

## California State Parks Responses

**#35-1** Please see Responses #2-2, 6-11 and 17-3.

**#35-2** California State Parks (CSP) respectfully disagrees. Please see Response #6-4 and 15-10. The Desert Manager's Group was created to allow public agencies with large tracts of desert land to manage more effectively by facilitating the exchange of management issues and information. CSP is a member of the Desert Manager's Group.

RS 2477 Testimonies (not all inclusive) Anza-Borrego Desert State Park  
Preliminary General Plan & Draft Environmental Impact Report  
Sch # 2002021060

September 11, 2004

Ms. Tina Robinson

Environmental Coordinator  
Southern Service Center  
California Department of Parks & Recreation  
8885 Rio San Diego Drive  
San Diego, CA 92108

Dear Ms Robinson;

Respectfully submitted are the following comments on the Anza Borrego Desert State Park Plan.

The plan is fatally flawed and must not be implemented until issues of law

have been resolved. These include CEQA violations for the closure of historic roads, trails, and routes that access our historic natural and cultural resources.

35-1

The official ABDSP brochure states that all roads in the park, paved or dirt are state highways. Both Riverside and San Diego County have made RS2477 assertions in addition to prior opposition to closures in the ABDSP. The County Boards of Supervisors asserts that routes meeting the RS2477 requisites may only be closed by county abandonment procedures. Neither county has abandoned routes in the park. Most recently, the Legislative council concurred that CDPR did not have the authority to close Coyote Canyon Road for environmental reasons under state and county statutes. Despite the foregoing Parks, continue to ignore legal mandates.

In June 2004, Senator Morrow and I was invited to testify before the U. S. House of Representatives Resources Committee regarding some of these issues. I hereby incorporate these testimonies as part of my comments.

35-2

The ABDSP was established to be the Premier Park in the USA. Isn't it true that the Biosphere Reserve is the actual foundation of the Anza Borrego Desert Management Plan? Isn't it also true that Ca. State Parks is a member of the Desert Managers Group, which included BLM, NPS, USFS, and USFWS? Isn't it true that these agencies manipulate plans for the California Desert and mountains circumventing the statutory objectives of the multiple use mandates for which the lands were dedicated? Isn't it true than the Biosphere Reserve designation has replaced ranching, mining, and multiple use recreation with

**#35-3** CSP disagrees that this is necessary for two reasons 1) CSP does not intend to diminish access – please refer to Table 5.8 and 2) potential economic impacts are not required to be addressed under the CEQA Guidelines.

**#35-4** The location of archaeological sites (both prehistoric and historic) is considered confidential information by law in the California Government Code. Certain archaeological sites are interpreted for the public in the park due to high demand for such interpretive opportunities and easy access to certain locations. The sites interpreted for the public are regularly patrolled by Park Rangers and by trained volunteer Archaeological Site Stewards (who work directly under a State Parks Archaeologist). Certain locations within the park might be subject to restricted access if considered highly sensitive, for example, prehistoric or historic burial locations, riparian zones and other critical wildlife water sources, the Carrizo Impact Area (where live explosives still remain), and others.

The General Plan for Anza-Borrego Desert State Park<sup>®</sup> does not actually restrict access to locations where archaeological sites, historic buildings, and natural resources occur. Please refer to the Management Zones Matrix of the General Plan for additional details on access. A number archaeological sites and historic-period properties are interpreted for the public by means of access roads, trails, interpretive displays, interpretive signs, and on-site access.

In regards to the correspondence with Alexander Bevil, the memo does not advocate the retention of feral horses in Coyote Canyon. According to the Office of Historic Preservation, living animals do not qualify for listing on the National Register of Historic Places.

**#35-5** CSP respectfully disagrees that park visitors, including those with accessibility needs, will be denied access to the historic, natural and cultural resources of the entire region. Please see Responses #6-2 and 35-3.

**#35-6** Please see Response # 15-51. Living animals are not considered historic.

35-2  
(cont'd) restrictive zoning, wilderness designations, buffers, etc.? Does this zoning tend to diminish and /or eliminate access to our historic natural and cultural resources now for us and generations to come? Please provide the data on economic impacts resulting from the diminution of access. Please provide the data on the exact location of all of the historic natural and cultural resources that the public must have access to in compliance with state, federal preservation acts.

35-3

35-4 Included and incorporated in my comment is the President Bush's Executive Order applicable to this planning process. Also included and incorporated into my comments is correspondence with Alexander D. Bevil, Historian II dated July 11, 2001.

35-5 Can you provide the number of potential park visitors including children, seniors, and Americans with Disabilities that will be denied access to the historic natural and cultural resources of the entire region under Park's dominion comprising 700,000 acres? Is this the Vision our Legislature had when they approved the PARK for all generations?

The most egregious violation committed by the ABDSP management was the 2003 criminal CEQA violation resulting from the removal of the Coyote Canyon Wild Horse Herd. Has the ABDSP put themselves above the law while Civilians are prosecuted routinely for felony violations of the free roaming Wild Horse and Burro Act?

35-6 Park's actions were especially premeditated and malicious considering that Backcountry Horsemen of Borrego Valley offered to adopt this herd pending resolution of the controversy. By parks own admission as stated in the 1995 CCPUP the herd was under the protection of the Wild Horse and Burro Act which states that they were to be protected on their NATIVE RANGES. The herd was historically native to region. Lester Reed's book noted that the Los Coyotes Native American ranchers referred to the wild horses as the "ranch ramuda." Does that indicate that the herd was a cultural, historic, and natural resource existing on their native range long before the establishment of the park?

In closing I would also incorporate in my comments those comments submitted by Senator Bill Morrow, Candace Oathout, Barbara Ferguson, and David Hubbard.

Thank you for the opportunity to participate in the planning process.

Kathleen Hayden  
POB 236,  
Santa Ysabel, Ca. 92070



## President Bush Issues Executive Order on Preserve America

Available for download:

[Preserve America Executive Order \[in PDF\]](#)

[ACHP presentation for Federal agencies on the \*Preserve America\* Executive Order \[in PowerPoint\]](#)

*What follows is the text of Executive Order 13287, Preserve America, signed by President Bush March 3, 2003.*

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) (NHPA) and the National Environmental Policy Act (42 U.S.C. 4321 et seq.), it is hereby ordered:

**Section 1. Statement of Policy.** It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

**Sec. 2. Building Preservation Partnerships.** When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for

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Archeology and Historic Preservation, and essential national department and agency mission requirements.

**Sec. 3. Improving Federal Agency Planning and Accountability.** (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h-2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h-2 & 470h-3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to

adequate expertise and support to carry out the duties of the position.

**Sec. 4. Improving Federal Stewardship of Historic Properties.** (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

**Sec. 5. Promoting Preservation Through Heritage Tourism.** (a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation, and coordination with tourism officials and others with interests in the properties.

**Sec. 6. National and Homeland Security Considerations.** Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or

activities.

**Sec. 7. Definitions.** For the purposes of this order, the term "historic property" means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term "heritage tourism" means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms "Federally owned" and "in Federal ownership," and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

**Sec. 8. Judicial Review.** This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH

THE WHITE HOUSE,  
March 3, 2003.

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An independent Federal agency, the Advisory Council on Historic Preservation (ACHP) promotes historic preservation nationally by providing a forum for influencing Federal activities, programs, and policies that impact historic properties, advising the President and Congress, advocating preservation policy, improving Federal preservation programs, protecting historic properties, and educating stakeholders and the public.

*Updated March 31, 2004*

The Governors executive Order W-26-92 Directs State agencies to administer and protect all cultural and historic resources within the state.

I have also included an excerpt from the Federal Historic Preservation Act. (Desk reference, Preservation Law, and Section 106 compliance) The main piece of this legislation is the National Historic Preservation Act which established Government policy on historic preservation and the national historic preservation program through which that policy is implemented. The term (historic preservation) includes identification, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities. “Motives for Preservation KNOWING AND UNDERSTANDING OUR PAST, INSPIRATION FOR FUTURE GENERATIONS, RECONGNITION, AND COMMEMORATION OF PAST EVENTSAND PERSONS, PROVIDING A SENSE OF ROOTS AND IDENTITY.

The intent of Congress as stated in the opening of section of NHPA (National Historic Preservation Act), is that “the historical and cultural foundation of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people” “It shall be the policy of the Federal Gov.in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to-foster conditions under which our society and historic resources can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations...contribute to the preservation of non federal lands and give maximum encouragement to organizations and individuals undertaking preservation by private means.”

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July 11, 2001

Alexander D. Bevil, Historian II

Kathleen Hayden

PO Box 236

Santa Ysabel, CA 92070

Dear Mrs. Hayden,

In response to your e-mail, I must assure you that, as a State Park Historian, I am committed to identifying, preserving, and interpreting all known and potentially significant historical resources within Anza-Borrego Desert State Park to the best of my abilities. However, as you can well imagine, the park contains hundreds, if not thousands, of such resources. These include, but are not limited to buildings, structures, prehistoric as well as historic archaeological sights, features, artifacts, and cultural landscapes. Although the park was established in 1933, its historical history goes back centuries. The park’s historical landscape contains evidence of attempts by Native American, Spanish Colonials, Mexican settlers, and early Anglo-American

ranchers and homesteaders' attempt to survive in the harsh desert environment. There are historical resources that reflect the park's development and use after its founding in 1933. These include park-related buildings and structures as well as those built by the U.S. Military during World War II and others that are now under park ownership.

The Department of Park and Recreation's responsibility toward the preservation and stewardship of these important resources is quite clear. In addition to Executive Order W-26-92, the California Public Resources Code (PRC) 5024 and an operational Memorandum of Agreement with the State Office of Historic Preservation (SHPO) mandate that DPR preserve and protect the park's historical resources by avoiding any adverse effects to the resources. I will strive to incorporate a clear understanding of DPR's responsibility in the identification, protection, and interpretation of Anza-Borrego Desert Park's significant historical resources in the upcoming General Plan. The means to do this is through a series of Goals and Guidelines.

For example, a Goal might be to Preserve and interpret historic Civilian Conservation Corps sites, structures, and features within the park, while providing for DPR staff and visitor use. Guidelines for their preservation may include that they be preserved and protected through the implementation of applicable DPR policies and the application of professional standards for their maintenance, repair, and rehabilitation. Another Guideline would recommend that further study be undertaken to better understand the CCC contributions to the park and to develop management goals and an interpretive plan for the CCC structures and features.

Regarding the National Historic Preservation Act, DPR is not obligated to comply with NHPA unless a Federally assisted or licensed undertaking has the potential to have an effect on a State-owned property that is eligible or on the National Register of Historic Places. For example, a Federal grant to assist in the restoration of one of the CCC buildings.

However, all projects undertaken by DPR pertaining to historical resources are subject to the California Environmental Quality Act. The Act recognizes that historical resources are part of the California environment. According to CEQA, a "historical resources" is "a building, structure, object, district or landscape that is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California" that is listed or eligible for listing in the California Register. The latter is "an authoritative guide to the State's historical resources to which properties are considered significant for the purposes of a CEQA review." Therefore, DPR must determine if any proposed projects will have any significant effect on historic resources. If they do, an effort must be made to avoid or mitigate significant effects, where feasible.

Finally, the California Department of Parks and Recreation is required to follow departmental directives regarding the management of historic resources. According to the directives, historic resources are to be regarded as equally important as natural resources. Specifically, the directives state that DPR shall devise and implement a continuing program for the identification, evaluation, and description of significant historic resources throughout California. Regarding Anza-Borrego Desert State Park,

the management of its historic resources must be built around their interpretation as part of a continuous flow of human experience within the park, with appropriate emphasis on key features and circumstances.

While DPR is mandated to take appropriate steps to preserve, protect, **restore**, and interpret historic resources, the ultimate responsibility lies in people like you. There is no “CEQA” compliance police force compelling us to comply with CEQA. That is why those of us charged with preserving Anza-Borrego’s historic resources appreciate your concern and diligence.

If you have any further questions or issues regarding the stewardship of the park’s historic resources, please don’t hesitate to contact me.

Alexander D. Bevil, Historian II

Southern Service Center

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Honorable Members of the House Committee on Resources  
Testimony of Kathleen Hayden – June 28, 2004

In Ronald Reagan’s First Inaugural Address on January 20, 1980, he said:

"It is not my intention to do away with government. It is rather to make it work -- work with us, not over us; stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it."

I appreciate the opportunity to testify today before this Committee regarding RS 2477 and how it impacts my family and friends, both on private property and on the public domain. As a private property owner whose only access is by virtue of an RS 2477 Right of Way both of these issues are vital to this hearing. My question and dilemma is simply this: Who must govern the granted RS 2477 rights for WE THE PEOPLE as the dominant tenement, on private or public property? Does State Sovereignty extend to the public lands within the borders of California or does it not?

Throughout the United States USFS, BLM, NPS, and other agencies have rezoned the public domain, designating wilderness, wilderness study areas, nature preserves, areas of critical concern for endangered species, as if the preexisting routes were a figment of our imagination or that could be vertically mulched and designated “road less”. Planning by ESA policy has replaced the rule of law and infringed on rights enumerated in our state and federal constitutions. Historic use and access across the public domain have been drastically altered and the Federal Government has done so arbitrarily without consent of State Legislatures. Ignoring county RS 2477 proclamations of the grant, agencies continue to process management plans that remove or restrict access to our Nation’s historical, cultural and natural resources which provide us with economic security, national independence and recreation. Clearly, RS 2477 epitomizes the routes of our nation’s history, which are essential to facilitate President Bush’s Executive Order.

**Grounded in Law** Under the equal footing doctrine when a state joined the union, dominion and the sovereign right to govern were effectively transferred from the federal government to the state. California State law clearly chronicles its rights of way laws including pre-statehood (1850) Kearney’s Law. In all cases where a state joined the union after 1866, any and all Federal government rights, title, and interest in

RS 2477 Rights of Way were GRANTED by Congress and surrendered to the state. The state and federal government that are empowered to exercise sovereign powers must honor its grants. By acceptance of the grant it cannot be revoked without consent of the grantee. I assert that any diminution of the RS 2477 is a takings as it breaches the contract that resulted when the grant was accepted by the American people.

Secondary is the issue of the public to bear arms on public lands, a subject inseparable from the RS 2477 issues. We are personally experiencing and hearing reports of Park Rangers, as well as deputies and police, armed with assault weapons, confronting and intimidating citizens on RS 2477 grants.

Agency policies diminishing or removing our rights to bear arms are encroaching upon our Second Amendment rights. Will we be shot for exercising our RS 2477 Rights of Way? We have already been stopped, harassed, cited, and arrested. We have experienced more than the diminution of access. The threat is real. The fear is very real. Those who govern the RS 2477 grant must be liable and accountable to uphold our constitutional guaranteed civil rights. We maintain that these have been violated by illegal closures.

Approximately 25 million acres comprise the California desert including the Anza Borrego Park and nearly four million acres are included in the Mojave and Colorado Deserts Biosphere Reserve program. The well funded agenda supporting the U.N. International Biosphere Preserve and Wetlands project have worked with the Sierra Club, Save the Redwoods League, Center for Biodiversity and conservancies to sabotage the RS 2477 grant.

How this affects equestrians *as well as the rest of us*:

#### **Anza Borrego Desert State Park, Dr. Sandra Thorpe's ticket**

In February of this year Dr. Sandra Thorpe was issued a citation “cct.14 riding pack animal in non designated area.” She states she was on a well-established typical historic desert route. Sandra is one among many of us consistently harassed by armed rangers or deputies on public RS 2477 routes. The public has been abandoned and is at risk.

#### **1.1 ILLEGAL USE OF PUBLIC LANDS**

In February 2002, we were visiting the pictographs when 21 illegals came through the old route in Carrizo Wash. The worn path and trail of “huecho in Mexico” litter indicate this is a common occurrence. When expressing concern for our safety I received the following response from Parks: “Sent: Friday, February 22, 2002 11:53 AM *We have a very serious problem down there that we are working with BLM and Border Patrol on. Border Patrol is very difficult to work with since they tend not to respect the environment. The traffic has picked up over the years. When we first brought the subject up to BLM they said they had not even considered Anza Borrego and the S-2 corridor as a possible path. Now they are going to put sensors in the ground to **monitor traffic**.* Mathew L. Fuzie Deputy District Superintendent Colorado Desert District Department of Parks and Recreation 200 Palm Canyon Drive Borrego Springs, CA 92004 760-767-4037 [mfuzie@statepark.org](mailto:mfuzie@statepark.org)”

One evening while we were camping on a remote roadside in the Carrizo Corridor a man from the contiguous campsite began shooting at his wife as she escaped down the roadway. He came into our camp looking for her. ASAP my husband called the park on his cell phone. The rangers would not come to our aid until a sheriff was available. We were unarmed because the public is not allowed to carry guns in the park to protect themselves from mountain lions, illegal immigrants, drug runners, and other criminal elements. Our right to bear arms to protect ourselves on the roads and trails have been usurped by land managers.

During recent wildfires numerous marijuana plantations were discovered in Coyote Canyon and other areas of public and contiguous private property. RS 2477 routes closures have encouraged the illegal use of public lands and few arrests made. Yet the local newspapers report the hiring of ex-police as park rangers, armed with semi-automatic guns, to "guard the resource." Is this a sample of our friendly park ranger who gave Sandra Thorpe a citation for riding on a (RS 2477) closed route?

### **RS 2477 and Private Property Rights**

In 1988 we bought a home on a 5 acre parcel, part of a subdivision BLM patented out in the early 1950's under the California Small Tract Act: *"the rights of way are common law dedication to the public to provide ingress and egress to the patentees and to provide access for utility services. Fee title lies with land owner subject to the easement of the public. Upon issuance of a small tract patent the government gave up all right to the land. To the extent that the common law dedications were accepted through use by appropriate parties, those rights are protected by the provisions of 43 U.S.C. 1701(a) and 43 U.S.C. 1769. This is RS2477*

By 1996 new neighbors blocked our lower driveway with junk cars, debris, fence and a shed. When my husband graded the road the neighbors threw rocks at him. We beseeched the county and deputies for assistance. They insisted it was civil court matter and refused assistance. The assaults continued. I consulted BLM who responded *"Any question concerning the use or release of these easements would be subject to a determination under state law. In most cases the proper authority would be the county or the city government. All else failing, the matter may require resolution in civil court."* Nonetheless the county and deputies refused to remove the obstructions or protect us from the neighbors continuing criminal actions and assault. In July of 1997 we were battered and beaten by the neighbors and vertebrae in my back was broken which required major surgery. Still the county insisted that the road was a private civil matter. The deputies refused to arrest the neighbors or assist us with a citizens' arrest. In 1998 we sued the neighbors in civil court and quieted title to the easement, based on the BLM documents (patent, 1991 BLM memorandum and Small tract Act.). Yes, it's an RS 2477!! We obtained court orders for damages and permanent injunction against the neighbors who subsequently filed bankruptcy.

In 2002 The San Diego County Board unanimously passed a Blanket RS 2477 assertion, a portion which reads **"Other property owners may have succeeded the United States as owners of servient estates traversed by rights-of-way acquired by the County and the public pursuant to the grant in R.S. 2477 and the rights of those property owners in the servient estate is limited by the obligation to honor the rights-of-way accepted by the public pursuant to the grant offered under R.S. 2477;** Having made this public declaration to date, San Diego County has yet to abate closures on our right of way or on the public domain that continue to threaten our (individual and the public's) safety on RS 2477 routes.

We need a clear statement from Congress that in all cases where a state joined the union prior to 1866, dominion, sovereignty as well as jurisdiction of all (now challenged) RS 2477 Rights of Way were effectively transferred to the state; AND FURTHER, that in all cases where a state joined the union after 1866, that any and all Federal government rights, title and interest in RS 2477 Rights of Way were granted and surrendered to the state **for public use**. A political solution should rest entirely on a clear statement by Congress that:

1. The role of local Government and state courts to determine what constitutes an RS 2477 Right of Way.

2. The Secretary of the Interior has no power whatsoever to make any determination as what constitutes an RS 2477.
3. No agency shall charge or require a permit for any RS 2477 right of way existing on or before October 21, 1976 (FLPMA).
4. All doubts shall be resolved in favor of recognition of the grant as a right of way as Congress clearly stated the role of local government and state courts is to make the factual determination if the right of way existed on October 21, 1976 (FLPMA).
5. Those determinations of facts are not reviewable by any federal administrative judge/district court.
6. The burden of proof contending the route does not meet the RS 2477 criteria is on the agency challenging the claim and the level of contesting evidence that it is NOT a ROW (right of way) must be established beyond a shadow of doubt.

Thank you for allowing me to testify before you today.

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**TESTIMONY OF SENATOR BILL MORROW  
38<sup>TH</sup> SENATE DISTRICT OF CALIFORNIA**

**REGARDING  
R.S. 2477 STATUS OF COYOTE CANYON ROAD  
ANZA-BORREGO DESERT STATE PARK**

**PRESENTED JUNE 28, 2004 TO THE HOUSE SUBCOMMITTEE**

**On National Parks, Recreation and Public Land  
– St. George, Utah –**

Good Morning.

I'm Bill Morrow, State Senator from California. I represent the 38<sup>th</sup> Senate District in my state – a district that encompasses Southern Orange County, North San Diego County and a portion of Riverside County.

While my Senate district does not specifically include the Anza Borrego Desert State Park (which consists of 640,000 acres of public land and is the largest state park in California), I grew up in that region, and have been a frequent park visitor all my life. Consequently, as a State Senator, I have involved myself in issues affecting the State Park as a matter of personal interest, as well as representing my constituent's who enjoy the recreational and other wholesome activities the State Park affords with our county and the wide Southern California area.

Apart from its natural beauty, the Park provides excellent recreational opportunities for Californians and visitors from other states. For people who enjoy the desert landscape, Anza-Borrego is without parallel.

## Comment Letter 35 – Hayden

Various trails and roads – some more than 150 years old – provide access to points of interests within the Park and, at one time, were the only means of traveling from the mining and agricultural settlements in the desert to the more populated areas in the west.

These roads existed and were being used long before the State of California obtained the land and created the Park. And these roads continue to serve important functions today. The establishment of the Park has not diminished the practical and historical importance of the roads; nor has it erased the public's attachment to them.

Today, I'd like to focus your attention on one particular road in Anza-Borrego, as it bears directly on the RS 2477 issues currently before you. The road runs through a portion of the Park known as Coyote Canyon in a north-south direction, connecting southwestern Riverside County with northeastern San Diego County.

Coyote Canyon Road has a long history, dating back to the 18<sup>th</sup> Century when the Spaniard Juan Bautista De Anza established the road as part of a trade and missionary route between Mexico and San Francisco. In fact, in 1996, the federal government designated the entire route, including that portion that runs through Coyote Canyon, as the "Juan Bautista National Historic Trail."

In the 19<sup>th</sup> and early 20<sup>th</sup> centuries, Coyote Canyon also served as a mining road, connecting gold, gypsum, and calcite mines to the larger transport corridors leading to San Diego and Los Angeles.

When California became a federal territory, Anza-Borrego (and Coyote Canyon) fell under the control of the United States government. During this time, public and private interests continued to use the road as before.

In the 1900s horses and wagons gave way to automobiles; and in 1924 the first car drove through Coyote Canyon. Then in 1933-1934, the Civilian Conservation Corp improved Coyote Canyon and turned it into a road that could more easily accommodate motor vehicles. This was especially important given the developing agricultural industries in Imperial, San Diego, and Riverside County's, all of which touch upon what is now Anza-Borrego Desert State Park.

In 1937, the U.S. Government transferred a large portion of its Anza-Borrego holdings to the California Department of Parks and Recreation for purposes of establishing a desert state park. When the new park was created, it included Coyote Canyon Road.

Between 1937 and 1995, the road continued to be used by mining and agricultural interests, and by the general public as a through-way connecting key points within Anza-Borrego and beyond. During this same period, the road became a popular route for individuals touring through the desert in trucks and 4-wheel drive vehicles.

But in 1995, the California Department of Parks and Recreation decided to close off a 3.1-mile section in the middle of Coyote Canyon Road, alleging that the road created adverse environmental impacts on desert resources. As a result of the closure, the road lost its ability to serve the public. In its dismembered condition, it no longer connects points of interests or economic activity. It leads to nowhere except a locked gate.

My constituents and I believe that the decision of State Parks to close Coyote Canyon Road was not only misguided but in violation of RS 2477. Given the long-established – and continuous – public use of the road, and the fact that its alignment has never changed, we believe Coyote Canyon qualifies as an RS 2477 public road and is entitled to full protection under the law.

We are not alone in holding this position. Earlier this year, we submitted a letter to Office of the Legislative Counsel in Sacramento, asking that it provide us an opinion on two key questions:

- (1) Did Coyote Canyon Road met the criteria for an RS 2477 road?
- (2) And (2) Did State Parks violate RS 2477 when it closed the middle portion of the road in 1995?

We are happy to report that the Legislative Counsel, upon reading our materials and conducting its own review, answered “YES” to both questions.

However, the road remains closed. The Legislative Counsel has no enforcement powers; and State Parks shows no interest in recognizing Coyote Canyon as an RS 2477 road and re-establishing it as a public thoroughfare.

There are those who would love to litigate this issue in either State or Federal Court, but the opinion of the California Legislative Counsel does not carry the weight of statutory law or case precedent. Further, what little case law exists outside of California is murky and subject to multiple interpretations.

To resolve this problem, federal legislation is needed. State and local agencies, as well as the courts, must be told that roads such as Coyote Canyon were established long ago and were to be protected by RS 2477. They are to remain in the public domain, and any attempt to close them or have them “reclaimed” by nature runs counter to Congressional intent.

To put it another way, the public road protections of RS 2477 served an important purpose when the Act was first adopted in 1866; the need for those protections has not gone away. Nevertheless, government agencies sometimes have a short memory. They need to be reminded where their power stops and the rights of the public take over.

RS 2477 needs to be updated and restated, so that these roads and trails continue to be part of the living history of the American West. They are no less valuable than any other highly-protected historical or cultural resource. The fact that they still serve important practical functions does not diminish this value. Rather, it only enhances it.

Thank you for your time and this opportunity to speak.

###

California State Parks Responses

**#36-1** Please see Response 6-28.

Comment Letter 36 -- Arbogast

Ms. Tina Robinson,

36-1 | I feel the proposed ABDSP Prelim General Plan & Draft EIR is seriously flawed and defective.  
I concur with those recommendations, plan changes and concerns as outlined and detailed in the following report.  
I appreciate the opportunity to review and comment on the proposed plan.

Michael Arbogast  
4922 Marion Ave.  
Cypress, Calif. 90630

CSP Note to reader: The following letter is the same as Comment Letter #15 with the exception of a few sentences. Please see Responses # 15-1 to 15-120 and 15-122 to 15-132.

Comments on the Anza-Borrego Desert State Park Preliminary General Plan & Draft Environmental Impact Report Sch # 2002021060

September 3, 2004

Environmental Coordinator  
Southern service Center  
California Department of Parks & Recreation  
8885 Rio San Diego Drive  
San Diego, CA 92108

Dear Sir or Madam;

Please accept the following comments on behalf of the organizations listed on the following page. The organizations represent individuals that seek recreational experiences in Anza-Borrego Desert State Park (ABDSP).

We recognize the importance of the positive health and social benefits that stem from outdoor activities. We recognize the signature value of Anza-Borrego Desert State Park as an outdoor recreation destination that is world renown. We appreciate the vision of our forefathers that conserved this magnificent scenery and spectacular landscape for the benefit of this and future generations.

The members of the listed organizations are devoted to the following concepts;

1. public access to ABDSP for their children and grandchildren
2. maintaining the condition and safety of the environment
3. sharing the magnificent examples of our natural, historic, and cultural heritage

We used these concepts in reviewing the General Plan (GP) and Draft Environmental Impact Report (DEIR).

## Comment Letter 36 – Arbogast

As we have reviewed the Preliminary General Plan (GP) & Draft Environmental Impact Report (DEIR) we have found many areas of concern. First and foremost, this document is fatally flawed in that it does not follow the rule of law that established the Park. The original deed of transfer from the Department of the Interior, Bureau of Land Management, to the California State Parks under the provisions of the 1933 Congressional Act provided for the section of certain lands for the use of the California State Park System. The deed was subject to valid existing rights on the date of said act and upon express condition that the lands hereby granted must be used by the State of California for state park purposes. The closure of the Juan Batista De Anza National Historic Trail and road through Coyote Canyon clearly violates these provisions. The road through Coyote Canyon is an established route that had been in continuous use by the public for recreation from at least the 1700's when the Spanish explorer for whom the National Historic Trail was named used it to find his way north to what is now San Francisco. This trail alignment was used as a principal way for immigrants, settlers and later farmers and ranchers to travel from the southeastern portion of the desert to the northwestern portion. In 1933 and 1934 the Civilian Conservation Corps graded and improved the road through Coyote Canyon. It had been in continuous use until 1995 when the California Department of Parks and Recreation (CDPR) closed a 3.1 mile section on the grounds of environmental impact. The Coyote Canyon Road still follows the same route that it did beginning in the 1700s.

When Senator Bill Morrow requested a legislative review of the Coyote Canyon situation from Diane F. Boyer-Vine, Legislative Counsel for California, he received the following response dated April 20, 2004. Coyote Canyon Road fits the criteria of a road under the RS2477 Statute. That CDPR did not have the authority to close a 3.1 mile section of the road as they did in 1995 and that CDPR's decision to close the road for environmental reasons is not a valid reason under state and county statutes. Even if this was a valid reason for closure, CDPR does not have jurisdiction to close the road because the County of San Diego has not relinquished its jurisdiction of this public route to the Department of Parks and Recreation.

The assessment of ecological conditions issued by researchers from the Wildlife Health Center in 2002 entitled "Ecological Conditions in Coyote Canyon: Anza-Borrego Desert State Park: An Assessment of the Coyote Canyon Public Use Plan was used without public review to justify continued closure of the Canyon to motor vehicles and further to support and justify assumptions and decisions reflected in the Revised General Plan & Draft EIR.

We object to the use of this document because it has not been submitted for public review and it does not legally support CDPR's closure policy nor provide best management practice, guidance for CDPR policy. Although the Assessment claims to analyze the ecological effects on Coyote Canyon on a "before and after basis" with regard to the removal of Off Road Vehicle traffic through the Canyon, the Assessment lacks adequate pre-closure data to compare with post-closure conditions. The Assessment is not based on replicated studies with a consistent baseline; it is rather based on "snapshot" observations made years after the Canyon was closed. The Assessment does not isolate the removal of Off Road Vehicles from other restoration projects that were implemented at the same time to improve the ecology of the Canyon. It is impossible to determine whether tamarisk removal or closure of the Canyon is more responsible for the return of so-called native vegetation growth in the Canyon. The study does not indicate whether any soil tests were conducted to determine salinity changes that would have been caused by tamarisk removal from the Canyon. It provides no data showing the extent to which tamarisk removal as opposed to Canyon closure may have contributed to ecological changes in the Canyon and Creek. It is entirely possible that the changes noted occurred due to the cumulative affects of both actions. Or that both actions worked interactively to create the changes noted in the Assessment.

The Assessment is severely deficient in that it does not accurately measure the recreational value of Coyote Canyon. The surveys conducted to determine visitor responses as they entered the closure area where conducted after the Canyon was closed to vehicles. Therefore the information collected is strongly biased against vehicle use in the Canyon. The visitors surveyed represented only those folks who were not disposed to visit the Canyon via motorized transportation. Any visitor surveys conducted must be designed and managed to obtain feedback from all user groups.

The Assessment also makes an extrapolation that closure of the Canyon resulted in larger numbers of Least Bell's Vireo. In the aftermath of the 1993 floods, no Least Bell's Vireo observed at Lower Willows as their preferred habitat had been destroyed. The re-growth of habitat combined with tamarisk removal would certainly account for the perceived increase in Vireo. Experience in other areas, such as, the Tijuana River Valley, indicates that vehicle traffic has little impact on this species when their habitat niche is available.

The aerial photographs included in the Assessment demonstrate the channel and vegetation changes that are to be

## Comment Letter 36 -- Arbogast

expected in a braided river channel as a result of the preceding rainy season. While even the untrained eye can measure the amount of vegetation growth on a closed roadbed, it is not a significant measure of the recovery of the ecosystem. It is the very common response of a predominately dry, sandy creek bottom. The short-term gains in habitat for Least Bell's Vireo are exactly that, short-term. As the riparian corridor matures it will become less valuable to Vireo, but will encourage other species. It is not surprising that the Southwest Willow Flycatcher has not been found in Coyote Canyon. According to the most recent research by Forest Service biologists in Arizona the Flycatcher is most attracted to a slack water slough ecosystem. While not impossible to develop and maintain in Coyote Canyon, it is much more difficult in the arid conditions and ephemeral or intermittent water flows in Coyote Creek. Especially after several years of drought conditions. Removal of the Wild Horse herd that tended to churn up the creek bottom in ways that would cause water to pool up and or flow slowly will likely have a negative impact on Willow Flycatcher habitat.

The conclusions that the Assessment makes regarding the effectiveness of management changes under the Public Use Plan are overstated, not supported by scientific studies or data, and are ultimately unfair to Park visitors by removing an historic Park use and severely limiting access to an important area of the Park.

All the documentation provided by Park Land Managers to support their determination to close this area to OHV traffic is flawed and does not legally support the need to close the Canyon.

We strongly object to the proposed new zoning designations. They are not supported by legislation and they are not clearly defined in quantifiable terms. According to the State Park and Recreation Commission, Statements of Policy as amended on May 4, 1994 land acquired for the use and enjoyment of the of the people is statutorily classified as (a) Wilderness; (b) State Reserves, (c) State Parks; (d) State Recreation Units; (e) Historical Units; (f) Natural Preserves; (g) Cultural Preserves; (h) State Beaches; (i) State Seashores; (j) Trails; and (k) Wayside Campgrounds. Anza-Borrego Desert State Park was established as a "park" which is defined in Black's Law Dictionary as "an enclosed pleasure ground in or near a city, set apart for the recreation of the public." How does the California Park Service define a "park? What are the differences in management policies for the different classifications? What is the statutory authority for changes in classifications? We have not found a statutorily supported definition of the proposed "Backcountry Zoning"; therefore we request that this designation be removed from the document. It does not have a legal definition or legal status that we can verify. If there are, in fact, additional designations to those enumerated above, please provide the sources for them.

How can Park Managers justify accepting the designation of the ABDSP as a Biosphere Reserve in 1985? The Park clearly does not meet the traditional criteria for the establishment of a biosphere reserve, as these reserves contain strictly protected areas surrounded by buffer and transition zones where a range of human activities is permitted. Under the ideal model of such a reserve, a core zone is established at the center and preserves genetic materials and minimal habitat to maintain biological diversity. In ABDSP this model is reversed with the developed area of Borrego Springs at its center. The current PGP and DEIR attempt to support the Biosphere Reserve agenda that is in direct conflict with the stated vision and mission of ABDSP. Changing the definition of *high-quality recreation* to recreation that is dependent on the "high-quality" of the natural and cultural resources within a State Park is completely unacceptable. It represents the abandonment of the overriding principle of enabling visitors to enjoy the Park. It is impossible for visitors to enjoy the Park if they can not access over two-thirds of it that are managed under State Wilderness designation. ABDSP contains not only some of the most intriguing and beautiful landscapes in California, it also contains some of the harshest and least forgiving landscapes in the Park system.

The average visitor is not equipped physically or mentally to take on the challenge of backpacking or hiking through miles of Wilderness in the extreme conditions found on the desert. This unfairly condemns the average Park visitor to the concentrated conditions of Focus-Use Zones that will lead to more crowding, fewer high-quality recreational experiences and more perceived negative impacts on the resources. This is a self destructive cycle that will diminish the mission of ABDSP to be *the premier park in California...inspiring and educating park patrons and serving the needs of the public that are consistent with park objectives...* unless the park objectives are to completely deny the public the opportunity to experience the park.

The deed patent that transferred land from the Bureau of Land Management to the State of California reserves to the United States, its permittee or licensee the right to enter, occupy, and use any part or portion thereof. The 1974 proposal by staff to designate the Santa Rosa Mountains State Wilderness is in violation of the original deed transfer.

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The loss of access through the establishment of Wilderness designations upon lands transferred to California State Parks from the Bureau of Land Management clearly violates this provision of the deed transfer. The fiduciary duty of the Park Service is to “preserve the park in its natural state so future generations might enjoy its intrinsic qualities.” Enjoyment of the Park’s intrinsic qualities necessarily indicates the public’s right to access them. Conservation, not preservation, of the public resources, and access to the cultural, natural, and historic resources has legal standing.

We find that the authors of this document have used many words and phrases that lack a clear definition and are not quantifiable. A General Plan covering a land mass as large as ABDSP must provide clearly definable standards that provide clear understandable measures of the impacts of management planning under this document. Terms, such as, has the potential to, may have, integrity of, are too vague and subjective. Terms used in a document such as this must be quantifiable.

### Introduction

#### Page 3

The document states, "The GP/EIR provides discussion of **THE PROBABLE IMPACTS** of future development & established goals., polices.....We strongly object to this huge sweeping generalization as it is unsubstantiated and cannot be quantified without facts & specifics. For example, there is a statement regarding a newly discovered lizard that is only known from ABDSP. This does not mean this species is endemic to the Park. It just means it hasn't been seen elsewhere yet. The use of vague terms like, “has the potential to, may impact, and could be harmful to” or other similar comments are too broad and subjective. These comments must be supported by scientific studies. Park managers have had many opportunities to perform scientific studies that would support their claims since the Park was formed in 1933.

#### Page 4

The third paragraph says, “The plan specifically envisions that a series of Focus Management Plans...be prepared subsequent to the adoption of the General Plan.”

Since the General Plan document does not include the criteria established for these Focus Management Plans, this document is incomplete, lacking in detail and invalid. Asking the public to comment on or support Focused Management Plans that will seriously impact trails, roads, recreational facilities, development and maintenance on the basis of the current data available is both impossible and unacceptable. The goals and objectives as outlined in this document are too broad and all encompassing to merit support without a much more detailed analysis of their impacts to local economies, recreational use and facility development to meet the needs of an increasing population.

#### Page 6

The sentence that reads, **“The designation of the State Wilderness and Cultural Preserve may be made with no further environmental review than that provided by this General Plan/EIR”** is unacceptable. This General Plan/DEIR does not provide any review of economic impacts or loss of recreational opportunities that these designations will cause. This statement indicates that the authority to designate Wilderness lies with the Park Manager or the Director of State Parks. According to Public Resources Code 5093.33 this is incorrect. The authority to designate Wilderness lies in the State Legislature. Therefore, this statement is incorrect and must be deleted from the General Plan/DEIR.

#### Page 7

While this revision of the General Plan did occur subsequent to the acquisition of Vallecito Ranch and Mason Valley, it was prompted by user group discussions with Director Ruth Coleman and Chief Legal Counsel Tim La Franchi of the Department of Parks and Recreation rather than simply revising the document to comply with CEQA and incorporate substantive material from responses to the last public comment period. Please change the language of this document to reflect the facts.

### Introduction to Existing Conditions

#### Page 1-3

The document states, "ABDSP also holds the distinction of containing the largest area of State Wilderness in California, with 404,000 acres set aside, unimpaired for all generations." This statement is incorrect. Designation of Wilderness directly equates to loss of access for a disproportionate number of young, old and the physically impaired and/or chal-

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lenged who will be unable to enjoy or enrich their lives by visiting and enjoying desert wilderness areas. With over two thirds of the Park already designated as wilderness, no more wilderness areas are needed. The location, lack of water resources, and climate of the area are all self-limiting factors of visitor use. Restriction of use of mechanical means of transportation in the desert climate significantly limits the number of visitors while increasing the danger to those who do visit.

### Page 1-3

"The early conservationists who sought to bring protected status to the natural and cultural treasures of the desert lands would be proud today to see their vision realized."

A little history is in order here. California Parks and Beaches (State Parks) was established by Save the Redwoods League and the Sierra Club to set aside these lands as a nature preserve. It only passed the legislature because they called it a "Park." There were other conservationists who would be equally appalled by the written agreements that resulted in their properties being deeded over during the Park acquisition process for future generations to use when historic Rights Of Way to access and enjoy the Park have been abrogated by Park Land managers. In 1943 the California State Horsemen's Association (CSHA) was formed because of diminishing access to old roads and trails.

Through their efforts (CSHA) the public resource laws were legislated and the California Riding and Hiking Trail was established as a foundation circular trail around the state. Several other legislative acts were passed to connect communities to this trail and public lands to each other. (Dunlap and Collier Keene Bills) Those same Conservation Groups have systematically sabotaged these laws.

### Page 1-4

The document refers to 500 miles of primitive roadways and miles of mountainous trails to hike or ride. How many of these miles will be closed under the zones and prescriptions that will be implemented if this Plan is adopted? How have these roadways and trails been documented? What Deed and Title searches have been conducted to thoroughly determine if these roadways are under the Department of Transportation and/or county roads? Is there a complete and comprehensive route designation map available?

If so, does this map show all the trail alignments that have existed since the settling of this region? Please provide accurate mapping of all roads, primitive roads and trails within Park boundaries. Please provide accurate maps that show transportation linkages to existing trails, roads, and primitive roads along the Park boundaries.

The Park's purpose statement adopted by the State Park Director on March 20, 1964 is to.... ***"make available to the people forever, for their inspiration, enlightenment, and enjoyment, a spacious example of the plains, hills and mountains of the Western Colorado Desert..."*** The current proposals in the General Plan/DEIR do not support this statement in that it does not indicate that two thirds of the Park will be inaccessible to the majority of Park visitors.

Since the Plan acknowledges that "the unique recreational and inspirational qualities are increasingly popular and sought after." Why does this Plan seek to reduce the opportunities to enjoy these qualities?

### Page 1-5

The discussion of the Spirit of Place casts a religious connotation on the act of visiting ABDSP. The way this document is worded compromises the established doctrine of "separation of church and state." References to "spirit, spiritual, and religion" reflect a state supported religious aspect, which is inappropriate with respect to the doctrine of "separation of church and state." This section is inappropriate and must be deleted.

The Plan asserts that, "Desert lands have long cast a spell on humanity. Many are the stories of people venturing far out into an uncharted desert for months or even years, only to return with wisdom and clarity." It is a major contradiction to reduce these opportunities by restricting the majority of visitors to Focused-Use Zones that are highly regulated. This land use planning tactic removes most if not all opportunities for the unconstrained visits that are implied by the statement above.

### Page 1-6

"This document...provides conceptual parameters for future management actions...It provides guidelines for future land use management within a park, including land acquisitions and the facilities required to accommodate an expected visitation increase."

## Comment Letter 36 – Arbogast

The latest studies, such as, “Shifting Trends in Wilderness Recreational Use by Robert C. Lucas and George H. Stankey shows that while Wilderness recreational use has grown greatly over the last forty years, the rate of increase in Wilderness recreational use has been slowing for some time. Recently it has leveled off and even declined in many areas. Visitation trends shown in this plan support the hypothesis that day use is the most common use, accounting for the majority of visits. Concentrating day-use activities in Focused-Use Zones reduces the opportunity for the average Park visitor to enjoy the peace and solitude that the Plan suggests is the ultimate goal of most Park visitors.

The Plan goes on to state, “whether the Park is experienced during a quiet walk through a forest of ocotillos, meditation upon a weathered boulder, a drive along a lonely road or on a guided wildflower tour, each visitor takes in its essence in his or her own personal way, to carry forever...” This is a beautifully written sentiment that is not supported by the purpose and intent of this General Plan. The restrictions of additional Wilderness designations, establishment of Focused-Use Zones, restriction of mountain bikers and equestrians to designated roads and trails all combine to make this sense of place less achievable by more visitors.

### Page 1-7

The Plan states, “...provides guidelines for future land use management within a Park, including acquisitions and the facilities required to accommodate an expected visitation increase.” The fact that land acquisitions have been and will be conducted through the Anza Borrego Foundation, a non-governmental organization, with no oversight by either elected officials or the public is unacceptable. This group has a very negative reputation with many property owners that have been approached during the acquisition process. We strongly encourage corrective action by the California Department of Parks and Recreation that includes strict oversight of the entire land acquisition process.

We take strong exception to the sentence “The General Plan process includes public participation with a goal of forging stronger more effective links with the local citizenry.” In actual practice, to date, the current management of the Park has only fostered links with selected individuals and groups that support their preferred activities, such as, bird watching, nature walks and counting bighorn sheep. More active forms of recreational interests, such as, four wheel drive clubs and equestrians have actively lobbied for agreements and Memorandums of Understanding that will benefit the Park by assisting with trail maintenance, clean-ups and volunteer patrols without success. At a minimum, Volunteer Patrols would be a tremendous asset in such a vast area with so few rangers to patrol it.

## EXISTING CONDITIONS

### Page 2-4

References to Bureau of Land Management (BLM) allowed public uses and “the potential for adverse environmental effects”...is a very biased statement. Approximately 2/3 of the Park came from BLM patents. The transfer documents stated, “Please note that the patent from USA is conditional.” Later patents such as acquisition 131 dated 8/4/1975 had a reversion clause that BLM land could revert back to BLM if the Department of Parks and Recreation (DPR) fails to comply with commitments A through D in the decision dated October 23, 1975, then it's possible that the land will revert to the U.S.A.” This particular patent has sections within the 3.1 mile closure of Coyote Canyon Road. We feel that DPR has not, in fact, complied with the commitments as stated in the patent and is, therefore, subject to enforcement of the reversion clause.

On the same page in paragraph 7 the Plan states, “...as privately held lands are added to ABDSP...land previously closed will be available to public access...” What criteria will be used to determine that land acquired in the future will, in fact, be opened to public access? Park management has a long history of seeking to acquire properties to increase preservation not for public access. For example, the Plan discusses acquisition of the Lucky 5 Ranch not to provide additional camping or equestrian access, but for its importance as a valuable biocorridor. It de-emphasizes additional recreational use while stressing preservation. This raises the question of the level of restrictions that will be placed on this parcel of land. It also casts extreme doubt on the intentions of Park Managers in any future land acquisitions.

### Page 2-5

The Plan reads, “...although California State Parks works cooperatively with the U.S. Forest Service during fire events the fire management policies of the agency may conflict with those of California State Parks.” This was readily apparent in the October 2003 fire in the Riverside County portion of the ABDSP. California State Parks has not maintained access to the water storage tank at the northern end of Coyote Canyon that was put there for fire

## Comment Letter 36 -- Arbogast

suppression. California State Park staff took very adversarial positions in fighting this fire. The lack of support for the use of heavy equipment during extreme fire conditions put both firefighters and citizens at great risk.

The Forest Service found a Marijuana Plantation on ABDSP adjacent to Forest Service land while fighting this fire. This clearly indicates a failure of land managers to exercise best management practices and effective oversight of public lands in their charge. When legal concerned citizens are barred from public lands and the managing agency is, in their words, too understaffed to provide effective oversight of these lands it is inevitable that criminal activities will increase. Why is the issue of this level of criminal activity within Park boundaries not even addressed in the General Plan/DEIR? Not only is there obviously illegal motorized traffic to set up such a plantation, such activity disturbs the ecological conditions in this section of the Park. It introduces exotic species, uses a higher level of water than so called native vegetation and leads to littering. Additionally, the consequence of wildlife fire from untended campfires is an ever-present danger.

### Page 2-5 & 6

There is a reference to Ocotillo Wells State Vehicle Recreation Area (OWSVRA). Park staff has expressed concern for seasonal flooding and washout of primitive roads. There have been multiple suggestions from the public that a cooperative agreement be worked out between OWSVRA & ABDSP. ABDSP would benefit from the heavy equipment that the SVRA has right next door to regrade and restore these roads. This would expedite repairs and save taxpayer dollars. Currently repairs are seriously delayed, which directly impacts the public's right to access those affected sections of the Park.

### Page 2-6

The document refers to the California Department of Fish and Game's game bird stocking program that may release exotic birds such as Chucker, Pheasant and Turkey. If this is an on-going program, how many years has it been in use? If these species have been released regularly over several years, they have become part of the ecosystem. What, if any, scientific data has been collected that demonstrates actual impacts on so-called native species and ecological processes? To date, no scientific study has been presented to support the arbitrary assumption of this "concern" although Park Land Managers have had ample time over the years to conduct such a study.

### Page 2-7

What hydrological research has been conducted to establish that agricultural use and development does draw down the Borrego Valley aquifer? We don't agree that these are the only reasons for draw down of the aquifer. Climate change, seismic activity and changes in rainfall patterns are also responsible for decreased recharge of the aquifer. Other Park documentation acknowledges that the region has been subjected to a prolonged period of below average rainfall. Park Managers recently entered into an agreement with the Bureau of Land Management and Imperial County for tamarisk removal citing adverse impacts on the surface and ground water of the region. What research is currently being conducted to support the hypothesis that large agricultural operations in the desert are a major concern for natural resources of ABDSP? What data is available for review by licensed hydrologists that supports this hypothesis?

### Page 2-7

The document refers to many small gold mining operations that are still active southeast of Julian and implies that they have a negative impact on water quality, slope stability and sensitive habitats. How long have these operations been in existence? What data has been collected to determine what negative impacts might have occurred?

What comparison plots have been established and monitored both during active mining operations and when mining operations have ceased? What changes have been documented to exist both during active mining operations and since operations have ceased?

Additionally, according to the Acts of June 29, 1936, the federal government retained mineral rights in the land transfer. Any mining done in the Park would remain under the jurisdiction of the federal government, not the State Park Commission. According to information recorded in Diana Lindsay's Master Thesis in the late 1960's, this makes ABDSP the only state park in California open to prospecting. If this status has been changed what is the legislation and authority that changed it?

### Page 2-8

## Comment Letter 36 – Arbogast

How can the issue of Border security even be debated as “a negative impact on the areas aesthetic values? In this era of worldwide terrorism, why should we place the value of wildlife corridors higher than the security of our country and its residents?

The discussion of motor vehicle routes through the Park is moot. The RS2477 rule of law affects the status of many of the Park routes. Loss of opportunities to see the Park and to travel across the desert by the most efficient route far outweighs the negative impacts stated in this document. The mere fact that a road that crosses straight through the desert appears to be an artificial intrusion is a perception. It attempts to enforce one set of values over another. Discussion and decisions on routes should address the issue of public safety.

There are proposals to restore the San Diego and Arizona Eastern Railroad. Not only would this restoration allow many people an opportunity to view incredible vistas of ABDSP with little physical effort, it would provide a much needed linkage for the movement of goods between San Diego County and Mexico. Additionally, this restoration would enable Park patrons to see vast expanses of the Park while subtly controlling the impacts of such visitors. What impacts are anticipated to occur when this rail corridor is re-activated? What criteria will be used to determine the significance of these impacts?

### Page 2-9

The discussion of land acquisitions goes far beyond the scope of Park management planning. Anza-Borrego Foundation operating as an independent 501(c) 3 to carry out Park management strategies removes accountability to the local and state populace.

The fact that a small group of Park Managers can establish land acquisition priorities and circumvent public oversight of the process by working through a non-governmental organization is unacceptable.

### Page 2-10

The statement that California State Parks actively encourages participation from volunteer groups with *that are consistent with the Park values and needs* completely ignores some volunteer groups while encouraging other groups that conform to Park employee value systems. Other organizations such as off-road groups, Four-Wheel Drive Clubs, equestrian groups and other special interest groups are restricted by Park staff to much more limited volunteer opportunities.

### Page 2-18

The statement that the badlands are fragile because they are subject to rapid changes whether natural or anthropogenic is unfairly biased. These badlands have existed for hundreds if not thousands of years although both natural and anthropogenic activities have taken place. This statement supports the false concept that nature exists in stasis. There are a multitude of natural activities, such as, earthquakes and severe storms that keep the landscape alive, dynamic and ever changing.

### Page 2-20

This document states, “...the mineral resources of the ABDSP region are significant.” Loss of opportunities to explore for these resources does not support the higher public good. Mineral withdrawal in an area known for mineral resources has serious economic impacts on area residents. It impacts the cost of goods and services across many forms of industry and manufacturing. Denial of pre-existing mining claims is a major concern. What important resources are being secluded by the Park designations? Even lands that have been mined as open pits can be restored to scenic, natural appearing landscapes, as is demonstrated by the Cuyuna State Recreational Area in central Minnesota.

### Page 2-21

The statement in the document reads, “Subsidence caused by groundwater over draft for agricultural and recreational use **may be** a problem along the borders of the Park and for the town of Borrego Springs.” What is the scientific basis for this statement? What licensed hydrologist has been consulted on this matter? Why are there no scientific studies referenced with regard to this claim? What other contributing factors are involved, such as, climate change and variations in rainfall patterns that are known to occur in associations with drought conditions?

### Page 2-22

The discussion of the composition of the cryptogamic crust includes a very biased statement that “open camping and off-trail hiking **may** have subtle yet significant negative effects on the desert ecosystem.” This statement is stated as

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fact, but is founded upon very limited scientific study. Desert soils are highly erosive and subject to both movement and change through a variety of natural events that include, but are not limited to, flooding, wind action and disturbance by burrowing animals. What baseline was used to determine that these soils are so sensitive and slow to recover from human disturbance as opposed to desert weather patterns and animal use? Photographic evidence collected by Park Rangers does not support the suggested negative impacts.

### Page 2-23

The severe storms referred to in the Plan as “hundred year storms, can deliver enough precipitation in a single 24 hour period to more than double the deserts average rainfall... and cause extensive damage.” This comment indicates a perception by land managers that the natural condition of the desert ecosystem is stasis, this, is simply not true. The fact that these so-called “hundred year storms” occur much more frequently supports the hypothesis that the desert ecosystems are dynamic, ever changing and vital.

When these so-called “hundred year storms” occur, areas impacted often experience new growth and dynamic changes in vegetation and wildlife activity. For example, after the severe storms of 1993 habitat specific species such as the Least Bell’s Vireo simply relocated to sections of the riparian corridors where their habitat needs were met. Landscape and vegetation changes are a fact of life and are to be expected not feared.

### Page 2-25, 26

There is a lengthy discussion on Air Quality and Pollutants. We agree that the major portion of the air pollution is wind-borne, however the comments attributing the major sources to vehicular and mining activities within and adjacent to the Park are disingenuous at best. The issue of wind-borne particulate matter extends far beyond the causes stated in this document. Wind-borne particulate matter has been tracked around the world in catastrophic events, such as, when Mt. St. Helens in Washington State erupted in 1980.

### Page 2-27

The discussion refers to the impact of alluvial flows on the Park’s primitive road system, Park signage and visitor safety can and should be addressed through effective budget and maintenance allocations. Recognition of the need for adaptive management of primitive roads whose alignment may change seasonally, while more difficult than simply closing the roads, does not allow for monitoring and studies that will extend our knowledge of desert ecosystems. As mentioned earlier a cooperative agreement with OWSRA would alleviate the expressed concerns and reduce the budget costs at the same time.

### Page 2-27-28

The discussion of hydrology and water rights is of great concern. Why are there no licensed hydrologists reports referenced in this discussion? The claim that excessive water consumption is depleting the Colorado Desert water table is biased. Although increased development on the desert does impact water table levels, the long period of drought and climate changes that deposit less rain to recharge the aquifer also has a significant impact on the desert ecosystem. The language in this document that indicates that water flows and groundwater recharge within Park **may be** impacted by upstream diversions of water on private properties outside the Park boundaries has little merit. The reality is that this region is in a moderate to severe drought cycle. Since groundwater recharge occurs mainly by percolation from mountain streams as they enter and flow across the valleys, the average rainfall and the spacing of winter storms is a major factor in how much groundwater recharge will occur. The oldest rule in the west regarding water rights is that the upstream water user has the right to use it. Many of these diversions have been in place for many years. What empirical data has been collected by hydrologists to support direct linkages between existing upstream diversions and groundwater recharge?

### Page 2-37

The fact that a significant number of perennial plants are found in washes, arroyos and adjacent terraces even though these areas are commonly used by highway-legal vehicles, equestrians, mountain bikes, hikers and campers indicates that the long term effect of recreational activities is minimal. What research studies have been conducted to measure vegetation growth patterns in washes and arroyos that are commonly used by recreationalists? What studies have been conducted to establish vegetation growth changes if recreational activities are absent? Many of the perennial plants described respond well to disturbed soils regardless of what caused the disturbance.

### Page 2-39

Mycrophyll woodlands that are typically found in sandy or gravelly arroyos are subject to flash flooding and drought.

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Some primitive roads lie within these woodlands. What empirical studies have been done to measure vegetation changes in areas that have primitive roads? What studies have been done in similar areas without roads? What hard data has been recorded to establish that vegetation changes occur and that human recreational activities are directly responsible for them? Why are no studies referenced to support the need for change in current conditions? Since the arroyos where this vegetation complex occurs are subject to regular flash flooding, why are primitive roads that are subject to complete erasure by flooding being considered a negative impact? How much of this vegetation withstands a flood event?

### **Page 2-40**

The discussion of amphibian species that have the potential to exist in ABDSP points out the frailty of these species in a xeric landscape. These species are living on the edge. Extraordinary efforts to protect and preserve such sensitive moisture dependent species are very expensive and subject to failure due to climate conditions and other cyclical changes over which Land Managers have no control. Attempts to restore such species to their so-called historic ranges must consider a wide range of factors including changes in the topography of the landscape, changes in precipitation amounts and distribution among many others.

### **Page 2-41**

We take strong exception to the statement that "...ample and undisturbed sources of surface water and wetland and riparian are critical elements for avian survival and diversity within the Park." The vast majority of the bird species cited are very adaptable to human activities provided their habitat needs are met. This can be done without eliminating human activities that are also dependent upon water resources in a desert setting.

### **Page 2-12/Page 2-60**

The Plan refers to large mammals such as bighorn sheep, mountain lion and feral horses as unique in character and stimulating to public interest. Further along in the Plan it states, "In 2003, 29 horses were removed from Coyote Canyon and relocated to wild horse sanctuaries due to the health stresses from prolonged drought.

The small band inhabited the Canyon since at least the 1930's when they escaped or were released from local ranches. Feral horses have the potential to cause damage to cultural and natural resources at adjacent alluvial fans and desert scrub." The removal of this band of wild horses clearly violated the Federal Wild Horse and Burro Act. See page 3, paragraph 5 of the 1995 Coyote Canyon Public Use Plan.

These Wild Horses were not suffering health or stress related problems from drought conditions any more or less than other species of large mammals in the Park, such as, bighorn sheep. They are accustomed and have acclimated to surviving episodic drought cycles just as any other species in ABDSP. This herd had remained stable at plus or minus thirty head for many years. Most of the horses removed were 20 years old or older. Their family bands were disrupted and pregnant mares and foals were loaded and transported to a sanctuary in South Dakota during a blizzard. Capturing and moving these animals under such stressful conditions clearly violates the public trust. The choice to remove animals that clearly had a unique niche in the Coyote Canyon ecosystem was ill considered. It clearly demonstrates support for a biased agenda rather than best management practices. At a bare minimum, there should have been a biological opinion completed and possibly a complete Environmental Impact Report.

The actions of Park Managers in removing these animals are a clear violation of their fiduciary duty to the citizens of California. Several units of the Backcountry Horsemen of California expressed a strong desire to partner with ABDSP and BLM to establish a home range for these historic resources, but Park management has been totally uncooperative in any efforts to spare these animals the stress of disruption of the herd structure and, for the mares and foals, extreme climatic changes at the worst time of year. Furthermore, Park Management authorized a study of the impacts the herd might be causing on the bighorn sheep and the habitat in Coyote Canyon and, then, pulled the herd out of the Park without allowing the study to be completed. This action cost the taxpayers for a study that was not completed, in addition, to the costs of rounding up and removing the wild horses. Further it has been reported by reliable sources that domestic horses have been placed in the Canyon in an attempt to replicate the activities of the herd that was removed.

This activity is expensive and an exercise in futility as it does not and cannot replicate the activities of the wild herd that was removed. It certainly is not an example of the use of best management practices.

One has to ask why the Park Management would further burden the taxpayers with the extreme measures Park

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Managers took in shipping the horses out of state and arranging to have them sterilized. Both measures were unnecessary. The potential of causing resource damage and competing with the Bighorn Sheep for water and forage, as stated in earlier releases, were unsubstantiated. We believe that the real reason for removal is that this herd is the only Wild Horse herd in Southern California, which would bring unwanted visitors who would want increased access to the Coyote Canyon area and thereby bringing added pressure to reopen Coyote Canyon Road. Both issues are linked. Park Management could assure that the herd would never be returned by destroying their gene pool.

### **Page 2-43**

The General Plan/DEIR states; “State Route 78 and County Highway S2 provide a major source of negative impact to San Felipe Creek and associated wildlife and habitat.” Please provide the research and statistics to support this conclusion. Both of these roads are a result of engineering and planning prior to construction. They are historic and perhaps pre-historic routes that have provided significant transportation routes throughout the recorded history of the area.

### **Page 2-43**

The General Plan/DEIR discusses the impacts of roads, equestrian, bike trails and foot traffic MAY erode montane riparian areas assisting in the establishment of invasive exotics...it goes on to discuss “the equestrian-associated spread of exotic vegetation”, this assertion has never been substantiated by hard scientific data. In fact, studies conducted by the University of California, Davis do not support this claim. The document asserts a positive correlation between the establishment of invasive exotic plants and human-induced disturbance of soils and vegetative cover. Is this research repeatable? If so, where has it been replicated? Please give complete reference information to support this comment.

### **Page 2-52**

The General Plan/DEIR discusses the “probable” sighting of the Quino Checkerspot Butterfly. We strongly encourage that all planning and land designations regarding the potential occurrence of this species in the Park be based of hard scientific data. The species, first, must be documented to actually occur in ABDSP. We strongly oppose any potential habitat designations. The species either occurs in the Park or it doesn't. Please document the entire range of this species with readily identifiable maps that indicate cities, towns, roads, routes and trails, and significant geographical landmarks.

### **Page 25-53**

The document states that the Barefoot Gecko is a State Threatened Species. The question is what the full range of this species is and what are the population counts in Mexico? If the species has been known to exist since the 1970's, why has there been no research done on its habitat and behaviors? If there is, in fact, no research data available on this species, how can it be considered a State Threatened Species? Please document the entire range of this species with readily identifiable maps that indicate cities, towns, roads, routes and trails, and significant geographical landmarks.

Discussion of the Sandstone Night Lizard, stresses poaching as the major concern for this species. How is this area monitored? How many visitors are counted in this area per month? Although we are unsure of this species habits, the fact that it is referred to as a “night lizard” would seem to indicate that it is more active during periods of time when Park visitors are less apt to be in the area.

The document refers to “agriculture, development and intensive off-road vehicle use as known threats to the Flat-tailed Horn Toad Lizard. It does not mention the fact that the Argentine Ant has displaced the species of ant that is the horn toad lizard's primary food source. The Argentine Ant is noxious to the horn toad lizard, which has been the primary cause of population decline. This omission makes this section of the document incomplete and invalid.

We have a great deal of concern of regarding the tamarisk removal projects. We have evidence that a principal ingredient in the herbicide is a petroleum-based product that has not been demonstrated to be safe for the environment or for the species found there.

If some of the reasoning for removing OHV traffic from the riparian areas is concern for contamination of water and ground surfaces by petroleum products, how can Park Managers justify the use of a petroleum-based herbicide on tamarisk? What research has been done to monitor the potential impacts of this herbicide on other vegetation in

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riparian corridors? What are the potential long-term effects of the use of this product?

With regard to the concern expressed that the majority of Least Bell's Vireo are found outside existing areas of designated critical habitat, it is not an indication that more critical habitat needs to be designated. It is an indication that the species is well on the way to recovery. Least Bell's Vireo populations are increasing throughout San Diego County.

### **Page 2-54**

Discussion on the Peninsular Bighorn Sheep indicates that the sheep prefer open areas of low growing vegetation. How have the closure of the primitive road through Coyote Canyon and the increased density of vegetation in the creek bed impacted sheep drinking habits? In listing the major threats to the Bighorn Sheep, please quantify the impacts of each form of threat. What are the current mortality percentages of each of these threats on the Bighorn populations by ewe group? Current research does not support the rate of decline of ewe groups indicated in this document. Our research has shown that populations have been on the increase since 1986.

### **Page 2-56**

The General Plan/DEIR discusses a number of species that are threatened or endangered that are found in the Park, but are not considered native. This seems to be a very subjective determination on the part of Park Managers. Why are threatened and endangered species that are not considered native to the Park, presented as management concerns of the Park? What is the point of maintaining Desert Pupfish in artificial conservation ponds if there is no intention to re-introduce them into the Park ecosystem?

This document appears to indicate that although this species has been held in conservation ponds since as early as 1978, there has been little research done to indicate that they could, in fact, be restored to Fish Creek. Why has so little been done?

We find the whole discussion of the Desert Tortoise invalid and incomplete. Desert Tortoise is notoriously slow moving and they are not native to ABDSP, although they are naturally occurring within 50 miles of the Park. Why has the biggest threat to Desert Tortoise populations not been mentioned in this document? There is no discussion of Raven predation on Desert Tortoise; therefore, this document is incomplete and invalid.

### **Page 2-57**

We find the discussion of release of California Condors into ABDSP extremely disturbing. Removal of the Wild Horses from the Park on the basis of their impacts to native species while picking another species to release into the Park is at best hypocritical. There is no way to measure the unintended consequences of this proposal. Again, the question is raised as to why discussion of a non-native species with the intent to introduce (or re-introduce) them is being given consideration in Park management.

The introduction (or re-introduction) of a species into a non-native ecosystem calls for extensive study and documentation of the impacts. This General Plan/DEIR is not the place to introduce the concept of introduction of non-native species.

### **Page 2-61**

We find the statement, "Domestic livestock and feral animals may also reduce the availability of water and forage." very offensive and biased. The perception of Park Managers that they can pick and choose which species to protect and which to discard based their perception of what is native is arbitrary and capricious. There is no logical reasoning for determinations. This further indicates that the conclusions found in this document are flawed and invalid. Therefore, this document must be changed to include objective, measurable and repeatable scientific data.

### **Page 2-63**

Many of the trails throughout the Park were first developed by the Kumeyaay. This means some trails have been in existence for thousands of years. The trail and road alignment through Coyote Canyon has literally existed for thousands of years.

This document must recognize the historic significance of trails through the Park and ensure that the public has adequate access to these trails. It is important for Park visitors to experience and understand the incredible history of all the people who trekked along these trails as they explored and settled this region.

### **Page 2-72**

We challenge the statement, "The extent of conveyance and any reservation of rights for access from land swaps

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and exchanges of the 1940s and 1950s (which are now referred to as deeds) have been reviewed by the California State Park's legal office." We believe that the Legislative Opinion issued on April 20, 2004 completely invalidates any findings by CSP's legal department. Originally this road was established under the Treaty of Guadalupe Hidalgo in 1848. This was further established by language in the Surface Mining Act of 1866. All lawfully established county roads are carried forward in perpetuity, as is stated, in the Title Insurance in all properties the United States Government deeded to the railroads, which in many cases were sold to the public.

Private property transfers to the Parks Department contained stipulations, such as, these stipulations contained in the acquisition of the AA Burnard III parcel on January 12, 1976: "A Right of Way in favor of the Public over any portion of said land included in lawfully established roads." An additional stipulation reads; "Right of the public to use that portion of said land lying within the De Anza & Santa Catarina Trail."

The May 7, 1934 acquisition of the Marston property contains stipulations that read as follows; "A right of way of lawful width for any and all existing and lawfully established county roads, as reserved in the deed from the Southern Pacific Land Company."

On the Department of Parks and Recreation acquisition map #21, there is a footnote that reads; "the public has the right to use the De Anza Trail, see policy for 138. There is a similar footnote on DPR acquisition map #19 that states...see policy TI for 138."

This refers to the Title Insurance for the Marston property, which is the 138<sup>th</sup> acquisition by the Department for inclusion in ABDSP. Both of these properties have sections of Coyote Canyon Road.

### **Page 2-73**

We question the completeness and validity of the discussion of the work the Civilian Conservation Corps. Why isn't the project to build Coyote Canyon Trail into a road during the fall and winter of 1933 & 1934 mentioned? This was a significant project that should have been addressed in the General Plan/DEIR. The information regarding the work on Coyote Canyon Road was called to the attention of ABDSP Historian Alex Bevil via conversation during the public participation process for the General Plan and through e-mail per Mr. Bevil's request. We provided Mr. Bevil with information to contact a local Historian Paul Brigandi for verification of the information offered. Note: On Friday, May 22, 1925, there is an article from the Hemet News titled "Coyote Canyon by Automobile" William Martin and Arthur Winkler drove Mr. Winkler's Buick Coupe from Hemet to Borrego Valley by way of Coyote Canyon. This is the first documented use of an automobile in Coyote Canyon. It occurred 80 years ago, which was 8 years before ABDSP was established. Why were both of these historical events omitted from discussion in this document? The period of the 1930's is filled with historical events regarding ABDSP, why is the rich heritage of the peoples of the Colorado Desert during this time being ignored?

On the same page in the discussion of Military and Scientific Activities the document states, "...the more than 27,000 acre Carrizo Impact Area is still closed to the public due to the presence of unexploded ordnance." This area contains portions of the Mormon Battalion Trail, the Butterfield Stage Route and the Jackass Mail Trail. The Department of Defense has offered to clean up portions of the impact area to allow safe passage and use of the historic trail. Why has ABDSP refused to support these measures and enter into a Memorandum of Understanding that will benefit the public by restoring an historic trail alignment that would help future generations understand the important historic events that this trail represents. We plan to request assistance from both Federal and County Elected Officials to resolve this issue.

### **Page 2-78**

The document states that cattle grazing has the *potential to* cause extensive damage to natural and cultural resources of ABDSP. This claim is not supported by the latest scientific data published in the current issue of California Agriculture, August/September 2004, including PDF versions of the peer-reviewed research articles in full; these can be viewed online at: <http://CaliforniaAgriculture.ucop.edu/>

### **Page 2-82**

The document states that "public demand has clearly exceeded capacity." What criterion was used to determine this statement? How many school groups are turned away annually? How many members of the public have been denied entry into the Park based on "lack of capacity"? Could staff working hours be modified to accommodate these groups? Can a volunteer staff be trained to meet these demands? The discussion of the current facilities not

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being large enough to accommodate the public in wildflower viewing season is moot. The vast swings in visitors mean that at certain times of the year there will never be adequate space for all visitors for relatively short periods of time.

The number of visitors recorded to have visited the Park has not changed from the first draft of the GP that was released last year. This draft does not substantiate these numbers either. Therefore, we insist that until these numbers are substantiated, they neither be used as a measure of visitors to the Park nor as a basis to support management decisions affecting access to the Park.

### Page 2-84

It seems that increasing the number of self-guided trails, including both walking and driving tours would benefit both Park staff and visitors by dispersing visitors through out the viewing areas rather than continuing the current system that encourages the public to start at the visitor center to collect the necessary information for a self-guided tour. This supports the need to provide manned kiosks at the entrances to the Park at least during the active wildflower-viewing season.

### Page 2-88

Where was the definition of recreation quoted at the top of the page taken from? Both the New World Dictionary of American Language published 1986 and Webster's Dictionary published 2001 do not give definitions 3 and 4 as a direct definition of the word *recreation*. The act of creating anew is the definition of the word *recreate*. Although *recreate* has the same root as *recreation* it is not pronounced the same and cannot be used as a synonym. Nowhere can I find *restoration*, *recovery* used to define *recreation*.

Please provide the source for these definitions of *recreation* or correct your document to reflect the correct definition of the word *recreation*. This is just one example of the biased language and references that are used throughout this document.

The discussion on current Park Visitor Information clearly demonstrates the need for Land Managers to increase and spread out available day-use facilities. There appears to be a very strong need for Park Management to re-think how they handle Park Visitors. The Plan seeks to reduce the acres available to public use through "Focused Use Zoning. This further compounds existing crowding and will, inevitably, increase perceived visitor impacts. Reducing the amount of area open to recreational activities concentrates user activities increasing the experience of feeling crowded. This lessens the opportunity for Park visitors to have a high-quality recreational experience.

### Page 2-90-91

The restriction of traditional equestrian cross county use severely impacts the ability for equestrians to recreate important historic events that commemorate a series of cultural events that define the European Expansion into California. This document lists a number of prehistoric and historic routes that traverse the Park. Why has Park Management staff neglected to provide a coherent policy toward the preservation of these historic routes? We, strongly, request that Park Management restore these historic routes and provide recreational and interpretive opportunities that help Park visitors to understand the sacrifices that our forefathers made to settle the West. There is enough documentation available to fully restore the Mormon Battalion Trail. There is also enough documentation to restore the Fages/Butterfield Overland Stage Road. Restoration of these trails will provide tremendous opportunities for historic interpretation. Park staff is clearly failing to fulfill their Fiduciary Duty to "***represent all the varied scenic, historic, scientific and recreational resources of the region.***" Even the updated Declaration of Purpose states; "...management of Anza-Borrego Desert State Park will be based upon the goal of preserving, instilling an appreciation for, ***and making available these treasured qualities and experiences for present and future generations.***"

The mission of Anza-Borrego Desert State Park is to be ***the premier park in California...inspiring and educating park patrons...*** Restoring and opening these historic trails to their contiguous alignments will meet the vision, the purpose and mission of the Park as stated in the General Plan/DEIR.

### Page 2-92

The visitor center currently serves as THE orientation center for first-time visitors to the Park. This needs to change and provide for development of manned kiosks at the Park boundaries to assist the first-time visitor with maps and trail information. This will relieve the stress on the visitor center, even if they are only open and manned during

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wildflower viewing season.

There are currently 404,000 acres of the Park classified as State Wilderness. However eloquently this document describes the magical experiences of the desert wilderness, the fact remains that Park lands are not pristine. There are many man made intrusions in the areas proposed for Wilderness designation that should exclude them from such designation. There are historical records and abandoned structures that disprove the statement that most of the land within Park boundaries is pristine. The fact that so much of the Park carries this designation in an area with such harsh and unforgiving climatic conditions means that the majority of Park visitors will never have the chance to experience or even see “...*plains, hills, and mountains of the western Colorado Desert...*”.

### **Page 2-94**

The last bullet point in section 2.3.3 Regional Planning Influences refers to “Missing Links: Restoring Connectivity to California Landscapes lists a number of organizations including the Nature Conservancy and California Wilderness Coalition. We strongly question the Park’s definition of “connectivity.” Why hasn’t this connectivity been used to restore historic trails? Why hasn’t it been used to preserve the connectivity of trails and roads between towns, forests, and Bureau of Land Management Resource Areas? Why has Park Management not embraced the California Backcountry Discovery Trail concept that would encourage the public to travel through the Park and provide connectivity with other public lands?

### **Page 2-95**

Section 2.3.3.4 state; “Current roads and associated easements are known to fragment biological connectivity. This is documented for female Bighorn and developed roads.” Please provide the documentation for our review. What primitive roads or trails may be affected by this issue?

### **Page 2-96**

The discussion of visitation of the General Plan/DEIR includes a number of different demographics that define visitors to the Park. It also quotes statistics regarding average Park visitation per year and per month. We have asked before and ask again. How were these figures obtained? Where is the data that substantiates these figures? How have these figures been verified? The methodology of recording visitor numbers to the Park must be fully disclosed as part of an open and transparent process.

### **Page 2-97**

The discussion of public involvement is interesting in that we have been active participants in this process since it’s beginning. We believe the decisions that have resulted in this General Plan do not accurately reflect the public input that was given throughout this planning process. Although the authors of the General Plan/DEIR state that this document attempts to balance protection of sensitive natural and cultural resources with providing opportunities for high quality outdoor recreation, in our opinion it fails miserably to adequately provide for reasonable access to over two thirds of the Park. It neglects significant opportunities to educate and inform Park visitors about many of the cultural and historical resources of the Park while decreasing access to most of the Park regardless of prior use. We find this document to be fatally flawed and biased in favor of resource protection at the expense of the public’s opportunities to enjoy and be inspired by the outstanding natural resources of ABDSP. According to the results of visitor surveys, Land Managers must support the need to have more dispersed camping areas to lessen impacts of crowding on recreational experiences. “The majority of visitors preferred moderately defined trails with adequate signage. The majority of visitors were accepting of some vehicular activity in Coyote Canyon. Restoration of a throughway in the Canyon will minimize the impacts to the Canyon by eliminating its use as a destination.

We strongly object to the statement, “Intensity of visitor use is not quantified. There is a perception that areas are taken away from public access without supportive data.” as we strongly question the validity of data that has been presented to justify Wilderness designations and closure of vast areas of the Park to the average visitor. Complete closure of the Canyon has caused the loss of access to Bailey’s Cabin, Alder Canyon, and Horse canyon, loss of access to the primitive road from Coyote Canyon to Lost Valley.

The loss of nearly a mile of vehicle access in Yucca Valley, a spur off Coyote Canyon Road above Middle Willows and approximately another mile of route that is a spur from Alder Canyon to Mangalar Spring, west of Bailey’s Cabin. We, strongly, question these closures as it is entirely possible to “Cherry stem” routes in Wilderness areas. We, strongly, suggest that Park Managers view the loss of these routes as mitigation for the closure of the 3.1 mile section of Coyote Canyon in conjunction with the 1995 Coyote Canyon Public Use Plan and create an alternate

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route for street legal vehicle traffic through the Canyon.

### **Page 2-101**

Section 2.4.1 discusses what the General Plan authors consider the major issues derived from the General Plan process.

Statements on potential negative impacts to soil, geology and hydrology are very broad based and lack specific scientific data to support them. Comments such as lack of conservation ethics or breakdown of communications between a variety of public land management agencies and private citizens are biased, judgmental and arrogant. It appears that Park Managers believe they are the only ones capable of making informed and reasonable conservation decisions.

### **Page 2-102**

We strongly challenge the statement that once damaged desert environments are very difficult to restore. Desert lands in both the Colorado and Mohave ecosystems are dynamic and complex. Natural processes quickly erase most of the transient impacts of the passage of man. This document refers to lack of contiguous historic trails because desert weather patterns, such as, flash flooding, intense seasonal storms and the natural erosion of sandy, gravelly soils have combined to erase most of the signs of human passage. Abandoned homesteads and buildings are quickly reduced to almost unidentifiable rubble. Vegetation washed away by flash flooding re-grows quickly re-establishing unique habitat niches necessary for various species to thrive. Trails and primitive roads need to be repaired or restored after each rainy season often limiting access for the average Park visitor for extended periods of time.

### **Page 2-103**

The claim that ABDSP is among the remnant lands that will sustain wild plants and animals in their native functional ecological systems is simply not true. The California Desert Protection Plan, the Santa Rosa-San Jacinto National Monument and other conservation plans cover most of the areas of the Southern California desert. Hundreds of thousands of acres of the desert ecosystem are currently included in conservation and management plans that cover the entire Southeastern corner of the State.

### **In section 2.4.3**

The General Plan/ DEIR expresses concern that sheet wash, wind and rain scouring, seasonal flooding in washes and side canyons seismic activity, and other natural forces will eventually remove all physical remains of past human use. This substantiates our objection to the statement that once damaged desert environments are very difficult to restore. Why is Park staff choosing to formulate plans to stabilize archaeological sites within the Park in response to natural erosion and degradation? Why are prehistoric remnants of human activities acceptable when more current indications of human use are being erased? Why is there such a disconnect in Park Management planning? The fact that many vehicular routes to existing archaeological sites are closed indicates the importance of the impact of desert terrain on travel routes. Obviously the routes that were chosen by prehistoric peoples are still valuable to the people of today. The value of these sites lies in the education of current and future generations about past cultures and how they dealt with living in the desert environment. They must be shared with Park visitors.

Recreational activities such as camping, vehicular use, hiking and horseback riding can provide exceptional interpretive opportunities that will strengthen the bonds between past, present, and future generations. Rather than establishing limited access to Cultural Resource Reserves, all necessary efforts to enable Park visitors to experience connection with past Park inhabitants should be a high priority. This would truly make the Park mission, “to be the premiere park in California...inspiring and educating park patrons, and serving the needs of the public...”

### **Page 2-104**

Section 2.4.4 discusses aesthetic resource issues that are purely subjective in nature and are not quantifiable. The biased mindset that views any and all activities of man as negative impacts has no place in a General Plan for management of a State Park. Statements such as, “indiscriminant footpaths and roads form artificial lines that slash across the textures and subtle lines of the desert.” are biased and unfair. To many Park visitors the existence of such lines creates a sense of safety, a pathway to escape the rigors of the desert climate if needed.

The discussion of viewsheds should be limited to those views from the Park boundaries looking in. There are a plethora of viewsheds within the 640,000 acres of rugged terrain that makes up ABDSP to satisfy the visitor’s sense of isolation and the Park’s wilderness qualities.

### **Page 2-105**

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Section 2.4.7 discusses recreational issues. If there are concerns regarding potential conflicts between some active and passive uses of the Park in “shared use” areas, the potential to increase these areas in size needs to be made a much higher priority than this draft of the General Plan/DEIR considers. Careful survey of Park lands and opening more acres to recre-ational use is critical to dealing with “shared use” conflicts. ABDSP has great potential to take advantage of its unique terrain to accommodate greater numbers of visitors and still maintain a sense of wildness and solitude for Park visitors.

The limits set by this draft of the General Plan/DEIR for more developed camping facilities will clearly not support the perceived increase in Park visitors in the future. More and better located developed and semi-primitive campsites can give more visitors the uncrowded solitude they come to the desert for. There are many reasons for increasing dispersed recreational use. Legal activities will provide a presence in the Park that will lead to a decrease in the negative activities such as drug trafficking, immigration, rave parties, vandalism etc.

The bullet point that singles out guided tours and lumps this together with the leaving of human waste is a gratuitously biased, unfair and a rude statement. Why would guided tours be considered a negative impact? Concessionaires can improve Park patrons experience, help control visitor impacts and provide additional eyes and ears to help Park staff monitor Park patron behavior and safety.

The bullet point that refers to parallel or duplicate routes of travel begs the question, why have these routes developed? Unless these trails are in extremely close proximity to each other, this statement is just not true. Parallel or duplicative routes that are separated by vegetation or terrain can increase the visitor’s experience of solitude by dispersing visitors over a wider area of the Park increasing the opportunity for each individual visitor to seek and enjoy solitude.

### **Page 2-106**

We strongly object to the statement, "taking horses off designated roads and trails causes significant resource damage." Although the sentence is structured incorrectly to express Parks' intent, their intent is clear: They are stating horses i.e. equestrian use, cause significant resource damage. How many hoof prints and other marks of horse passage in dry washes and cross country remain after the rainy season? The Envirohorse website has some excellent, current data on the impact of horses on the environment. The same applies to single-track mountain bikers. Park Management must prove the impact through trail measurements, rutting and erosion before and after rainy seasons. They must, also, provide photographic proof of impact.

### **Page 2-107**

Section 2.4.8 discusses the issues of facilities and Park operation. There are so many improved communication technologies that Park staff must be extremely pro-active in seeking out better communication systems. The potential to establish additional cellular telephone towers and to use satellite linkages more effectively can correct this concern. The cyclical nature of Park visitation can be addressed by carefully monitoring staff scheduling and use of seasonal, temporary and volunteer staffing during periods of high visitation. Some of the concerns regarding Park visitor safety can easily be addressed by encouraging concessionaire guided tours and volunteer patrols.

### **Page 2-108**

Section 2.4.9 discusses land acquisition issues and implies that the fact that land adjacent to the Park is privately held unfairly restricts the ability of the citizens of California from enjoying valuable cultural and natural resources. The stated “preservation, protection agenda evidenced in this document appears to create far greater restrictions on the citizens of California than adjoining private property. According to statements made in section 2.4.8, Park staff is unable to efficiently patrol and monitor existing Park acreage; therefore additional land acquisitions are unreasonable. Land acquisition must have the lowest priority in this General Plan/Draft EIR.

Section 2.4.10 discusses the impacts of adjacent land uses on the Park. We find the first statement that reads, “...leaving ABDSP among the remnant lands that will sustain wild plants and animals in their native functional systems,” unfair and misleading. California alone has 130 Wilderness areas totaling 14,085,258 acres. Neighboring States, such as, Nevada (42 Wilderness areas 2,123,434 acres, Arizona (90 Wilderness areas (4,528,913 acres) and Utah (6 Wilderness areas 4,005,712 acres) all have protected desert ecosystems within their respective Wilderness areas. The California Desert Protection Act set aside over 1.5 million acres of desert and mountain ecosystems in Southern California. Linkages exist from the Mexican and Arizona border to the Sierra Nevada Mountains and the Mohave Preserve, therefore the statement, “remnant lands” is incorrect, unfairly biased and inflammatory. It must be dropped from the final

document.

**Page 3-3**

The very narrow definition of “high-quality recreation” as that which is completely dependent on the “high-quality” of the natural and cultural resources within a State Park is unacceptable. This still places preservation at a higher priority than recreation and will continue to place unfairly harsh restrictions on public access. What empirical data exists to substantiate this assertion? How was the data to support this definition gathered? What objective observations is it based on? Is the data reliable? It is repeatable?

**Page 3-4**

The concept that “significant natural and cultural resources are ‘extremely sensitive’ to public use is a very biased and subjective perception. These resources have lasted for thousands of years. If the visiting public takes reasonable care they will last for thousands more or until the next earthquake or flash flood.

Public Resources Code 5019.53 states, “...*Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education...improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests or waters...*” This Preliminary General Plan/ Draft Environmental Impact Report does not support these objectives. It is, therefore, flawed and must be revised to encompass **all** the objectives contained in the PRC. Any additional withdrawals of lands within the Park to Wilderness status do not support these objectives. The history of vehicular traffic through Coyote Canyon has not produced a major modification of lands, forests, or waters. Therefore, this access should be restored as it will allow those less able to hike, bike or ride horseback a way to enjoy and learn about Park resources. Further, revision of this document must include a thorough review of the rule of law, transfer deed stipulations and mandates that established and expanded the Park to its current size.

**Page 3-7**

The Mission Statement for Anza-Borrego Desert State Park as stated in this General Plan document is unacceptable. It completely eliminates recreation as an objective in Park management. Both the Mission Statement and Objectives fail to include recreation. It is therefore incongruent with the California State Park Mission Statement and must be changed.

**Page 3-8**

The Park Vision Statement states...”Emphasis is placed on having park visitors experience the true, real, tangible desert environment...” What criteria will be used to define these terms? How can this experience be measured and evaluated? All of these terms are vague and subjective. The Vision Statement goes on to say;”...as long as it does not...compromise park resources.” How is the phrase “compromise park resources defined? What criteria are used to determine if park resources have been compromised? How have these criteria been developed? By whom? Who will be responsible for determining if park resources have been compromised? What corrective actions will be taken if park resources are considered to be compromised? What objective scientific studies have been conducted to measure what constitutes activities that compromise park resources? The Vision Statement is flawed and incomplete in that it does not once acknowledge that recreation is a component of future Park management. Therefore it must be changed to be congruent with the California State Park Mission Statement.

**Page 3-9**

Sections 3.2.4.2 and 3.2.4.3 establish Focus-Use Zones that will crowd the majority of Park patrons into “small, highly regulated areas” this is clearly unacceptable. Establishment of these zones violates the California State Park Mission, the Anza-Borrego Desert State Park Declaration of Purpose, the Anza-Borrego Desert State Park Mission Statement, and the Anza-Borrego Desert State Park Vision Statement. Therefore they must be dropped from consideration as part of the General Plan.

**Page 3-13**

## Comment Letter 36 -- Arbogast

Section 3.2.4.4 defines a Backcountry Zone that is not clearly defined and has no statutory support; therefore, it must be removed from consideration in this document.

### **Page 3-15**

Section 3.2.4.5 refers to PRC (5093.31), the purpose of Wilderness is to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas on state-owned lands within California..." The fact that California currently has 130 Wilderness Areas that cover 14,085,258 acres will ensure that this section of the PRC is adequately met.

There are additional acres that are held in relatively natural condition in state, county and city parks. Additional Wilderness designations with their attendant restrictions on human accessibility and enjoyment are unnecessary. There are already sufficient protections in place through the State Legislature, State Resource Agency, and the Department of Parks and Recreation with the support of the California Environmental Quality Act.

We strongly object to the language in the General Plan/DEIR that implies potential road closures or realignments based on current and future potential Wilderness designations. The option to cherry stem existing roads is not addressed in this document. This language must be added.

The proposed Wil-ye Wilderness area does not meet the criteria for designation as Wilderness. It is not roadless. It contains the oldest historic Right of Way road in the state. There are spur roads off this Right of Way that pre-date the establishment of the Park. Additionally, there are many signs of mans presence and actions on the land such as structures, fencing and irrigation lines.

### **Page 3-17**

Section 3.2.4.6 discusses the establishment of a Cultural Preserve located in the western-most wedge of "Scissors Crossing" (the intersection of County Road S-2 and State Highway 78) in the San Felipe Valley. This area is a natural crossroads that has been used for literally thousands of years. It is an unreasonable and irrational decision to establish a Cultural Reserve in this area, since "an extremely low-level of visitor impact is desired for this area." While pre-historic vestiges of Indian culture are important, so are historic uses such as the Mormon Battalion Trail, the Southern Emigrant Trail and the Butterfield Stage Route. It is extremely important to value all the uses of this regional transportation crossroads. The primary focus of this area should be on interpretation and education of this and future generations.

### **Page 3-18**

Section 3.3.1.1 states that detailed site-specific data is often unavailable. The Park has been available for scientific research since 1933. How have land management decisions been made in the past 71 years if there is a lack of scientific data to base them on? How can resource integrity be determined to be in "imminent danger" if the scientific data is so scarce? Many decisions appear to have been made without unbiased site-specific data. Please provide documentation of all delays in management actions that have resulted in costly damage or irreversible loss of sensitive habitat or species.

### **Page 3-19**

Guideline- Data 1a states "A range of actions for resource protection could include closure or relocation of visitor use areas, permanent or seasonal closure, access by lottery, permits, interpretation/education, institution of restoration projects, etc." How does this guideline comply with the purpose for which ABDSP was established? How does it comply with the Keene Collier Act, the Dunlap Bill, and Public Resources Codes, the State and Federal Historic Preservation Acts and the California Environmental Quality Act? What is the authority that establishes the right to allow access by lottery decisions? Please provide the statutory support for this action.

### **Page 3-20**

The discussion of hydrology is fatally flawed as there appears to be no scientific basis for the conclusions reached. Please provide all documentation and scientific studies by licensed hydrologists that support these goals and guidelines.

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### **Page 3-23**

The discussion of the present rate of decline and extinction of plants and species is the subject of great debate. Even the basic data regarding the number of species is suspect. All of the data used to support the “global biodiversity crisis hypothesis” stems principally from eight prolific scientific authors whose data has been questionable since it was first published. The presence and proliferation of such top predator species as mountain lions and wolves indicates that ecosystem health is improving.

The “biodiversity crisis” is not substantiated by verifiable data. Observational data does not support the modeled data that is recited regularly as fact. California State Parks is not qualified to determine situations where State and Federal environmental legislation is not adequate to protect native biota. By their own admission, they lack the detailed site-specific scientific data to make science driven decisions. They must manage the lands in their care according to the rule of law that established the Park.

### **Page 3-24**

Guideline-Biota 1d states, “Management strategies will be developed to counteract declines or loss of native biota if those declines are the result of human actions and appear to indicate a compromised native species or ecological system.” We have strong concerns about this guideline. It needs full careful oversight. Management strategies must mitigate these stated concerns without compromising the pre-existing purposes, laws, and deed stipulations that are the foundation for establishment of the Park. This guideline is very subjective. Any changes to management strategies must be based on current science based data.

### **Page 3-25**

The statement “Visitor uses such as equestrian activity, camping, vehicular use, and hiking are thought to contribute to the spread of some exotic plant species” ignores the many other methods that plant seeds are spread. Migrating birds are known to spread exotic plant seeds along their associated flyways. Atmospheric conditions and exceptional weather conditions such as tornados uproot plants and their seeds pushing them high into the upper atmosphere to be deposited hundreds or perhaps thousands of miles away from their point of origin. Flash floods and windstorms carry plants and seeds many miles before depositing them in new locations. Singling out recreational visitors to the Park is not supported by reliable repeatable science.

Guideline-Biota 1h states, “Extirpated species may be re-introduced pending a detailed feasibility assessment to determine whether it would be appropriate given visitor uses and data that the Park could support the species.”

Again we are very concerned with the process by which this feasibility assessment will be conducted. Due to issues such as the lack of substantive scientific data to support the closure of a 3.1 mile section of Coyote Canyon and removal of the Wild horse band before commissioned observational studies were completed suggest that Park Management is being driven by something other than sound verifiable scientific data. This must be changed.

### **Page 3-26**

Guideline-Ex. Biota 1d states, “...continue efforts to remove tamarisk from riparian areas, springs and cienagas...” please provide the Material Safety Data Sheets (MSDS) of the chemicals and herbicides used to treat tamarisk in the Park. Please provide the dates and sites of all applications of these products as well as invoices for all purchases. Please provide a list of all species within one mile of the target species treatment along with a report of the potential long-term effects on them. Please identify the process used to authorize the use of these defoliant. What agencies agreed to the use of these chemicals within a state park?

### **Page 3-27**

Regarding the entire discussion of fire management we have grave concerns about the ability of current Park management staff to work cooperatively with other agencies in the event of the outbreak of wildland fire. We strongly suggest that past actions of Park staff be reviewed in regard to cooperation with other agencies in recent emergency wildland fires. We view formation of an effective multiple agency fire management plan as extremely critical. While there may be circumstances where prescribed burns may be viewed as essential to ecosystem health, we feel strongly that fire is only one factor in an effective fire management plan. This planning is essential given the extended drought conditions and hazard of uncontrolled wildland fire within and adjacent to ABDSP boundaries.

### **Page 3-28**

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Please provide the criteria or framework Park staff proposes to use to acquire additional properties to enhance landscape linkages. How will the proposed General Plan/DEIR affect access to private properties that are considered to provide landscape linkages?

### **Page 3-30**

Guideline-Cultural Resources 1b states, “conduct research on known roads, trails, natural corridors and segments of routes of travel to identify their builders...” Not all historic routes have been identified. Segments of historic routes should be defined as clearly as those routes that traverse ABDSP. These historic routes should link to their historic alignments beyond Park boundaries. This General Plan/DEIR is incomplete because it lacks a clearly defined maintenance plan for all routes and trails. Although we support care for the cultural resources of the Park, we insist that any mitigation measures, such as, site-specific closures and moving of roads, trails or camping locations result in no net loss of roads, trails or access.

### **Page 3-32**

With regard to the 4<sup>th</sup> bullet point states, “identify procedures for careful planning of new roads, trails, day-use facilities to avoid or at least minimize adverse affects to historical resources within the Park” in our opinion, these procedures and the process for determining adverse affects must be developed and included in the General Plan/DEIR document. The criteria and process for determining adverse affects must be subject to public review.

### **Page 3-33**

Guideline-Cultural Resources 4b: states, “other management actions to protect these areas may include re-routing trails or roads, road closures, relocation of parking, trail heads or other visitor facilities...” we strongly suggest that the preferred management action be re-routing of roads or trails. We strongly suggest the public be involved in the decision-making process. There are times when the opportunity to interpret an historical cultural resource should take precedence over preservation. ABDSP contains a wealth of historic resources that can be used to help Park patrons to reconnect with their forefathers and better appreciate their efforts in settling California.

### **Page 3-35**

Goal – Interpretation 2 states, “include outreach efforts to develop partnerships with and support from the community for interpretive programming and environmental education.” Why are no recreationally based organizations included as potential partners? Literally every recreational organization that patronizes the Park has an environmental education component such as “Tread Lightly”, “Leave No Trace”, “Adopt-a-Trail” and locally developed programs that can engage a much larger group of volunteers and benefit interpretive programs by introducing much more diverse perspectives of the Park.

### **Page3-36-37**

We appreciate the wide range of interpretive themes provided in this document and look forward to opportunities to assist in their development and execution.

### **Page 3-41**

In response to the discussion of recreation; we whole-heartedly agree with the statement that “recreation and preservation are not opposite ends of the spectrum. It doesn’t matter how Park patrons enjoy visiting the Park, they are drawn by the desire for similar experiences that cannot be found in the urban/suburban setting. ABDSP holds a fascination and beauty that cannot be denied. We are concerned about phrases such as “where feasible” and “appropriate user groups,” being used without clear definition of these terms. Please provide clear definition of these phrases and the intent behind their use.

### **Page 3-42**

Guideline-Recreation 2a states: “If necessary, carrying capacity for given locations may be established and visitation limited to seasonal access or by lottery, some locations may require closure to certain types of activities.” We strongly object to the insertion of new concepts such as use of a lottery system to access certain sections of the Park. Park staff has not, to date, provided sufficient hard scientific data to prove that Park landscapes are suffering anything other than very subjective perceptions of impacts. The often stated agenda of Park Management staff and superintendents is to close roads and access to such unique historical routes, such as, the Coyote Canyon Road is unreasonable and unacceptable. We have documentation to substantiate the agenda of road closures and removal of public visitation opportunities without public review that extend back to October 26, 1995. This documentation substantiates the lack

## Comment Letter 36 – Arbogast

of factual evidence to support closure of the Road for environmental reasons.

### **Page 3-42**

Guideline-Recreation 2b: states, “Work closely with recreational and disabled advisory groups to ensure that their specific needs are addressed and incorporated into management decisions where feasible and appropriate.” We object to the language, “where feasible and appropriate.” This language clearly echoes a Park that is delinquent in addressing compliance with the Americans with Disabilities Act. It also limits lawful recreational activities without defining or explaining their impacts.

### **Page 3-44**

Goal-Leadership 1: states, “Act as a leader among agencies and groups that are active in providing recreation and preservation by nurturing partnerships and advocacy of the Park’s Mission.” We, who represent more active recreational groups, have worked diligently to nurture partnerships with Park Managers. We have not seen any such leadership exercised by current Park Management staff. They have been adversarial with the US Forest Service and CDF in dealing with recent wildland fires. They have refused to sign a written agreement to work with Backcountry Horsemen of California and they have exhibited substandard levels of communication and partnership with several other recognized recreation based organizations.

### **Page 3-45**

Guideline-Community 3a states, “encourage and develop volunteer groups and work programs that are consistent with park needs and values”. What criteria will be used to define consistency? How many of the “Values” used have come from public comment?

We strongly suggest that Park Managers seek guidance of other agencies, such as, the US Forest Service and BLM to develop programs such as Adopt-a-Trail and Adopt-a-Cabin. The Park has roads, trails and structures that would benefit from such programs.

### **Page 3-46**

We have great concern with Guideline-Community 6a: Guideline Com-4: “create a grant writing program with the assistance of local environmental and non-profit groups.” there must be careful and thorough oversight of this process with an advisory committee made up of stakeholders with many diverse viewpoints.

### **Page 3-47**

Guideline-Property 2a expresses the need to contain or minimize perceived negative effects from land use on properties adjacent to Park boundaries. This seriously over reaches the Park Mission. Park staff has no authorization to dictate to actions on lands outside the Park boundaries.

### **Page 3-48**

We are not opposed to the guidelines presented on this page; however, we again seek clarification of terms and phrases such as “reasonable accommodation,” “sustainable green design” Please provide definitions of these phrases.

### **Page 3-49**

We strongly object to any staff housing being maintained or developed within Park boundaries. This guideline is in direct conflict with the Park Mission, Declaration of Purpose, and Vision. It is completely unacceptable to use Park lands in this way.



California State Parks Responses

**#36-2** Please see Responses #16-3 and 17-14.

**Comment Letter 36 -- Arbogast**

With regard to the area-specific goals and guidelines presented in this General Plan/DEIR we strongly encourage Park management staff to consider conservation and promotion of the historic aspects of these areas.

36-2 We refuse to accept this General Plan/DEIR as a full and complete EIR without completion of the seven future management planning efforts. There are too many unanswered questions and potential for changes within these management planning efforts to consider this document complete. It does not meet California Environmental Quality Act compliance. The level of analysis contained in the Environmental Analysis is woefully incomplete for a Park of this size; therefore, we cannot support in any way this Preliminary General Plan/ Draft Environmental Impact Report.

Thank you for the opportunity to review and comment

**#37-1** Please see Response #2-1

**#37-2** OWSVRA and ABDSP used to be managed out of the ABDSP HQ's until establishment of the OHV Commission in the early 1980s. It used to be a cooperative effort and by necessity, it is returning to such. During the recent major flash floods which heavily damaged Borrego Palm Canyon Campground in ABDSP, OW was quick to offer needed heavy equipment and it was instrumental in reopening the popular campground in a timely basis. However, such cooperation occurs outside of the scope of general plan mandates.

**#37-3** In 1967, to help properly protect and enhance ABDSP, the California Parks & Recreation Commission asked a small group of concerned citizens to aid it in acquiring inholdings within the Park boundaries. As the Anza-Borrego Committee of the Desert Protective Council, this group began the work of identifying and purchasing critical properties for the Park. In 1989, the Anza-Borrego Foundation [ABF] was then recognized by the IRS as an independent, charitable 501(c)(3) non-profit corporation to carry on the work begun by the Committee. This modernized the foundation's charter and bylaws. It gave ABF more flexibility, and it made all donations federal tax deductible. The primary mission of ABF has been to support and acquire land for the Park through donation or purchase from willing sellers. Once acquired, these lands are then transferred to the Park. In the 33 years since their original formation, ABF has acquired about 30,000 acres. CSP has partnerships with many private or non-profit organizations that enable CSP to provide more service and sites for public enjoyment than would be available if funded solely through the State Budget.

**#37-4** Please see Responses #15-46 and 15-106.

September 12, 2004

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Environmental Coordinator  
Southern Service Center  
California Dept. of Parks & Rec.  
8885 Rio San Diego Dr., Suite 270  
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Re: Public comments for: ABDSP Preliminary GP/EIR (Sch#2002021060)

Dear Ms. Robinson

As a result of reviewing the ABDSP GP/EIR (GP) I feel compelled to submit the following comments.

- 37-1  
(see CL 2)
- On page (pg) P-6 states, " THE DESIGNATION OF STATE WILDERNESS & CULTURAL PRESERVES MAY BE MADE WITH NO FURTHER ENVIRONMENTAL REVIEW THAN THAT PROVIDED BY THIS GP/EIR." I am strongly opposed to this concept. Designations of this nature need Legislature approval. There is no mention of what economic impacts the local communities will incur. This is deficient and inadequate.
- 37-2
- On pg 2-5&6 is reference to Ocotillo Wells SVRA. There has never been a cooperative agreement between OWSVRA and ABDSP that would allow sharing of heavy equipment that would facilitate road repairs with ABDSP after the occurrence of storm damage. This would save taxpayer dollars and expedite needed repairs in a timely fashion that the taxpayers deserve. The GP should seek resolution in a cooperative agreement between OWSVRA & ABDSP. The public has asked for this and the GP is deficient in not including this important agreement or MOU.
- 37-3
- On pg 2-9 states, " LAND ACQUISITION IS AN ONGOING PROCESS THROUGH THE COOPERATIVE EFFORTS OF THE ANZA BORREGO FOUNDATION." How can a foundation that is not a part of the State or Local Governments become a component of finding or creating willing sellers? I personally have talked with private property owners that own properties in the Riverside County portion of ABDSP. They are incensed with Anza Borrego Foundation (ABF). The ABF has become a defacto agent for ABDSP in their dealings with property owners and thereby has become a representative of Parks. I suggest that a performance questionnaire should be developed and sent to all private property owners that the ABF has dealt with over the last 5 years. It should be returned to a qualified team for review at the capitol with legislative oversight.
- 37-4  
(see 15-46)
- On pg 2-27 and for the following five pages of observations and assumptions related to Hydrology. There is no mention of a licensed Hydrologist and factual data. Without this, the GP is deficient and defective.

California State Parks Response

**#37-5** Please see Responses #6-2, 6-4, 6-11, and 15-51. CSP asserts that the removal of feral horses and closure of the 3.1 mile Middle Willows section of Coyote Canyon to vehicles are only related through the demonstrated adverse effects that the vehicles and horses caused to resources in the area. The emergency removal, however, was based on the documented health status of the horses.

**#37-6** See Response # 6-15.

**#37-7** See Response # 15-57.

**#37-8** CSP disagrees. Evidence exists to support the claim that poaching is a management concern for species that are both rare and striking in appearance. It is the opinion of the professional staff at CSP that poaching may negatively affect the population of this sensitive species.

37-5  
(see 15-51)

On pg 2-42 is reference of the Wild Horse removal of 2003. ABDSP utterly failed on all fronts with this action. They could have at least had the common courtesy to contact local Equine organizations or the BLM to have them adopted locally. Instead ABDSP cruelly forced the herd out of state during the winter where the temperature differential was quite extreme. This action caused unnecessary stress especially to the pregnant mares. The 1995 Coyote Canyon Public Use Plan stated that the Wild Horses were protected. Obviously as the world turns so does the management style of ABDSP between 1995 and 2003. This action is just one indication of a Park unit that has run amok. The bottom line is that ABDSP does not want the last Wild Horse herd in Southern California because it will bring additional people into the park to observe the Wild Horses in their natural environment. The public visiting the Park wanting to observe the Horses would need access and that requires Coyote Canyon Rd., which Mark Jorgensen the current Superintendent has been trying to close for nearly 30 years. Obviously if the Horses were there, another segment of the public would further be asking for the 3.1 mile closure of Coyote Canyon Rd to be lifted. Therefore the Wild Horses have to go. The issues with the CC Rd and the Wild Horses are linked.

37-6

On pg 2-43 states, " OHV RECREATION PRESENTS ANOTHER NEGATIVE IMPACT THAT HAS LONG BEEN A CONCERN FOR THE DESERT RIPARIAN AREAS, ESPECIALLY THOSE OF COYOTE CANYON. ADVERSE IMPACTS TO COYOTE CREEK FROM OHV ACTIVITY INCLUDE EROSION, UNNATURAL STREAM HYDROLOGY, POOR WATER QUALITY, VEGETATION LOSS AND WILDLIFE ROAD KILL AND DISTURBANCE."

This is pure nonsense. Where and when can a concern that lacks hard evidence and data evolve into such a biased statement that furthermore finds its way into this document...? Please provide all data to substantiate these claims. Without documentation this is baseless and deficient.

37-7

On pg 2-53 states, " AGRICULTURE, DEVELOPMENT AND INTENSIVE OFF-ROAD VEHICLE USE ARE KNOWN THREATS TO THE FLAT TAILED HORN LIZARD."

The real threat to this lizard is the invasive Argentine Ant that is displacing the native ant that is the primary source for this lizard. This exotic ant is also noxious to the Horned Lizard. The GP is way off mark and lacking in their remarks and therefore this information is defective.

37-8

On pg 2-52 is reference to the Sandstone Night Lizard that obviously is a nocturnal reptile and the GP states, " DUE TO ITS STRIKING APPEARANCE AND RARITY, POACHING IS THOUGHT TO BE A MAJOR THREAT TO ITS SURVIVAL."

To date this has to be the most asinine statement I have ever read in any agency plan. This statement has to be considered for a Darwin Award. Did Park's resource staff possibly consult the Ranger Rick publication for this addition? Please remove this comical nonsense; it has no place in the GP.

**#37-9** See Response # 15-62.

**#37-10** CSP acknowledges that there was a CCC “spike” or temporary camp Terwilliger Valley near Coyote Canyon. There were many other temporary CCC camps in the park during the 1930s. While the CCC may have been directed to improve the Fages/Anza Trail for automobile use, it was never developed into a dedicated road for commercial use. Therefore, the overall impact it had was minor and was never realized as a major road construction project. The historical section of the GP was not meant to be a complete history of the park, but to serve as a historical background overview for reference purposes.

**#37-11** See Response # 2-6, 15-6, and 18--7.

**#37-12** Roads and trails are currently inventoried as layers on the Park’s GIS database. The data layers for primitive roads and trails were created from field GPS data, and layers for paved roads and highways were created from USGS topographic maps. Mileage can be calculated from the associated data table once the information is entered.

The primitive roads GIS layer shown on the maps, equates to approximately 410 miles, as calculated from the associated data table.

**#37-13** In the Trails Assessment Team process conducted over the last two years, approximately 50 miles of new trails have been suggested for consideration during the Trails Management Plan which will be written and put out for public review and comment after the GP is finalized.

**#37-14** At ABDSP, volunteers and partnerships are diverse and include the Visitor Center operation, archeological site stewardship, paleontological research, trail restoration, storm damage clean-up, Trails Assessment Team, ADA compliance, etc.

- 37-9 On pg 2-56 states, "GENERAL THREAT TO THE DESERT TORTOISE INCLUDES OHV USE, DEVELOPMENT, GRAZING ANIMALS AND DISEASES CONTRACTED FROM ILLEGALLY RELEASED CAPTIVE TORTOISES." Interesting that the GP is addressing a species that is not native to ABDSP, yet misses what is considered the greatest threat, which is Raven Predation. The Raven population has increased 1000% over perhaps the last 30 years. The juvenile tortoises are especially vulnerable to the Raven. Please provide data to substantiate the OHV and grazing animals that threaten the Tortoise. These two listed threats are insignificant compared to Upper Respiratory Disease, Shell Disease and Raven predation.
- 37-10 On pg 2-73 states, "THE TRIPLE Cs WOULD WORK ON A NUMBER OF KEY FEDERALLY FUNDED PUBLIC PROJECTS THROUGHOUT THE PARK FROM 1933-42." Several projects were noted, which included a campground with stoves, ramadas, etc. I personally discussed (during the public involvement process of the GP) with Alex Bevil the ABDSP Historian who wrote this section of the GP, about the extensive Coyote Canyon Road project of 1933-34. There was a large CCC encampment up in Terwilliger that supported this project. A featured article in the Anza Outlook a few years ago documented this project. I suggested he (Alex) talk with local historian Phil Brigandi who is also referenced in the GP. I find this omission a significant deficiency in the factual and recorded history of ABDSP. The CC Rd. was federally funded to link Anza and Borrego Springs. It was intended as a short cut commercial route for produce from Imperial Valley to markets in Riverside and beyond. Here again is another example of ABDSP doing what ever it can to extinguish the use and history of the oldest right-of-way inn the state that it trampled on with its 1995 CCPUP.
- 37-11 On pg 2-88 visitor information with highly inflated numbers is provided. What exact criterion was used to tabulate that Coyote Canyon received 64,000 visitors in 2003? Are these numbers used to support Park funding?
- 37-12 On pg 2-89 is mentioned that 410 miles of unpaved roads exist in the park. I find this difficult to believe. Please provide documentation to verify.
- 37-13 On pg 2-90 is mentioned that 100 miles of trails exist in the ABDSP, of which half belong to the PCT and approximately another 36 belong to the California Riding & Hiking Trail. For a park of this size this is woefully insufficient. ABDSP should look at some of our National Parks and see what they provide for the public. I'm sure they'll find that 100 miles of trail for a park of 650,000 acres is inadequate.
- 37-14 On pg 3-7 states, "TO DEVELOP AND MAINTAIN PARTNERSHIPS THAT ARE EFFECTIVE IN HELPINNG TO MET THE OBJECTIVES OF THE PARK." How about including DIVERSITY in developing and maintaining partnerships with the Park. The only partnerships that the Park has that I am aware of are those geared towards acquisition, preservation, birding and nature walks. It's about time this park lightens up on its obsession with Wilderness and Preservation.

California State Parks Response

**#37-15** Please see Response # 15-96. In addition, the importance of recreation permeates the Vision Statement, as exemplified by the following excerpt: “Park visitors are delighted with the condition and level of facilities, enhancing their experience of the park. Visitors are able to access unique and special areas of the Park...”

**#37-16** The Plan recognizes the importance of the roadway system in enhancing the visitor’s experience by providing access throughout the park. However, overall, CSP disagrees that the extent of the current road system is “insufficient.” At over 400 miles of roadways open to vehicles, the roadway system at ABDSP is 5 times more dense than National Parks such as Death Valley, Joshua Tree, and Organ Pipe.

**#37-17** See Response # 15-107.

**#37-18** See Response # 15-109.

**#37-19** See Response #15-121.

37-15 On pg 3-7 The GP Vision & Mission Statements never mentioned recreation. This is deficient. The Vision \* Mission statements need to be re-thought and recreation included.

37-16 On pg 3-15 states, " WHILE THE GENERAL PLAN DOES NOT PROPOSE TO CLOSE ANY ROADS CURRENTLY OPEN TO THE PUBLIC WITH ADDITIONAL WILDERNESS ZONE ACREAGE, ROADS MAY BE RECOMMENDED FOR CLOSURE OR RELOCATION, BY THE FUTURE ROADS MANAGEMENT PLAN." ABDSP does an excellent good at closing roads and a poor job of relocating roads. Its track record is akin to a ratchet that only moves in one direction. There should never be any net loss in roads. This Park would benefit itself and the public if it created some additional trails and roads for the public to visit some of the backcountry. What it currently has is insufficient and should never be misconstrued as allowing overuse of the Park and being loved to death.

37-17 On pg 3-23 states, " THE PRESENT RATE OF DECLINE AND EXTINCTION OF PLANTS AND ANIMALS SUPPORTS THE CURRENT GLOBAL BIODIVERSITY CRISIS HYPOTHESIS." This is the classic sky is falling shill. The vast majority of respected Climatologists and Scientists around the world have discredited this so-called hypothesis with factual data. Some species become extinct and new species are discovered. This is called the natural selection of species that has been evolving for 250,000,000 years. Archeologists have determined that 90% of the world's species have gone extinct before modern man came on the scene. This kind of rhetoric should be removed.

37-18 On pg 3-25 states, " VISITOR USES SUCH AS EQUESTRIAN ACTIVITY, CAMPING, VEHICULAR USE AND HIKING ARE THOUGHT TO CONTRIBUTE TO THE SPREAD OF SOME EXOTIC PLANT SPECIES," Were there any deeper thoughts into this other than blaming the usual suspects of recreation? How about climatic conditions such as wind, rain and water. Could the GP ever envision a tornado uprooting plant matter and/or seeds from perhaps hundreds, thousands or possibly even a continent way as small debris gets pulled into the upper reaches of the atmosphere were by strong winds or even the jet stream can move particulate matter long distances. Or the likelihood of birds doing the same. I find this totally defective.

37-19 On pg 3-45 states, " WORK CLOSELY WITH RECREATION AND DISABLED ADVISORY GROUPS TO ENSURE THAT THEIR SPECIFIC NEEDS ARE ADDRESSED AND INCORPORATED INTO MANAGEMENT DECISIONS WHERE FEASIBLE AND APPROPRIATE," Obviously whoever was responsible for the input of the Sandstone Night Lizard mentioned earlier, has made another semi-intelligent addition with the above statement. The initial statement gave hope and promise until it was poisoned with WHERE FEASIBLE AND APPROPRIATE.

California State Parks Response

**#37-20** Please see Response #17-14.

**#37-21** Please see Response #6-28.

Comment Letter 37 – Arbogast

37-20 | Also mentioned in the GP are future key important additions such as a Trails Management Plan, Camping Management Plan and a Road Management Plan. Inclusion later and not now is no different than putting the cart before the horse. With out these crucial management plans being part of the GP, the plan is fatally flawed.

37-21 | Conclusion: This Plan is an utter failure and requires a complete revision and again brought back for another round of public review and comment.

Sincerely,

Jim Arbogast  
707 S. Kenmore St.  
Anaheim, CA 92804

Cc: Governor Arnold Schwarzenegger  
Michael Chrisman, Secretary of the Resource Agency  
Ruth Coleman, Director of DPR  
Senator Dennis Hollingsworth  
Senator Bill Morrow  
Pete Conaty, CLORV

California State Parks Response

**#38-1** Thank you for your support. CSP agrees that damage caused by vehicles existed in Coyote Creek prior to the closure implemented in 1996.

**#38-2** CSP agrees that the resources at ABDSP are the primary contributing factor to the recreational enjoyment of the Park.

**#38-3** Thank you for your support. Please see Response #23-4.

E-MAIL

Dear Sir:

38-1 Anza Borrego is a beautiful place that we have visited many times. I have even driven a Toyota Land Cruiser down Coyote Creek (many years ago), and seen first hand the damage caused by vehicles. Therefore, after reading the proposed GMP for the Park, I am strongly in favor of its adoption, especially including the continued closure of Coyote Creek to vehicles.

38-2 There have been many public meetings, and meetings with the various user groups. Everyone has already had their say. The Plan reflects the concerns expressed at these meetings, and balances the uses of the Park within the guidelines set out for State Parks. The mandate for a park is, first, protection of resources, and second, to provide for access and recreation (motorized and otherwise) within the constraints of the first mandate.

I support the Preferred Alternative, and ask that the Cultural Resource and Natural Resource Management Plans be prepared as soon as is practical.

38-3 If there are to be any changes to the Preferred Alternative, I would support Alternative 3, but strongly oppose Alternatives 1 and 2, which violate the Park mandate to protect its resources.

Thank you for considering these comments.

Stan Haye  
230 Larkspur St.  
Ridgecrest, CA 93555

**#39-1** Thank you for your comment. California State Parks (CSP) understands that those that utilize vehicles to access the remote regions of ABDSP are also appreciative of its resources. Although the General Plan and these Responses often quote damage caused by vehicles, the statements are simply meant as observations. People use vehicles to access remote places for many different reasons, including preservation oriented uses such as biological studies and bird watching. Most of the Park rangers utilize vehicles to patrol the Park. As managers, CSP must educate park users how to visit the Park in ways that keep its resources intact.

**#39-2** CSP currently has meetings with the off-road community and will continue to involve them as stakeholders in the development of the Management Plans.

**#39-3** Unfortunately, the Alternative Bypass Study did not find a feasible alternative route around the Middle Willows section. A Bypass was built for the Lower Willows section of Coyote Canyon.

**#39-4** CSP agrees. Please see Response #39-2.

E-MAIL

**To:** <enviro@parks.ca.gov>  
**Date:** Mon, Sep 6, 2004 8:58 PM  
**Subject:** ANZA BORREGO STATE PARK

ATT. Environmental Coordinator at the Southern Service Center of the California Dept. of Parks and Recreation; 8885 Rio San Diego Drive, Suite 270 San Diego CA. 92108

39-1 My name is Shawn Kelly a member of the Hemet Jeep Club and a member of CA4WDC I have been going to the ANZA Borrego state park since I was 16 years old thats almost 31 years. It's a great park. Over the years I've been on many of the trails and learned a lot about the desert. The people I've met, the rangers I've talked with all agree that the desert is a fragile place, but it can also be a beautiful place when the weather is great. The flowers and catus and wildlife, the desert views are always a welcome sight any time of the year. As an avid fourwheeler and as a person who loves all of our calif. deserts I understand that they need to be protected and as a fourwheeler I'm an enviromentalist too. I don't want them ruined, but I also don't want them overprotected either so that people can't enjoy them to their potential. There is quite a varaioty of people who recreate in our deserts from 4wheelers, mountain bikes, hikers, horsepeople, campers, geologist's dunebuggyers motorcycles ultralights the list goes on. AS YOU CAN SEE there are alot of people to please. I know that the recient EIR for the ABSP took alot of time to do and I know it's hard to please everyone. But what I have looked at so far I think that the off road community is not being dealt with fairly. I've talked with MARK JORGENSON & BOB PATTERSON at the meeting's you've had in San Diego & Borrego Springs

39-2 It's seems that they don't care much for the offroad community! But we are a big part of the people who love and enjoy ABSP and I think it's time to set down and talk about how we can work together to make ABSP the best park in calif./ as a member AND PAST PRESIDENT OF THE HEMET JEEP CLUB 2002. I AM CONCERNED ABOUT COYOTE CANYON. I know it's a very fragile canyon, but as you know our club has had our cavelcade down coyote canyon for many years. I know studies have been done and a bipass route has been talked about. I would like to see ABSP work with us to come up with a solution so that we can have this great canyon back for everyone to enjoy. I know it's not impossible it's going to take compromises on both party's & it can be done! IN CONCLUSION I think that the EIR for ABSP needs to have more communication between ABSP and the people who use it and the ones who want to protect it. THERE HAS TO BE COMPROMISES. My uncle bob used to have a saying WHEN PEOPLE WORK TOGETHER NICE THINGS HAPPEN. let's work together so that ABSP will be the best park in calif. and as a project park for other's to follow. I look forward to working and talking with you

39-3

39-4

Shawn Kelly  
44680 Sage Rd  
Aguanga, calif.

California State Parks Response

**#40-1** A guideline will be added regarding conflicting uses and diminished visitor experience due to light pollution.

**#40-2** All state park facilities are on state park property. There are no lease facilities.

**#40-3** This comment is specific to the types of issues to be dealt with in a Roads and/or Trails Management Plans

760 753 8058

Aug 12 04 09:41a

Stuart and Bonnie Resor

760-753-8058

p. 1

# RESOR ARCHITECT

✓ 1268 BLUE SKY DRIVE, CARDIFF BY THE SEA, CA. 92007-1005  
760-753-8022, 760-753-8058 FAX, RESORARCHITECT@COX.NET  
OR "DESERT STAR RANCH" 2299 BORREGO VALLEY ROAD,  
(P. O. BOX 1983), BORREGO SPRINGS, CA. 92004,  
760-525-0076 CELL, DESERTSTARRANCH@COX.NET

DATE: 8.12.04 FAX COVER SHEET ✓ MAIL ✓

TO: TINA ROBINSON · PLANNER ·  
STATE PARKS  
CC: MAT FUSZIE · DIRECTOR

FAX: 619-220-5400

REGARDING: DEAR TINA,  
THANKS FOR ALL THE HELP WITH  
THE A.B. GENERAL PLAN! LET'S  
BE SURE THERE IS SOME TEXT  
ABOUT PROTECTING THE DARK NIGHT  
SKIES. LET'S ASK THE STATE  
PARK TO HAVE ALL OF IT'S  
FACILITIES ON STATE OWNED  
LANDS IE: OFFICES, RECYCLE  
YARDS, PUMP BORROW PITS,  
STORAGE ... 'ETC. ≠ NOT'  
BURDEN PRIVATE LAND.  
LET'S IMPROVE A  
SMALL TRAIL

SENT BY:  
PAGES SENT: 2



40-1

40-2

40-3

**#40-4** Given the Mission of State Parks, we don't believe this suggestion to be a responsible management action.

**#40-5** Please see the Plan discussion on page 3-48.

**#40-6** The geographic names of peaks and major canyons is usually performed by the USGS. The park and State Govt. in general is not inclined to begin selling off naming rights to businesses and highest bidders.

40-3  
(cont'd)

SYSTEM OVER BY PEDEST. THIS <sup>2</sup>  
WOULD BE EASILY IMPROVED &  
MARKED. MUCH OF THIS IS ALREADY  
OLD JEEP TRAILS. THIS IS VERY  
ACCESSIBLE TO THE PUBLIC AND  
WOULD UNBURDEN PALM CANYON  
OF SOME OF IT'S TRAFFIC!

40-4

LET'S ABANDON THE SALT CEDAR  
ERADICATION PROGRAM... THE GAT  
IS TOO FAR OUT OF THE BAG  
ON THAT!

40-5

LET'S BUILD AN ARCHITECTURALLY  
SIGNIFICANT STATE PARK HQ WITH  
CONCEALED AIR CONDITIONING  
DUCTS.

40-6

LET'S SET UP A PARK FEATURE NAMING  
PROGRAM/ COMMITTEE TO NAME THE  
SIGNIFICANT PEAKS, ETC. TO HONOR  
INDIVIDUALS WHO HELPED THE PARK.  
LET'S SELL THE NAMING TITLES TO  
INDIVIDUALS & COMPANIES FOR A FEE  
USE THOSE EARNINGS FOR PARK  
BENEFIT. THANKS, STUART (&  
BONNIE) RESOR.

California State Parks Response

**#41-1** Thank you for your support.

**#41-2** Please see Response #8-1.

**#41-3** California State Parks agrees. Thank you for your support.

**Environmental Coordinator  
Southern Service Center  
California Department of Parks and Recreation  
8885 Rio San Diego Drive, Suite 270  
San Diego, CA 92108**

**September 9, 2004**

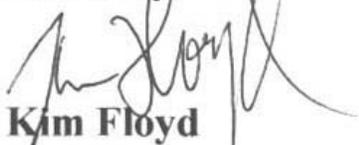
**Re: Anza-Borrego Desert State Park GMP**

41-1 | I am writing in support of the proposed management plan. The plan sets forth a proactive strategy to protect park resources. I have thought long and hard about how the park management can best keep this beautiful national jewel safe for generations to come.

41-2 | From my reading of the Draft General Plan/EIR Alternative 3 will provide wilderness protection and natural/cultural preserve protections to a larger part of this important recreational area.

41-3 | Anza-Borrego will continue to face pressure for population growth in Southern California that must be managed. Both the Preferred Alternative and Alternative 3 would be a great step forward in protecting this unique area.

**Sincerely,**



**Kim Floyd  
P.O. Box 422  
5375 Shirley J Lane  
Wrightwood, CA 92397**

## California State Parks Response

**#42-1** Support for Alternative 2 noted.

Sept. 11, 2004

My Comments Regarding  
the ABDSP General plane/EIR  
Sch # 200201060

42-1

I support Alternative #2

Thomas W. Adell  
12477 Lee Ln.  
Garden Grove, CA.  
92840

## California State Parks Response

**#43-1** Support for Alternative 2 noted.

Sept. 11 2004

THESE ARE my comments regarding  
the ABDSR GENERAL PLAN/EIR  
Sch # 200201060

43-1 I support ALTERNATIVE # 2

Wayne A. Todd  
12471 LEE LANE  
GARDEN GROVE CALIF 92840

**#44-1** California State Parks (CSP) has worked to develop a comprehensive Resource Inventory for ABDSP. Thank you for your recognition of these efforts.

**#44-2** CSP recognizes that both urban and agricultural growth in the privately held land near the Park is occurring and the associated impacts that such growth has on the desert vistas and watershed as well as other manmade intrusions. Thank you for your recognition that the General Plan addresses these issues.

Kiyomi Foxe  
P O Box 1238  
Bisbee AZ 85603  
520.432.6789

September 12, 2004

Ms. Tina Robinson  
Environmental Coordinator  
Southern Service Center California State Parks  
8885 Rio San Diego Drive, Suite 270  
San Diego CA 92108

Dear Ms. Tina Robinson,

First I would like to thank you for extending the review period for the public commentary two weeks. We had local elections where I currently reside and it is important to me to preserve where I came from, as well as where I am now.

44-1 I would like to express my gratitude to you for continuing to keep me abreast of what is happening with one of my most beloved places. I attending the first big public meeting a few years ago and was delighted at the professional environmental and scientific information put forth for our review. My ability to follow in detail the subtle nuances that evoke strong emotion and voices at these public meetings is obviously something I am not able to participate in now.

44-2 My interest in Anza Borrego Desert State Park was sparked in 1987 when I was 17 years old and I had never gone camping before nor had I seen such pristine beauty the likes of this park in my young life. In short, it was my first love and my first love that brought me there. As turns of events happen in our lives, I moved away and returned in 1997. As I expressed to Mr. Van Cleve, District Superintendent at the time of the first meeting, I was shocked at saddened as I came down through S22, Culp Valley and saw across the way agricultural green areas as well as the off road recreational area around The Badlands. As I review part of the Preliminary General Plan, these questions and concerns were covered. Further reading gave light to more disturbing "growth".

**#44-3** CSP thanks you for taking the time, despite the hardship, to attend our public meetings for the General Plan and recognizes that many members of the public share your views.

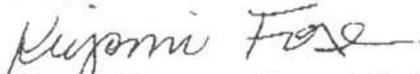
**#44-4** CSP notes your support for preservation and believes that implementation of the General Plan will accomplish that goal. Thanks you for your support.

**Kiyomi Foxe  
P O Box 1238  
Bisbee AZ 85603  
520.432.6789**

44-5 I am a single voice without a club or similar representation. I took three buses to get to the meeting that night because I do not drive. I just want to say I still love that place and all the wonderful things that it has to offer the public. I hope to take my almost three-year old daughter there one day. I would like to have to opportunity to show her what real beauty is and the importance of preserving and expanding its wholeness. I have only scratched the surface of spirit and good intentions to save our desert wilderness by this world-class group that has worked at encompassing for everyone's knowledge and pleasure.

44-4 If there is a need for written support on the preservation of Anza Borrego Desert State Park, please accept my letter and opinions. Your detailed concerns pointed out in section 2 Existing Conditions and Issues, reads clearly environmentalist have their finger on the pulse of the variables that could put our park at risk. It is fortuitous that your good work puts it into perspective for me. Thank you for being inclusive and keeping track of getting these notices to me even though I moved away two years ago. Much praise for all the good work done for our park!

Truly,



Kiyomi Foxe and Lucy Edelen (my daughter)

California State Parks Response

**#45-1** California State Parks recognizes the value of providing recreational outlets to visitors, such as yourself, that live within an easy travel distance of ABDSP.

**#45-2** Thank you for your support. Please also see Responses 8-1 and 23-4.

Comment Letter 45 – Delgado

E - MAIL

Dear Environmental Coordinator,

45-1 I am a frequent visitor to Anza Borrego State Park and feel so fortunate to have such a beautiful, special place conveniently located for my camping, hiking, and birding pleasures.

45-2 I support the Park's GMP which seems to represent a fair balance between the needs of people and protection of the environment. I support Alternative 3 and strongly oppose Alternatives 1 and 2.

Thank you,

ESTELLE DELGADO  
14123 Liberty Way  
Victorville, CA 92392

California State Parks Response

**#46-1** Thank you for your interest in ABDSP. The location of cultural sites is now confidential information because many sites across the United States were looted by not only the curious individual, but professional collectors.

**#46-2** During the public meetings, many visitors expressed similar sentiments. The General Plan seeks to provide management direction that will continue these characteristics and values at ABDSP.

**#46-3** Damage from vehicular activity has been noted by CSP staff and visitors at ABDSP. However, please also note both Comment and Response #39-1.

**#46-4** Thank you for your support. Please also see Responses #22-2 and #23-4.

E - MAIL

Good afternoon,

46-1 I consider myself a very fortunate person because I grew up hiking in Anza-Borrego State Park. That was back in the days when rangers could still tell visitors where the Native American cultural sites were without fear they would be destroyed. I also remember seeing the elephant trees on one of my first visits as a child. How funny it was to see trees named after elephants!

46-2 As an adult, I live close enough to the park to be able to visit it often. I especially enjoy hiking where the park is especially wild or where I see signs of the Indians who used to live there. The quietness of the park also makes my visits there more enjoyable.

46-3 Unfortunately, not all visitors feel as I do. I have had the beauty of my time there destroyed when off-roaders came buzzing by, ruining the stillness. I've seen them ride right through areas where potsherds are still on the ground, crushing who knows how many of them.

46-4 As a result, I would like the park to choose the Preferred Alternative management plan, to protect the park's resources and its quiet. I would also like to see the park management quickly draw up comprehensive plans for protecting the park's natural and environmental resources. That way, children in the future can see the Indian sites and the funny trees, just as I did. Please do not choose alternatives 1 or 2 because those plans would make it harder to preserve the cultural and natural resources.

Thank you for inviting public input on this process.

Sincerely yours,

Kelly Fuller  
2105 Arnold Way, Apt. J  
Alpine, CA 91901

California State Parks Response

**#46-1** Thank you for your interest in ABDSP. The location of cultural sites is now confidential information because many sites across the United States were looted by not only the curious individual, but professional collectors.

**#46-2** During the public meetings, many visitors expressed similar sentiments. The General Plan seeks to provide management direction that will continue these characteristics and values at ABDSP.

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Thank you for inviting public input on this process.

Sincerely yours,

Kelly Fuller  
2105 Arnold Way, Apt. J  
Alpine, CA 91901

California State Parks Response

**#47-1** Thank you for your support.

**#47-2** Please see Responses #8-1, 22-2 and #23-4.

E - MAIL

August 16, 2004

Environmental Coordinator  
Southern Service Center  
California Department of Parks and Recreation  
8885 Rio San Diego Drive, Suite 270  
San Diego, CA 92108

Re: Anza-Borrego Desert State Park General Management Plan

Dear Environmental Coordinator,

Please accept these public comments about the proposed Anza-Borrego Desert State Park (A-B) General Management Plan (GMP).

- 47-1 In general, I commend the staff in preparing a document that will potentially ensure that A-B and its natural and cultural resources can be both protected and also enjoyed by current and future generations. It is a sound document that is the result of years of study and a great deal of public input.
- The GMP sets forth a proactive strategy to protect A-B's resources through management within park boundaries, participation in planning processes and partnerships outside of park boundaries where activities may impact park resources, and acquisition of properties surrounding the park.
- 47-2 I support both Alternative 3 and the Preferred Alternative. If the Preferred Alternative is adopted, I would encourage that the Cultural Resources and Natural Resources Management Plans be prepared immediately following approval of the GMP to provide a baseline for other management plans.
- I oppose Alternatives 1 and 2 because they would allow for significant impact to the sensitive desert resources that the park was create to protect.

Sincerely,

Howard Gross  
P.O. Box 1836  
Yucca Valley, CA 92286

**#48-1** Thank you for your support.

**#48-2** Please see Response # 22-2.

**#48-3** CSP has initiated trail planning with a Trails Assessment Team consisting of interested stakeholders. This team will propose trails to be incorporated into the future Trail Management Plan which will address all trails within the Park and undergo public review through the CEQA compliance process. Vehicular activity within the Park is anticipated to expand with the acquisition of new properties. Vehicular activity will also be addressed in the Roads Management Plan.

**#48-4** During the public meetings for the General Plan, the concepts of solitude, and protection of the Park's resources were demonstrated to be key issues. CSP believes that the preservation of the Park's vistas and resources is the primary reason that visitors enjoy the Park. However, CSP also believes that through proper management, visitors will have ample recreational activities available at ABDSP.

**#48-5** Thank you for your support.

E - MAIL

Environmental Coordinator  
Anza-Borrego General Plan  
Southern Service Center  
CA Department of Parks and Recreation  
8885 Rio San Diego Drive, Suite 270  
San Diego, CA 92108

RE: Anza-Borrego General Plan Draft EIR:

48-1 I've looked at the summary of the draft Environmental Impact Report for the Preliminary General Plan for Anza-Borrego Desert State Park. I enjoy the natural, cultural, geologic, and the dark sky resources of Anza-Borrego State Park, as well as the open camping concept. This General Plan appears to balance the needs of people with the need for protection of the environment, and I support the preferred alternative for its emphasis on protection and preservation of the park's irreplaceable resources.

48-2 I am glad to see that plan has balanced the need for recreation with the mandate for cultural and natural resource protection. I hope that this continues to be the direction of future, more detailed management plans. I particularly hope that equestrian use, especially the creation of illegal trails followed by the attempt to designate them as "historical" or "pre-existing," will be looked at very carefully in the months and years to come. I also hope that off-road activity will not be expanded beyond its current scope, which is even now frequently at odds with your stated mission of preserving "peaceful solitude." In any future management actions, the protection of Anza-Borrego's many plant and animal species should always take precedence over the public's need for recreation. Only in this way will the park's resources be preserved for future generations.

48-5 Overall, it appears to be a good plan which takes a long view of the need for protection of the park's resources. Thanks for all your hard work.

Yours truly,

Callie Mack  
8529 Jackie Drive  
San Diego, CA 92119

California State Parks Response

**#49-1** CSP appreciates your interest in ABDSP and thanks you for your support.

**#49-2** Please see Response #8-1.

**#49-3** Thank you for your support. Please also see Response #22-2.

E - MAIL

Environmental Coordinator  
Southern Service Center  
California Department of Parks and Recreation  
8885 Rio San Diego Drive, Suite 270  
San Diego, CA 92108

49-1 I have made many, many trips to Anza Borrego over the years and hope to make many more. This is truly an amazing park, where I have enjoyed the dunes and badlands, slot canyons and wonderful wild canyons, mesas, groves of native palm trees and beautiful views. This park has even become one of my favorite New Years Eve locations. I strongly urge an adequate management plan that protects the incredible resources of this park.

49-2 I strongly support alternative 3, which proposes significant protections for this beautiful and sensitive area. The preferred alternative is also good and protects a large amount of acreage; however, alternative 3 includes additional protections for the sensitive resources through implementation of natural and cultural preserves.

49-3 The Anza Borrego State Park General Management Plan is a good document, mapping the future of the park, while addressing both the recreational needs of the people and the protection of the wonderful resources of the park. This document has been created after years of study and much public input. I prefer alternative 3, however, can also support the preferred alternative, hoping that Cultural and Natural Resources Management Plans would be prepared in the near future.

Sincerely,

Carol A. Wiley  
15457 Eto Camino Road  
Victorville, CA 92394

California State Parks Response

**#50-1** Please see Responses #8-1 and 23-4.

E - MAIL

50-1

I am writing to express my support for Alternative 3 in the proposed General Management Plan for Anza Borrego State Park. I have hiked extensively in this park and believe it to be a truly unique place worthy of the highest possible protection. I am completely opposed to alternatives 1 and 2, which, I believe, do not protect the park from further degradation.

Thank-you,

Jeffrey Thieret  
3515 Owasso St, apt 208  
Shoreview, MN 55126

California State Parks Response

**#51-1** Please see Responses # 24-1, 24-2, and 24-3.

**Comment Letter 51 – Hamann**

E-MAIL

To: Tina Robinson  
Environmental Coordinator for Anza Borrego Park

Dear Tina,

51-1 | Please include hang gliding as one of the approved activities allowed in Anza Borrego  
Park.

Sincerely,

Frank Hamann  
161 S Craig Dr  
Orange, CA 92869

**#52-1** CSP agrees that both recreation opportunities and resource protection are provided for under the General Plan Preferred Alternative. Thank you for your support. Please also see Response #22-2.

**#52-2** Currently, highway legal vehicles are allowed on designated primitive and paved roads within ABDSP. Green and Red sticker OHVs are not allowed within the Park. This will not change under the General Plan Preferred Alternative. Please refer to Comment and Response #39-1. CSP will continue to allow vehicular activity in remote regions of the Park, however, the management plans will also provide direction to reduce potential impacts to the Park's resources.

**#52-3** Please see Response #48-3.

**#52-4** . CSP believes that the preservation of the Park's vistas and resources is the primary reason that visitors enjoy the Park. However, CSP also believes that through proper management, visitors will have ample recreational activities available at ABDSP while the resources are protected.

**#52-5** Thank you for your support.

E - MAIL

Environmental Coordinator, Southern Service Center  
Anza-Borrego General Plan, CA Department of Parks and Recreation  
8885 Rio San Diego Drive, Suite 270  
San Diego, CA 92108

RE: Anza-Borrego General Plan Draft EIR:

52-1 Since I have a degree in park and recreation administration, I understand the need for providing recreation opportunities for people is important. I also realize though that the resource needs to be preserved, in perpetuity, for the next generation and generations to come. It appears that you have provided for both recreation and resource protection in the plan. I hope that this continues to be the direction of future, more detailed management plans. I would like to see off-  
52-2 road activity in the park be limited, considering it conflicts with the preservation of the natural resources of the park. I also feel that the use of trails for horseback riding and mountain biking  
52-3 be closely scrutinized as to "historic use." Illegal trails should not be considered "historic." Just because a trail has been in existence, doesn't mean it should continue to be used.

52-4 I feel, even though recreation is an important facet of the plan, that the preservation of the resource is paramount. There are too many natural elements in the park that are in a delicate balance. Preservation of the bighorn and other endangered birds and animals, far outweighs recreational opportunities.

52-5 The plan seems to take a long-view approach, which is commendable. I appreciate the amount of work and effort that parks staff has put into the plan. I support the preferred alternative for its emphasis on protection and preservation of the park's irreplaceable resources.

Yours truly,

Phillip Roullard

-- "We...are not really free if we can't control our own government and its policies.  
And we will never do that if we remain ignorant" --

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companion animals, energy, places

California State Parks Response

**#53-1** California State Parks (CSP) appreciates your interest in ABDSP. Many members of the public have expressed similar sentiments.

**#53-2** Thank you for your support. CSP agrees that the General Plan is a critical management tool for ABDSP.

**#53-3** Thank you for your support. CSP agrees that the General Plan provides needed planning tools for future park managers both within the Park and to guide CSP planning processes for areas adjacent to the Park.

**#53-4** Thank you for your support. Please also see Response # 22-2.

**BARBARA TIDBALL**

**3826 N. Weston Place Long Beach, CA 90807 lbtidball@earthlink.net**

Environmental Coordinator  
Southern Service Center  
California Department of Parks and Recreation  
8885 Rio San Diego Drive, Suite 270  
San Diego, CA 92108  
Email: [enviro@parks.ca.gov](mailto:enviro@parks.ca.gov)

(Hard copy via mail)

Dear Environmental Coordinator:

53-1 Anza-Borrego Desert State Park is a priceless desert area in California. It is equal in value to Death Valley National Park. I have visited Anza-Borrego many times climbing its peaks (and nearby peaks) like Sombrero Peak, Jacumba, or Indianhead. We have also camped in the washes and hiked to the Goat Canyon Tressle. Wildflowers blooms on the peaks and desert floor are always incredible in the Spring time, some years we have begun our trips to the Park over New Years just to see the early blooms in canyon warm spots. Every trip has new discoveries and pleasures. Anza-Borrego is a very special place.

53-2 I was very surprised to learn the park does not have a good General Management Plan. Summers I spend time in the Sierra and I have observed the bennificial impacts good planning can have. The proposed Anza-Borrego Desert State Park General Management Plan is a sound document that balances the needs of people with the protection of the environment. I understand that the General Management Plan is the result of years of study and a great deal of public input. A good General Management Plan is needed to provide a blueprint for how to meet the demands of visitors (I have observed that the number of vistors is growing) while the Park managers also strive to meet their primary goal of protecting the natural and cultural resources of the Park.

53-3 The Park's stated goals and guidelines set forth a proactive strategy to protect its resources through management within park boundaries, participation in planning processes and partnerships outside of park boundaries where activities may impact park resources, and through acquisition of properties surrounding the park.

53-4 I support for the Preferred Alternative with encouragement that the Cultural Resources and Natural Resources Management Plans be prepared immediately following approval of the General Management Plan to provide a baseline for other management Plans.

Sincerely,

Barbara Tidball

California State Parks Response

**#54-1** So noted. Please see Response # 25-1. Rock climbing has not become an issue of negative impacts and it is hoped that rock climbers will continue their long-standing policy of "low-impact" use of the park.

E-MAIL

54-1 I can not find anywhere in the plan that mentions rock climbing. Rock climbing is an established, low-key recreational activity in various areas of Anza Borrego State Park.

Tom Donnelly  
4283 Feather Ave  
San Diego, CA 92117

California State Parks Response

**#55-1** Please see Responses #8-1 and 46-3. Please also refer to Comment and Response #39-1

E - MAIL

55-1

I have enjoyed the park and appreciate its natural beauty. I can also attest to the utter destruction of lands that have been opened to motorized vehicles (ATVs, motorcycles, etc). To be caustic about it, I think of it as Japan's revenge for losing WWII, though I realize there is something innate about our population to be destructive. I wish to also point out that off- roading is destructive to our youth by being just another couch potato activity. And, the huge amounts of gasoline consumed is driving up the cost for all consumers. Lastly, most of these vehicles have very poor emission controls.

Please consider this as a vote for Alternative 3.

Sincerely,

Thomas Arbanas  
45726 Westridge St  
Newberry Springs, CA 92365

**#56-1** Thank you for your support.

**#56-2** California State Parks recognizes that open camping is extremely popular as a recreational activity in ABDSP. Open camping allows a diverse group of recreation enthusiasts to experience the solitude and remote regions relished by many Park visitors.

**#56-3** Thank you for your support.

**#56-4** Restoration of riparian areas including tamarisk removal remains one of the CSP's highest resource management priorities.

Comment Letter 56 – Klaasen

Sep 13 04 12:36p

619 582 7407  
Larry

619-582-7407

p. 1

Environmental Coordinator  
Southern Service Center  
California Dept. Of Parks and Recreation  
8885 Rio San Diego Drive, Suite 270  
San Diego, CA 92108

Sept. 13, 2004

56-1 | It is good to see ABDSP develop the General Management Plan. This will serve as the vision of the future, and help the public see the direction the ABDSP will be going.

56-2 | My wife and I have enjoyed ABDSP for many years, driving the backroads, car camping, hiking, and backpacking throughout the Park. One of the most enjoyable and unique aspect of ABSP is the diverse car camping allowed throughout the Park, and not requiring car campers to stay in a designated campground.

56-3 | We support the Preferred alternative, with the preservation of the wilderness, and wild areas in ABDSP .

56-4 | We support the use of mechanical and chemical means to eliminate tamarisk from ABDSP, and a high priority should be given to improving the wetlands/riparian areas with the removal of tamarisk.

Larry & Pat Klaasen  
4821 Louise Dr.  
San Diego CA 92115

California State Parks Response

**#57-1.** The subject letter was received in time (September 20, 2004) to provide responses and is included as Comment Letter # 58 since it was received after the comment letters had been compiled.

Comment Letter 45 – Coyle

E - MAIL

**From:** <CourtCoyle@aol.com>  
**To:** <enviro@parks.ca.gov>  
**Date:** Mon, Sep 13, 2004 4:38 PM  
**Subject:** ABDSP Revised Plan and FEIR comments

Dear Environmental Coordinator -

57-1 | Comments prepared by my office on behalf of Carmen Lucas, Kwaaymii Laguna  
Band of Mission Indians, should be sent by us no later than September 15, 2004.  
We appreciate the courtesy of a modest extension, as we note was granted to  
many who responded on the draft Plan and DEIR.

Thank you for your consideration,  
Courtney Coyle

Courtney Ann Coyle  
Attorney at Law  
Held-Palmer House  
1609 Soledad Avenue  
La Jolla, CA 92037-3817

"Protecting and Preserving Tribal, Cultural, Biological and Park Resource  
Landscapes"

ph: 858.454.8687  
fx: 858.454.8493  
e: CourtCoyle@aol.com

California State Parks Response

**#59-1** See response to comment #6-1

**#59-2** See response to comment #6-2

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

September 23, 2004

The Honorable Mike Chrisman  
Secretary  
California Resources Agency  
1416 9<sup>th</sup> Street, Room 1311  
Sacramento, CA 95814

**Re: Comments submitted by the California Off-Road Vehicle Association and others on the Anza-Borrego Desert State Park Preliminary General Plan and Environmental Impact Report (SCH# 200201060)**

Dear Secretary Chrisman:

59-1 In January 2003, the Department of Parks and Recreation (“DPR”) issued the initial draft of the *Anza-Borrego Desert State Park Preliminary General Plan* (the “Plan”). When this version of the Plan was finalized, it included significant new information, including the establishment of additional Wilderness Areas that would be closed to most forms of public recreation. At the request of interested stakeholders, DPR reissued and recirculated the revised draft in July 2004 so that the public could comment on the proposed changes to the Plan.

59-2 After review of the document, we the undersigned Legislators who represent portions of Anza-Borrego Desert State Park (ABDSP), have determined that the July 2004 Plan for ABDSP reflects a public land use ideology that is not be in the best interest of the residents of California and our constituents. While acknowledging that the populations of Riverside and San Diego Counties will to continue to grow over the next 15-20 years, creating more demand for recreational opportunities at ABDSP and elsewhere, the Plan does nothing to accommodate this growth. On the contrary, the Plan takes pride in its efforts to *reduce* camping areas, *eliminate* access trails for vehicles, *limit* visitor-serving facilities, and *expand* Wilderness Areas that are closed to all but the most able-bodied hikers.

The Plan portrays itself as a referendum on natural and cultural resource protection; but it is actually an assault on the public’s right to use lands that have been dedicated to recreational purposes. Through this Plan, DPR seeks to abdicate its duty to provide outdoor recreational experiences for the increasingly overworked and overtaxed families that live in the congested urban areas of Southern California. The Plan treats ABDSP as a kind of sanctuary that can be experienced “up close” only by a select few (*i.e.*, those who have the ability to hike long distances in desert conditions). Everyone else is reduced to experiencing much of the Park from

**#59-3** See response to comment #6-5

**#59-4** See response to comment #6-2. California State Parks evaluates the environmental impacts that different types of recreational users may cause. For example, while there is certainly variability between the impacts that different groups of campers may have on a particular area (ie: one group may clean up their site and another may leave trash), the environment around camping areas is generally more disturbed than areas that are not near campsites. Therefore, CSP will redirect some camping to areas that do not have sensitive resources. Those that are backpacking have fewer restrictions because the potential adverse environmental impacts caused by backpackers are generally the least. However, backpackers will also be restricted in very sensitive locations. CSP fully intends to provide for the other recreational users of ABDSP as shown on Table 5.8. The General Plan provides guidance for evaluating potential visitor impacts (Please see Section 3.3.1.1 Goal - Data 1.

**#59-5** CSP developed the General Plan to better provide for both the public's resources and the Park's visitors. Approval of the General Plan will allow the construction of improved facilities to serve the public (Please see Executive Summary, first page – last paragraph, and Table 5.8). The ABDSP Preliminary General Plan was developed with a great deal of public involvement. More than 13 meetings were held in the preparation of this document. Stakeholder meetings were held with off-highway vehicle & equestrian organizations, the local paraglider & hanglider association and conservation groups. Eight large public meetings were held in locations ranging from Manhattan Beach to San Diego to Borrego Springs. A common desire among all users groups was to maintain access within the Park, limit Park development, maintain open camping and preserve the wildness and inherent peace and solitude of ABDSP. The General Plan does not propose new road or trail closures and does propose the addition of limited new roads (on new acquisitions) and trails.

The General Plan does, however, provide guidelines and discuss future management plans that may require the closure or relocation of campsites or roads to less sensitive areas based on sound scientific data. CSP does not believe that such closures or relocations would result in a significant loss of access to the visiting public but may protect significant Park resources. The future management plans will be subject to additional CEQA review prior to implementation. Should a closure be warranted, CSP endeavor to provide additional recreational sites for similar activities within ABDSP.

Secretary Mike Chrisman  
September 23, 2004  
Page 2 of 2

59-2  
(cont'd)

great distances or not at all. Access to many of the Park's features is denied to children, the aged, the physically handicapped, and to healthy adults who simply do not wish to backpack in the often-harsh Anza-Borrego climate.

59-3

The proposed ABDSP Plan implies that the Park is besieged with visitors, resulting in distinct threats to natural and cultural resources. This implication, however, finds little support in the technical data developed for ABDSP. Indeed, the claim of imminent jeopardy appears to be a false pretext for advancing the Plan's restrictive use policies – a fabricated rationale for reducing the number of campers, OHV users, rock-hounds, and equestrians (*i.e.*, undesirables) who can use the Park. This, in turn, benefits that small subset of visitors who believe that ABDSP should be experienced only *via* backpacking. To call this approach "elitist" would be an understatement.

59-4

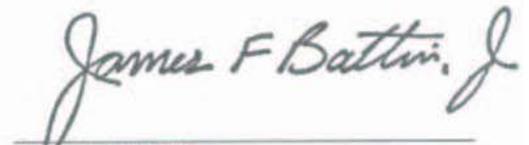
We, the undersigned, find the proposed ABDSP Plan wanting in many key respects. Rather than encouraging families to visit the Park, it pushes them away and shuts them out. This is the wrong approach, the wrong attitude. Taxes paid by the residents of California fund DPR and the State Parks system, including ABDSP. The interests of these taxpayers must be served. It is disingenuous for DPR to take their money and use it to develop a land use plan for ABDSP that unreasonably restricts their access to, and use of, the Park.

59-5

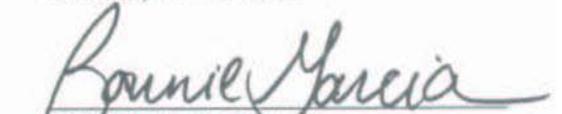
In light of the foregoing, we respectfully request that DPR withdraw the Plan and redesign it with a view towards providing increased access and improved facilities for visitors to the Park. We believe this can be accomplished without creating significant impacts on natural and cultural resources.

Sincerely,

  
DENNIS HOLLINGSWORTH  
Senator, 36<sup>th</sup> District

  
JIM BATTIN  
Senator, 37<sup>th</sup> District

  
JOHN J. BENOIT  
Assemblyman, 64<sup>th</sup> District

  
BONNIE GARCIA  
Assemblywoman, 80<sup>th</sup> District

  
RAY HAYNES  
Assemblyman, 66<sup>th</sup> District

  
JAY LA SUER  
Assemblyman, 77<sup>th</sup> District

cc: Ruth Coleman, Director, Department of Parks and Recreation  
cc: Daphne Greene, Deputy Director, Off-Highway Motor Vehicle Recreation Division