



December 2, 2022

California State Parks
Strategic Planning and Recreation Services Division
P.O. Box 942896
Sacramento, CA 94296-0001
Attn: Katie Metraux
Sent via email to: Planning@parks.ca.gov; Katie.Metraux@parks.ca.gov

Re: RRCSP GP/DEIR Comments

Dear Ms. Metraux:

Thank you for the opportunity to submit comments on the Red Rock Canyon State Park (Park) Preliminary Draft General Plan Revision (Plan) and Draft Environmental Impact Report (DEIR). This comment letter is submitted by Defenders of Wildlife (Defenders), the Desert Tortoise Council (DTC) and Western Watersheds Project (WWP).

Defenders is a national conservation organization founded in 1947 and dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction. Defenders has 2.2 million members and supporters in the U.S., including 323,000 in California.

The DTC 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 public 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 management and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

WWP is a non-profit environmental conservation group that works to influence and improve public lands management throughout the western United States in order to protect native species and conserve and restore the habitats they depend on. WWP was founded in 1993 and has over 12,000 members with field offices covering Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Colorado, and Wyoming.

Defenders and the California Native Plant Society submitted comments on State Park Unit management requirements and the preliminary concepts for development of a general plan for Red Rock Canyon State Park on April 26, 2019. Our comments at that time recommended adoption of Preliminary Concept #4 which included the provision that would prohibit unlicensed off-highway vehicle (OHV) use on all designated primitive routes within the Park. Defenders continues to support that provision as included in Alternative 2 in the DEIR, which is addressed in greater detail in our letter.

Our comments on the Plan and DEIR are as follows:

1. **General:** Overall, we consider the Plan and DEIR thorough, well organized and well written, although some statements in support of the proposed plan that would allow OHV use lack factual support. The laws, regulations and policies summarized in the Plan and DEIR provide the public with a clear understanding of the framework supporting management of units of the State Park System. We support the aspects of the proposed Plan that would strengthen land designations for the protection of natural landscapes, natural plant and animal communities and minimization of impacts from visitor use activities. We appreciate the direct outreach and communication with Native American tribes having a cultural or ancestral relationship with the lands and resources within the Park and provisions in the Plan that would protect, in perpetuity, archaeological, cultural and spiritual values the Park hold for the tribes.

2. **Special-Status Wildlife Species:** Under Plan Section 2.6.3.4 Special-Status Wildlife Species (Desert Tortoise), we recommend that the Plan and Final EIR include additional information and recommendations for conservation of the desert tortoise that were included in Berry et al. 2008.¹ That additional information is relevant to one of the stated purposes of the Park: “Manage and protect the unique ecosystems and rare species that depend on them. Rare species include but are not limited to the desert tortoise, Mojave [sic] ground squirrel, raptors, Red Rock tarplant, Joshua trees, and desert riparian habitats as required by federal and state laws.” (Plan, Chapter 4). Specific information from Berry et al. 2008 that should be included is presented below in italics:

We focused [desert tortoise survey] efforts on the older, western part of the Park, west of State Highway 14. The first type of survey was an intensive, demographic survey on a 4-km² study plot in the southwest portion of the Park. The second type consisted of 37 1-ha plots, which were part of a landscape-level survey in

¹ Berry, K. and K. Keith. 2008. Status of the Desert Tortoise in Red Rock Canyon State Park. California Fish and Game 94(2):98-118. Sacramento, California.

the Jawbone-Butterbrecht Area of Critical Environmental Concern (ACEC) (Keith et al. 2008). The ACEC borders the Park to the west and is managed by the BLM.

The Red Rock Demographic Plot (4 km²) was selected by Park personnel and is in the southwest portion of the State Park. We quantified evidence of human use and recorded locations for trash and cattle scat; signs of shooting (shells, clay pigeons, casings); lengths of fences and locations of road barriers (rocks, boulders); and vehicle tracks, motorcycle trails and dirt roads. Of the 37 landscape-level plots, 28 were within and 9 were outside of State Park boundaries.

On the Red Rock Demographic Plot (4 km²), nine live tortoises were found: 4 were immature, 1 was a subadult and 4 were adults. Of the 4 adults, 3 were male and 1 was female. All adults were considered to be middle-to old-aged adults. The subadult male was a young individual. Tortoises were not evenly distributed throughout the plot. Two large males and one female were clustered together in the northeast part of the plot with two young, immature tortoises nearby. Only one female adult was found, and she was located within ~0.5 km of State Highway 14 and ~100 m of a road to a scenic area. The presence of the immature tortoises indicates that eggs have been produced, hatched, and young tortoises have survived an estimated 7–15 years.

During the demographic survey, 55 sets of shell-skeletal remains were collected. The 58 remains included 2 juvenile, 8 immature, 14 subadult, and 34 adult tortoises. At least one tortoise was killed by gunshot, and 4 others showed evidence of death by gunshot. As many as 19 tortoises may have been killed by mammalian predators; however, only 1 of these could be confirmed with a high level of certainty. The death rate for subadult and adult tortoises between 2000 and 2004 was estimated at 67%.

Evidence of human use was present throughout the plot. The numbers of sites totaled 1068 for trash, 349 for shooting, 78 for balloons, and 44 for cattle scat. In addition, at least 54 motorcycle trails, 7 old dirt roads, and 3 actively used dirt roads were observed.

On the Red Rock Landscape Plots within the State Park, a single live and probably immature tortoise was found on 1 of the 28 plots. No tortoise remains were found on the plots, but six remains were collected while walking between plots. The 28 landscape plots inside the Park tended to have more human impacts than the nine landscape plots outside of the Park. On average, the amount of trash, shooting (bullet casings and targets), and cattle scat was more than two times higher inside the Park. The exception to this trend was OHV tracks: plots outside the Park had more than five times as many tracks as plots inside the Park. If we compare the plots in the Park with all of the Jawbone-Butterbrecht ACEC plots that occur outside the Park, then trash is significantly higher inside the Park, as is shooting.

The parallel linear disturbances from the highway, transmission lines and nearby aqueducts, when coupled with the numerous roads to campgrounds and scenic views, have fragmented tortoise habitat into small pieces. Additional pressures in the form of intensive OHV recreation exist on both the northern and southern boundaries with the Dove Springs and Jawbone Canyon Open Areas, where recreation vehicle use is

unrestricted. These two OHV areas probably have served and continue to serve as sinks for tortoises. Some spillover of OHV use, including unauthorized travel off of designated routes, occurs in the Park and on the boundaries.

Our findings indicate that tortoises are present or have been present within the last ~ 20 years throughout the western part of the Park and watershed. As of spring 2004, we estimate that current densities are low: 3.57 tortoises/km² in suitable habitat throughout the Park and on the demographic plot. The low densities are not surprising given the long history of intensive human use. However, data from the shell-skeletal remains of subadult and adult tortoises on the demographic plot suggest that numbers of subadults and adults were almost three times higher in 2000, and that the deaths in this size-age class exceed recruitment. Three major factors contribute to the status of the existing population in the western part of the Park and may be operating synergistically: disease, anthropogenic impacts, and deteriorated habitat.

Conservation and management actions that have potential for reducing mortality include preparation of a management plan for conservation of tortoises; removal of all old and recent trash throughout the Park; construction of tortoise-proof fencing along Highway 14; construction of tortoise-proof fences along selected secondary roads and washes; and implementation of temporary or seasonal closures (February 15-November 1) of secondary roads and washes.

The lands east of State Highway 14 in the El Paso Mountains, the vast majority of the Park, have not been surveyed since the late 1970s. They may support pockets of higher density tortoise populations than observed in the western part of the Park, especially at distances >2 km from the State Highway. We recommend that surveys be conducted here because Park files indicate presence of tortoises.

Regarding Special Status Species, the proposed Plan includes Management Goal 1: “Protect all sensitive wildlife species occurring in the Park by protecting and stewarding the Park’s natural ecosystems” with the following Management Guidelines:

Guideline 1-1: “Monitor sensitive species to track sensitive animal populations’ presence, health, and sustainability in the Park. Projects may require interagency partnerships to plan and implement conservation actions.”

Guideline 1-2: “State Parks will stress the protection of listed, special status, and sensitive species, including but not limited to the desert tortoise, Mohave ground squirrel, birds of prey, cliff or crevice dwelling species, and others and the conservation of their habitats. Focused surveys, reliable scientific methodologies, and interagency cooperation will be used as needed to develop appropriate long-term monitoring programs. This data will aid in developing management plans that define the requirements of and threats to these species. Regulation, interpretation, and California State Parks’ visitor cooperative partnerships will manage human activities that threaten the fitness or health of these animals. As appropriate, the effects of visitor use will be redirected or eliminated.”

Information and management recommendations included in Berry et al. 2008 address Guideline 1-1 and 1-2. There is an immediate need for a desert tortoise inventory in the Park east of Highway 14, which the authors recommended. Due to the impacts on the desert tortoise and its habitat from visitor activities (authorized and unauthorized), a management plan to conserve the desert tortoise and its habitat is urgently needed due to motorized vehicle use within desert tortoise habitat, extensive unauthorized firearm use and significant amounts of trash left by visitors. We recommend that State Parks develop a desert tortoise conservation plan in partnership with the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service.

The above Guidelines also apply to the Mohave ground squirrel, a threatened species designated by the California Fish and Game Commission. This species occurs over much of the Park, often in association with the desert tortoise. State Parks should develop a conservation management plan for this species in coordination with CDFW, with robust habitat protection actions located within Key Population Centers, Range Expansion and habitat Linkages identified in CDFW's Mohave Ground Squirrel Conservation Strategy.² Habitat protection actions for the desert tortoise and Mohave ground squirrel will likely be similar or the same since the two species largely share the same habitats within the Park.

3. Non-Street Legal Off-Highway Vehicles (OHVs): Under the proposed Plan, OHVs would be allowed in the Ricardo Campground and on designated connectivity roads leading to adjoining OHV riding areas on lands managed by the Bureau of Land Management (BLM). OHV use would be allowed within Ricardo Campground and on Red Rock Wash Road, totaling 2.6 miles. OHV use on Sierra View Road would total 4.5 miles.

According to Section 4.5.1.1 of the Proposed Plan, Off-Highway Vehicle Definitions and Allowable Uses in Red Rock Canyon State Park, all Park roads are defined as “highways” in the California Vehicle Code (CVC) Sections 360 and 590. CVC Section 38026 states, in part, that “**No highway, or portion thereof, shall be so designated for a distance of more than three miles**, except as provided in Section 38026.1.” Further, Section 38026.1 pertains to a pilot project in Inyo County and does not apply within Red Rock Canyon State Park.

Designation of OHVs routes within the Park is a discretionary action and not a legal requirement. **Since Sierra View Road, designated for OHV use in the proposed Plan, totals 4.5 miles and exceeds the three mile limit in CVC Section 38026, it needs to be eliminated as available for OHV use in the proposed Plan and Final EIR.**

Red Rock Canyon State Park has a long history of use by OHVs, which has influenced the proposal to allow OHV use to continue within the Ricardo Campground and for accessing OHV use areas outside the park boundary, and more recently with the acquisition and designation of the 26,000 acre

² California Department of Fish and Wildlife. 2019. A Conservation Strategy for the Mohave Ground Squirrel (*Xerospermophilus mohavensis*). Sacramento, California.

Onyx Ranch State Vehicle Recreation Area (SVRA) immediately west of the park. Red Rock Canyon State Park was initially classified as a State Recreation Area in 1973 because OHV recreation use historically occurred in the area. That classification ended in 1980 when Red Rock Canyon was classified as a State Park.

According to the Plan (page 2-2), “A contributing factor to the use of Park lands by OHV recreationists is the two open, unrestricted OHV use areas on public lands to the northwest (Dove Springs) and southwest (Jawbone Canyon). These areas are owned and managed by the BLM and experience extensive use on weekends and holidays. Traffic in these areas often overflows onto Park lands along its boundaries. During certain times of the year, many people using the Ricardo Campground and other facilities in the Park are oriented to OHV recreation. While inconsistent with Department policy and the unit classification, there is evidence that primitive roads in the Park are used by non-street legal OHV enthusiasts for trail riding and as a transportation corridor to BLM lands.”

Existing vehicle use in Red Rock Canyon State Park conflicts with State Park and Recreation Commission policies and statutory requirements for state parks, natural preserves and cultural preserves solely because OHV use has been and is proposed to be continued under the Plan on Sierra View Road and Red Rock Wash.

An indicator of the use of the Park specifically for OHVs (registered non-street licensed motorized vehicles) compared to all other uses is from a 2013 visitor survey conducted by Park staff. Non-OHV use of the Park totaled 84% while OHV recreation use totaled 16%. The two most popular uses were experiencing the desert landscape (39%) and hiking/running/walking (27%, for a total of 66%). (Plan, page 2-27).

We note that the Plan (pages 3-9) includes a recommendation to address the non-conforming OHV use currently allowed in the Park, “**State Parks should evaluate the Park’s existing primitive road system and propose changes to fully comply with State Park and Recreation Commission policies and statutory requirements.**” We fully support not only this evaluation but changes to the Plan to eliminate OHV use, which is reflected in Alternative 2 to the proposed Plan: “**No OHV Access to Areas Outside Park (Concept #4). Alternative 2 would focus on the protection of sensitive natural and cultural resources and would not allow any OHV use at the Park, including designated primitive routes.**” Alternative 2 would also permanently close Last Chance Canyon and Nightmare Gulch to OHV activity. We fully support permanently closing these two areas to OHV use, especially Nightmare Gulch because the desert tortoise has been documented on numerous occasions within the area, which likely serves as a habitat linkage to higher elevations in the El Paso Mountains.

We disagree with some of the analysis of impacts of Alternative 2 (5.23.2.2 Impact Evaluation), which are highlighted in bold:

“This alternative would afford the highest level of protection for natural and cultural resources at the Park; however, **if all legal OHV use was eliminated, this alternative might have the potential to result in more illegal and destructive OHV use within the Park due to vehicles traveling to adjacent state, federal and private land.** In addition, some areas of the Park would not be accessible to some members of the public. Compared to the General Plan, this alternative would result in greater protection of sensitive resources. However, **this alternative would also result in some impacts on recreation resources (OHV access to adjacent public lands) currently available at the Park. Therefore, compared to the General Plan, the No OHV Access Alternative would result in more extensive impacts than the General Plan.**”

The argument that eliminating legal OHV use “might have the potential” of increasing illegal OHV use and destruction of Park resources is speculative at best. OHV use within the Park is currently an allowable non-conforming activity contrary to laws and regulations governing State Parks. Simply allowing OHV use within portions of the Park does not resolve the issues associated with OHV use by simply allowing it to continue; it perpetuates them.

The argument that eliminating OHV use within the Park would impact OHV users seeking access to adjacent OHV riding areas (Dove Spring Canyon, Jawbone Canyon and Onyx Ranch SVRA) is also speculative, and would perpetuate this non-conforming use. OHV users have adequate access to these adjacent OHV riding areas via the paved Jawbone Canyon Road and a BLM-designated open route leading from Highway 14 to Dove Spring Canyon. BLM’s website for the Dove Spring Canyon OHV area includes directions for public access to the area, which does not include access through Red Rock Canyon State Park:

“Located off State Route 14, just north of Red Rock Canyon State Park, approximately 30 miles north of the intersection of State Routes 14 and 58 in the town of Mojave. The entrance to Dove Springs OHV area is located on SC 94. traveling from the south, make a left turn from SR 14 onto SC 94. Traveling from the north, make a right turn onto SC 94.”

Eliminating OHV use within the Park and enforcing it would lessen impacts, not increase them, contrary to the conclusion that it “would result in more extensive impacts than the General Plan.” There is no factual basis for this statement in the Plan and DEIR.

Regarding the Environmentally Superior Alternative (Plan section 5.23.4), we disagree that the proposed Plan is the Environmentally Superior Alternative because it would perpetuate ongoing OHV use, a non-conforming activity. The proposed Plan and DEIR states that this alternative “balances protection of resources while allowing for high-quality recreation and focuses OHV use to areas that are not environmentally sensitive.” There is no basis for allowing OHV use in any area of the Park and describing it as a balanced approach between resource protection and allowing high-

quality recreation use to continue compromises the legal and regulatory requirements for management of the Park. By continuing to allow the use of OHVs within the Park, the proposed Plan is contrary to the stated Declaration of Purpose for Red Rock Canyon State Park:

“The purpose of Red Rock Canyon State Park is to preserve and protect the extraordinary high desert landscape, exceptional natural ecosystems, unique vegetation communities, wetland/riparian resources, diverse flora and fauna, and irreplaceable archaeological and historical resources, and to recognize, honor, preserve, and interpret the culture and traditions of people who once called the Park home.”

Alternative 2, described above, is the Environmentally Superior Alternative because it “would focus on the protection of sensitive natural and cultural resources and would not allow any OHV use at the Park, including designated primitive routes.”

4. Climate Change (Plan Section 4.6.1.13): We appreciate the inclusion of climate change as an issue and the opportunities for reducing greenhouse gas emissions within the Park. While the carbon footprint of visitors to the Park is not accounted for in the proposed Plan, we recommend that management Goals and Guidelines address this issue as an opportunity to both reduce carbon emissions from visitor vehicle use within the Park and concurrently improve air quality. Thus we recommend the addition of Climate Change Goal 3: Eliminate unnecessary emissions associated with transportation within the Park; and Climate Change Guideline 3-1: Prohibit the use of non-street legal OHVs within the Park.

Under the proposed Plan, Section 5.8.4, the Impact Analysis, states “The enforcement of unrestricted OHV recreational use in the Park would also benefit air quality. Therefore, the General Plan implementation would not result in a significant increase in pollutant emissions related to automobile use.” Since enforcement of unrestricted or unauthorized use of OHVs is difficult within the Park due to limited law enforcement staff and remote nature of the Park, this analysis appears to be unrealistic.

Prohibiting OHVs within the Park would result in elimination of emissions attributed to these vehicles, which are typically higher due to lack of emission control devices. This would eliminate such emissions generated in Ricardo Campground, a concentrated visitor use area, and on Sierra View Road. Enforcing a prohibition of all OHV use within the Park through increased law enforcement would be the most effective means to achieve elimination of emissions associated with OHVs.

Conclusion

The draft General Plan for Red Rock Canyon State Park and its proposed revisions for management of the park should result in increased protection of natural and cultural resources, as well as

improved visitor experience and understanding of the overall significance of the park. We request that our recommendations for management of special status species (desert tortoise and Mohave ground squirrel) and their habitats; wildlife corridors or linkages; and elimination of all non-street legal OHVs be carefully considered and adopted in the final revisions to the General Plan.

Please contact any of the undersigned representatives by email if you would like to discuss recommendations included in our letter or would like additional supporting information.

Sincerely,



Jeff Aardahl
Senior California Representative
Defenders of Wildlife
jaardahl@defenders.org



Ed LaRue, Jr., MS
Chair, Ecosystems Advisory Committee
Desert Tortoise Council
eac@deserttortoise.org



Laura Cunningham
California Director
Western Watersheds Project
lcunningham@westernwatersheds.org