

# BACKCOUNTRY HORSEMEN OF CALIFORNIA

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

REGARDING: Anza-Borrego Desert State Park General Plan/Draft EIR

Dear Sir or Madam:

By way of background, the Backcountry Horsemen of California (BCHC) is a state-wide organization of over 4,000 members whose purpose is to improve and promote the use, care and development of California backcountry trails, campsites, streams and meadows and to keep the backcountry trails and forage areas open to horsemen on all public lands. We also have extensive educational programs and literature for our membership and the public on good trail manners and wise use of public lands. Our organization contributes significant labor to trail maintenance and other volunteer efforts on both federal and state public lands on an annual basis.

It is our view that State Parks has done a disservice to those who wish to comment on this document. The development of the General Plan and the Draft EIR required two years of effort by State Parks, yet the public was to comment in only 45 days. CEQA section 15105 (a) states, *"The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances.* (My emphasis added.) This document is very lengthy. Furthermore, the cost of acquiring a printed version was prohibitive for most, those who received the "CD" version were not able to open the document, the maps on the CD version and the web version were inadequate in that only one map (the Preferred Alternative) was in color and all maps were too small, and the web version and the CD version were not printer friendly requiring extensive time, paper and print cartridges to download and print. Given the above, it is clear that there are unusual circumstances that would justify a longer review period and we reserve our right to comment further on the Plan.

After careful review of all Alternatives, the BCHC offers a "qualified" support of Alternative 2 for the following reasons:

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1. In contrast to the Preferred Alternative, the Focused Use Zones (FUZs), which total 5,200 acres, would allow for the development of recreational facilities, including equestrian campgrounds and staging areas, needed to accommodate increased visitation based on the projected population growth.
2. Currently, 68% of the ABDSP is designated as Wilderness. The Preferred Alternative would increase Wilderness to more than 77%. Significant new Wilderness areas would encapsulate existing State Highways. This is problematic because management of Wilderness presupposes no vehicle traffic. The largest proposed Wilderness addition is along the D'Anza Trail. The D'Anza Trail is an historic route and was the main access to Borrego Springs from Anza and because of this historic route, the area should remain as Backcountry. To designate more Wilderness would restrict the access to the Park by requiring the decommissioning of roads.
3. In contrast to the Preferred Alternative, Alternative 2 would have about 207,000 acres of Backcountry Zone. This Zone provides the visitor with the most freedom, with fewer camping restrictions.

As stated above, we are “qualifying” our support for Alternative 2. Below are problems that are common to all the Alternatives. We request that you address the following and amend the General Plan and the Draft EIR.

1. The BCHC supports the rights of equestrians to access all roads, trails and washes and to ride “cross country”.
2. The wild horses found in Coyote Canyon need to be preserved. In the Wild Horses and Burros Protection Act of 1971, Congress declared that “*wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West...*” and “*It is the policy of the Congress that wild free-roaming horses and burros will be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of public lands.*” We believe that these wild horses enrich our lives and that they are an integral part of our enjoyment of the ABSDP.
3. The Summary in Chapter 4 does not fulfill the requirements of CEQA, section 15123. This section requires that each significant effect with proposed mitigation measures and alternatives to reduce or avoid the effect be identified. The Summary identifies only “potential” effects and refers to the Plan for “broad, park-wide environmental effects and mitigation measures.”
4. CEQA section 15123 also requires that the lead agency include issues of controversy know to the agency. The Wild Horses addressed in point 2 above, R. S. 2477 addressed in point 6 below, the “retained” rights of use to existing trails and roads addressed in point 7 below, and the Coyote Canyon Public Use Plan addressed in point 8 below are long standing areas of controversy not addressed in the Summary.
5. The environmental analysis in Chapter 4 for Alternative 2 is inadequate. One paragraph which incorporates statements such as, “The number of utility trucks and utility-type facilities within the Park would have the potential to increase significantly.” and “Backcountry land-use designation in Coyote Canyon would permit new roads and facilities that may cause an adverse effect on bighorn sheep habitat and wilderness qualities” with out supporting analysis elsewhere in the document is woefully inadequate.

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Phrases such as “potential to increase” and “may cause an adverse effect” do not satisfy the CEQA requirement that if an alternative “would cause one or more significant effects” then those effects need to be discussed. Table 6.7 states that Alternative 2 has the potential to impact more natural resources and offers the least amount of resource protection. Again, to just make the assertion without any supporting analysis is not satisfactory. CEQA requires that an EIR “*shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. (County of Inyo v. City of Los Angeles (1981) 124 Cal.App.3d 1).*” (CEQA Guidelines, [www.ceres.ca.gov/ceqa](http://www.ceres.ca.gov/ceqa)) (My emphasis added.)

6. The General Plan should include the identification and inventory of all public rights-of-way established pursuant to 43 United States Code section 932 (commonly referred to as R.S. 2477) and an affirmative statement that the Public’s access over the R.S. 2477 rights-of-way will not be impeded. This request is made pursuant to the California Court of Appeal, Third Appellate District’s decision in *Western Aggregates, Inc. v. County of Yuba* (2002) 101 Cal.App.4th 278, 295, wherein the court noted that “Pre-1976 R.S. 2477 roads are entitled to protection.”
7. The Plan does not provide information related the land deeded to the state and the retention of rights to use existing trails and roads by the landowners and the public.
8. The General Plan/Draft EIR does not include any discussion either in the text or as an appendix of the Coyote Canyon Public Use Plan, the report titled *Ecological Conditions in Coyote Canyon, An Assessment of the Coyote Canyon Public Use Plan* (2002) and the Feasibility Study for Alternative Routes through Coyote Canyon (Dudek, 1999). The absence of this important material denies the reviewers of significant information and diminishes the reviewers ability evaluate the Plan.
9. The Plan states that the California State Parks (CSP) will “identify situations where State and Federal environmental legislation is not adequate to protect native biota and will be proactive when “the legislative process appears too slow, driven by economic or political interests...” and “California State Parks will treat as a listed species those that meet the criteria for listing, but are not, due to economic or political reasons.” (See Pages 3-21 & 22) We question legal authority of CSP have to step out side of the establish regulations and to act independently of directives from responsible agencies regarding threatened or endangered species.
10. There is no data or resource information given in the Plan to support the restriction of horses to roads and trails. To assert that “equestrian” traffic may erode habitat (see Page 2-43) is not a reflection of an existing condition. As such, assertions should not be used to support the restriction of an activity. The Goals and Guidelines in section 3.3 states that “*Land management actions will be based on sound scientific data...*” The statement “*Equestrian trails, staging areas, horse waste, and the associated spread of exotic vegetation are major issues involving montane habitats...*” is not quantified with any data. We request the data that supports your assertion that horse waste spreads exotic vegetation.

11. The purpose of Chapter 2 is to examine the existing conditions. There is very spotty information about equestrian uses in the Park. It appears that equestrian use is a very small portion of the visitor use in the Park. The only number given for equestrian visitors is on page 2-92 which cites 3,000 visitors (less than 1% of the total annual visitors) to the “horse camp”.
12. The discussion of “Carrying Capacity” on page 3-36 skirts the requirements of PRC Section 5001.96 which states “Attendance at state park system units shall be held within limits established by carrying capacity determined in accordance with Section 5019.5.” The General Plan establishes different “units” such as Backcountry, Wilderness and FUZ’s. To defer the establishment of the appropriate number of visitors to an area as “visitor-use projects” are conceived is getting the cart before the horse.
13. The Existing Conditions Chapter, page 2-36, states, “*Highway-legal vehicles, equestrians, mountain bikes, hikers and campers are common in many washes.*” And, “*The long-term effect of this recreation on soil stability, vegetation, and wildlife communities is largely unknown.*” It further states, “*The desert washes and adjacent terraces are dynamic environments shaped by the scour of flood and wind.*” The existing use and the existing resource conditions need to be determined now and used as a base line to measure future changes recognizing, as the Plan states, that uses and resources are not static but constantly changing.
14. The designation of the San Felipe area as “Cultural Preserve” will severely impact the long established use of the area for the PCT staging area. Overnight camping is long established for those who drop off or pick up PCT users.
15. It is appropriate to conduct Visitor Survey’s as in Appendix 5.4 but the value of these surveys is only for an assessment of “visitor experience.” The visitation numbers cited in the Plan clearly indicates that vast areas of the ABDSP experience very low levels of visitor use. Most of the visitor use is concentrated in very few areas and for very short periods of time. This is another reason to support a very simplified, streamlined General Plan that addresses site-specific areas of concern, while monitoring the use levels and resource conditions in lower use areas.
16. The General Plan Draft EIR is a “programmatic” level planning document and as such should be general in nature and provide the basic backdrop for site-specific plans. This plan is an example of a bureaucracy run amuck. There are too many levels, too much emphasis on “preservation” issues applied Park wide that can be best addresses on a site-specific basis. All of the future (seven) additional plans seem to be directed toward determining what other limitations will be put on recreational users of the Park.
17. Alternative 3 was determined to be the most “environmentally superior” but was not chosen as the Preferred Alternative as it would significantly affect existing recreational activities and “*is not within the general public’s level of acceptable change.*” ( See Page 4-8) Then State Parks maintains that sensitive resources can be adequately protected through the site-specific management defined in the Preferred Alternate and furthermore that the subsequent planning efforts may result in the establishment of additional preserves. In other words, the public’s level of acceptance of recreational restrictions will be incrementally changed. This is an inappropriate way to eventually reduce the recreational use of the Park.
18. Table 6-7 indicates that “potentially significant” impacts can only be avoided, minimized and/or mitigated to a level below significance in the Preferred Alternative or Alternative

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3. This is simply not true. All alternatives, even the no project alternative, allow for site-specific resource protection.

We urge the Park planners to simplify the plan, protect the recreational uses and users and to emphasize site-specific resource protection where needed based on sound data collection and sound science.

Sincerely,

Barbara J. Ferguson

Vice President, Public Lands

Cc: Senator William Morrow  
Chairman of the Assembly Resources Committee  
Chairman of the Senate Resources and Wildlife Committee  
Ruth Coleman, Acting Director, California State Parks