis.

We further appreciate that almost all of the green sticker roads that characterize existing conditions and were retained in previous Concepts 1, 2, and 3 alternatives have been eliminated, such that the Revised Plan Concept as of October 2019 maintains only Sierra View Road for green sticker vehicle use. We were told at the Lancaster open house that the only reason the northern part of the RRCSP is being proposed as a State Recreation Area in the Revised Plan Concept would be to continue to allow green sticker use on Sierra View Road under the General Plan Revision. For the reasons given above [i.e., widespread availability of public lands and private lands (e.g., Onyx State Vehicle Recreational Area) for recreational use], we believe that no part of the RRCSP should be designated as a State Recreational Area, and that, like all other existing green sticker routes in the State Park, Sierra View Road should also be eliminated under the General Plan Revision for green sticker vehicle use.

We understand that the above recommendations can be construed as the Council's opinion, so if the General Plan Revision maintains Sierra View Road for green sticker vehicle use and lands to the north are redesignated as a State Recreation Area, the environmental consequences or affected environment aspects of various alternatives must be considered and analyzed in the environmental document, as follows:

1. Identify existing routes that currently allow vehicles to move east-west north of the State Park as an alternative to Sierra View Road. In other words, are there existing routes that would accommodate and facilitate vehicle use if Sierra View Road was closed to green sticker use?
2. If the new State Recreation Area north of Sierra View Road is created, how will State Parks ensure that resulting vehicle use will not result in an increase in impacts from the current conditions to the Proposed Natural Preserve designated in the same area?
 - a. How will monitoring be implemented to ensure vehicle impacts are not compromising conservation management of the new preserve? At the very least, State Parks should perform studies and collect baseline data on noise, dust (including deposition on vegetation), chemicals from vehicles, soils and soil crusts, vegetation, migratory and resident wildlife, and current vehicle impacts in areas north of Sierra View Road so that any changes in resources and impacts resulting from State Recreation Area designation can be compared.
 - b. Will ranger patrols be increased to maintain vehicle use on the two cherry-stemmed roads through the new preserve and will citations be issued for cross-country vehicle travel? Will California State Parks collect data on any change in the frequency, number, duration, speed, pattern, etc., of vehicle use so it can be compared to data on current use? The General Plan Revision analysis should include data on current vehicle citations within the RRCSP as part of current management to establish a baseline to which future citations and law enforcement violations can be compared.
 - c. If monitoring reveals increases in direct or indirect impacts from vehicles, will California State Parks take immediate action to prevent future impacts and restore the damaged areas (e.g., can fences be placed along the northern boundary of the new State Recreation Area or other impediments be established to curtail cross-country vehicle travel from the north)?
 - d. What is the possibility of creating a new green sticker trail from Highway 14 east to Sierra View Road along the northern boundary of the RRCSP as an alternative to leaving Sierra View Road open to green sticker use and creating a new State Recreation Area? Although we cannot predict the level of direct and indirect impacts from vehicle use that will result from creating a new State Recreation Area, the physical impact of a road that is 15 feet wide and one mile long, for example, can be calculated, and may be more acceptable than facilitating cross-country vehicle travel throughout the new State Recreation Area. However, California State Parks should include in its analysis that the indirect impacts of a road can extend beyond the edge of a road to natural resources including soils, vegetation, and wildlife species such as the Agassiz's desert tortoise.

- e. Does California State Parks staff have data to show what percentage of current vehicle use on Sierra View Road is attributed to street-legal vehicles versus green sticker vehicles? Using the best available data (or, in the absence of data, California State Park staff anecdotal observations), the environmental documents should clarify how current uses would be affected both by the closure and the maintenance of Sierra View Road to green sticker use. We assume that street-legal vehicles currently use and would continue to use Sierra View Road after it is closed to green sticker use; so, what percentage of public use would be prohibited if the green sticker designation is eliminated, as it has been from every other road under the Revised Plan Concept?

4. “Do you have any other suggestions for us to consider the General Plan revision process?”

Yes. We are concerned that the change in designation from a State Park to a State Recreation Area may set a precedent and results in future changes in designations from State Parks to State Recreation Areas or other designations that would reduce the ability of California State Parks to meet its mission, which is “...to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources...” We note that there are very few State Parks in the Mojave Desert. As such, California State Parks should place a high level of importance on managing its few Mojave Desert parks according to the mission of the agency.

In addition, please explain how the creation of a new State Recreation Area complies with Public Law 103-433, Sec. 701, Transfer Of Lands To Red Rock Canyon State Park, dated October 31, 1994, which states: “Upon enactment of this title, the Secretary [of the Interior] shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991 for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.”

We question how the change in designation of part or all of RRCSP to a State Recreation Area would provide this “maximum protection.” Rather, we believe it would allow for activities that directly and indirectly impact the scenic and biological resources of the RRCSP (e.g., soils, vegetation, and resident and migratory wildlife, etc.). Many of these impacts extend beyond the edge of a road.

Although the RRCSP would continue to be managed under the “State Park System,” the Council believes that the redesignation of any part of the RRCSP to a State Recreation Area violates the intent of this law and subsequent transfer of lands from the BLM to the California State Parks. Therefore, the General Plan Revision’s environmental documents must clearly analyze the impacts of a changed status within the RRCSP from a State Park to recreational uses.

In conclusion, we recognized in April that RRCSP management was in a difficult position, where elimination of green sticker routes from RRCSP appeared to be the only way its current State Park status could be maintained to be consistent with current Land Use Policy. We appreciate that under the Revised Plan Concept, most of the green sticker routes have been eliminated, and presumably as a compromise, Sierra View Road would remain available for green sticker use, which necessitates the establishment of the State Recreation Area north thereof. Given the current declining status of Agassiz's desert tortoise, especially in the western Mojave Desert (Allison and McLuckie 2018), ubiquitous impacts to the desert tortoise and its habitats from existing vehicle recreation opportunities (for example, Berry et al. 2016, Berry and Murphy 2019), and California State Park proposed action to change the management designation and allow for an increase in these impacts, it is essential that RRCSP be maintained in its entirety as a State Park. No part of the RRCSP should be designated as a State Recreation Area to prevent an increase in these impacts to biological resources.

We appreciate this opportunity to provide input and trust that our comments will further protect tortoises during development of the General Plan Revision. Herein, we ask that the Desert Tortoise Council continue to be identified as an Affected Interest for this and all other California State Parks projects that may affect desert tortoises in California, and that the draft Environmental Impact Report for this particular project be provided to us at the contact information listed above as soon as possible.

Regards,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited

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