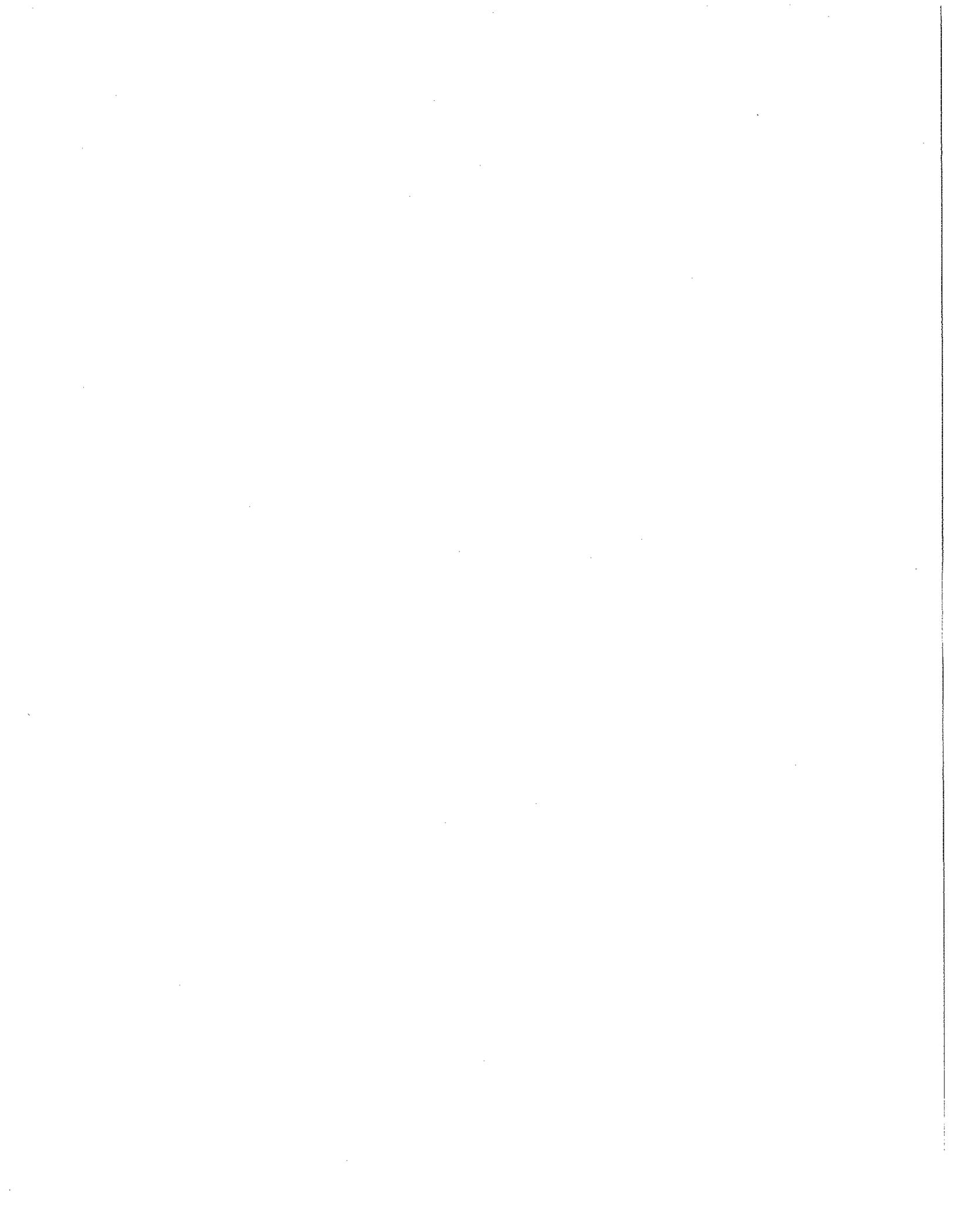
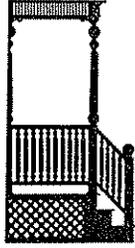


ORGANIZATIONS AND/OR
SPECIAL GROUPS





CHICO HERITAGE ASSOCIATION

p.o. box 3517 chico, ca 95927

TO: City of Chico

FROM: John Gallardo, president
Chico Heritage Association *John Gallardo*

DATE: June 25, 2007

RE: Bidwell Park Master Management Plan Update and EIR

The following are responses and comments by the Chico Heritage Association (CHA) regarding the Bidwell Park Master Management Plan Update and EIR.

"The Bidwell Park Master Management Plan (BPMMP) includes goals and guidelines to protect, avoid, or minimize disturbances to significant historic resources...." And, that there be "...extensive consideration of protecting important cultural resources..." and for "Assessment to identify resources for protection and preservation." And, that "Compliance with BPMMP objectives and implementation goals and strategies set forth...would ensure that the BPMMP would not result in substantial adverse effects on any historic or archaeological resource in the Park."

CHA Response: The proposed 26-37% (500-700 ft.) destruction of the historically significant—and irreplaceable—Humboldt Wagon Road is listed as a "less-than-substantial adverse change in the significance of this resource." And that "...mitigation...shall take the form of interpretive signage...." CHA submits that such obliteration of between 1/4 and more than 1/3 of this historic site—eligible for listing in both the California Register of Historic Resources and the National Register of Historic Places—is not only contrary to the spirit and word of the BPMMP goals and guidelines, but is unacceptable and irresponsible. No project, of any kind, should be allowed to destroy or adversely effect our heritage. The plan must be changed. No interpretive signage can replace our physical history. We should not even be discussing the need for "mitigations".

CHA Comments and Responses:

2.3.3.4. HISTORIC CONTEXT:

1.) Paragraph #3. "John Bidwell, who had supervised some gold mining operations for Wm. Dickey..."

CHA Response: John Bidwell achieved the financial success to purchase Rancho del Arroyo Chico by his own gold mining and mercantile success in Bidwell Bar, not through supervising Wm. Dickey's or any other person's mining operations.

City of Chico
RE: BPMMP
June 25, 2007

2.) Paragraph #4. Re: The [Sacramento] Northern Electric Railroad.

CHA Response: It was primarily a passenger transport, rather than a major transport of goods. It continued from Chico to Oakland until 1940.

3.) Paragraph #5. "The Humboldt Road was in use by 1865. Before this road, the only transportation to Chico was by the stage road from Oroville to Marysville and by steamboat up the Sacramento River."

CHA Response: The Shasta-Oroville Road was a well-used major route by this time, leading both north and south from Chico. In fact, the Humboldt Road went far beyond the Humboldt Mining District in Nevada; it was extended all the way to the Ruby City silver mining district in Idaho.

4.) Paragraph #6. RE: The Sierra Flume and Lumber Co. (SF&L Co.) flume, 1874. "Flume Street retains the name of the flume, which also provided water to power Bidwell's flour mill."

CHA Response: In fact, Flume Street was named as such before the SF&L Co. flume was built in 1874. Flume Street was named for the flume that John Bidwell built to power his flourmill on Big Chico Creek and The Esplanade. That flume roughly paralleled the creek, and is clearly shown on the "Birdseye View [map] of Chico, 1871." It was a separate flume from SF&L Co.'s. Also, the SF&L Co. flume could not possibly "discharge water back into Big Chico Creek" by turning south from 8th Street and Pine.

2.3.3.5. BIDWELL PARK HISTORY:

Paragraph #1.

- a.) Most of the acreage figures given for the park are wrong.
- b.) This document cries out for an explanation as to why Annie Bidwell would give such a large acreage to the people of Chico, when she was being advised to sell the property for financial reasons. What were her reasons? Did she state her wishes, hopes, desires, and stipulations regarding the future use of this gift of property to Chico? The answers to these questions explain why Chico has the park today, and this document is incomplete without them.

2.3.3.6. BACKGROUND RESEARCH:

The California Inventory of Historic Resources shown is from 1976. A more recent version would show far more Chico entries.

Chico Heritage Association is disappointed to not be included as a source for this document.

LAW OFFICE OF
J. WILLIAM YEATES

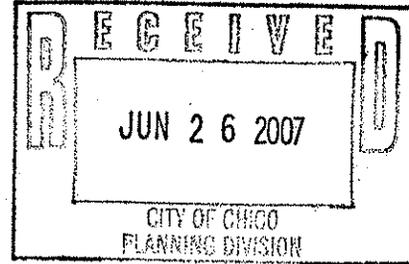
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J. WILLIAM YEATES

KEITH G. WAGNER
JASON R. FLANDERS

June 25, 2007

Brendan Vieg, Senior Planner
City of Chico Planning Services Department
411 Main Street, P.O. Box 3420
Chico, CA 95927



Re: Comments - Draft Bidwell Park Master Management Plan (BPMMP) and Environmental Impact Report (DEIR).

Dear Mr. Vieg:

I am submitting these comments regarding the above documents on behalf of our client, Friends of Bidwell Park and its members. As the City is aware, Friends of Bidwell Park has a longstanding interest in protecting the resources of Bidwell Park. Among those interests, Friends of Bidwell Park has had a long outstanding concern about 1) the continued use of approximately 25 acres of Upper Bidwell Park as a disc golf course without any CEQA review or mitigation, and 2) the significant, adverse environmental impacts that such use has had on a wide variety of sensitive natural and cultural resources in this part of Bidwell Park.

Our client has asked that we review and comment on the legal adequacy of the DEIR, with particular focus on the DEIR's assertion that it constitutes "project" level CEQA analysis of past, present, and proposed future disc golf activities in Upper Bidwell Park. As explained in greater detail below, the DEIR does not meet CEQA's substantive or procedural requirements regarding its analysis of, or conclusions about, continued disc golf use in Upper Bidwell Park.

I. PROJECT LEVEL CEQA ANALYSIS OF DISC GOLF IN UPPER BIDWELL PARK SHOULD COMMENCE FROM A 1999 (OR EARLIER) ENVIRONMENTAL BASELINE.

The proposed Bidwell Park Master Management Plan (BPMMP) notes that Disc Golf is an "unofficial" use in Upper Bidwell Park, and that, in 1999 the City Council "authorized the continued use of the site as a disc golf course *pending environmental review*."¹ However, the DEIR does not conduct environmental review of the disc golf project based on the environmental conditions that existed in 1999 (or, more properly, from the environmental condition that existed before disc golf use was commenced without any legal authority). Instead the DEIR establishes the environmental baseline at the time of the October 2004 NOP. The DEIR justifies using this post-hoc baseline as follows:

¹ Draft BPMMP at p. 2-98 (emphasis added).

The City recognizes the desire of some members of the community to define the baseline for the Disc Golf/Trailhead Concept Plan Area as conditions that may have existed at some time in the more distant past to assess environmental changes from some more pristine character before disc golf use of the site. It would be speculative to define those characteristics because information on the physical conditions of the site and patterns of its use are not available for the more distant past. Furthermore, CEQA case law (*Riverwatch v. County of San Diego*, 1999; *Kenneth F. Fat vs. County of Sacramento*, 2002) has made it clear that the correct baseline for an EIR or negative declaration is the existing conditions at the onset of the environmental review process, even if prior and existing uses are unauthorized.²

The facts in the *Riverwatch* and *Fat* cases are fundamentally different than the situation regarding disc golf in Upper Bidwell Park. In *Riverwatch*, the Court expressly stated that prior illegality did not need to be included in the EIR's environmental baseline because the agencies charged with enforcement of the law had actually taken action to do so, and thus the environmental effects of such prior, illegal activities would be addressed through enforcement of the law; and 2) those same agencies were participating in the environmental review process, and could make any further concerns about ongoing or additional impacts of past illegality known. In this case, however, the City has failed to enforce the law in upper Bidwell Park (which, to this day, still does not "officially" allow disc golf). Instead, the City sanctioned such "unofficial" use in 1999, but only until required environmental review for such activities has been completed.

Similarly, in the *Fat* case, the Court relied on the rationale in the *Riverwatch* decision to declare that impacts associated with past illegality did not need to be taken into consideration in establishing the CEQA baseline for analysis of a proposed airport expansion, because the adverse environmental impacts of past illegal expansion activities had been the subject of at least two zoning enforcement actions by the lead agency. Again, in this case, the City has not only failed to enforce the law in Upper Bidwell Park regarding disc golf, it affirmatively decided in 1999 to "unofficially" allow this non-conforming use to continue, pending completion of CEQA review.

Under the circumstances, *Riverwatch* and *Fat* are distinguishable, because in 1999 (and before) the City had the option to enforce the law – and, through such enforcement action, to address the significant resource damage in Upper Bidwell Park caused by disc golf – but elected not to. Instead, the City temporarily "authorized" ongoing disc golf in 1999 based on a promise to the public that environmental review of the impacts that disc golf has had in the Upper Park *would* be conducted. The City's 1999 promise of environmental review would be vacuous, if the baseline environmental condition in the DEIR is established as of 2004, because the impacts associated with the City's 1999 decision (and its refusal to enforce the law before that time) have already been incurred.

² DEIR at p. E1-4.

In 1999 the City promised that it would analyze the environmental consequences of allowing disc golf activities in Upper Bidwell Park. The City should live up to its promise, by revising its DEIR to *fully* consider the environmental consequences of allowing disc golf to be played in Upper Bidwell Park in the first instance, rather than hiding the highly degraded environmental conditions that disc golf has caused, and continues to cause, in the Upper Park, by establishing a 2004 "baseline" for environmental review.

II. THE DEIR FAILS TO PROVIDE AN "ACCURATE, FINITE AND STABLE" PROJECT DESCRIPTION FOR THE DISC GOLF COURSE.

CEQA's procedures require that "[t]he precise location and boundaries of the proposed project shall be shown on a detailed map," when establishing an EIR's "project description."³ The CEQA Guidelines require, that "[a]ll phases of a project must be considered when evaluating its impact on the environment [including] . . . acquisition, development and operation."⁴ A Draft EIR must not only discuss a project's direct impacts on the environment, but also must discuss significant effects that would be caused by implementing proposed mitigation measures.⁵

In *County of Inyo v. City of Los Angeles*, the Court of Appeal summed up these principles as follows:

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal [*i.e.*, the 'no project' alternative] and weigh other alternatives in the balance. An *accurate, stable and finite* project description is the *sine qua non* of an informative and legally sufficient EIR.⁶

The DEIR fails to meet this most basic requirement for project-level CEQA review of the disc golf course, because it never states, in a "finite" or "stable" way, *what* the proposed disc golf course project *is*. At pp. E3-15 to E3-16, and Exhibits E3.2.4.1 to E3.2.4.3, the DEIR's "project description" vaguely lays out three different "options" for what the disc golf course might be, but the DEIR never specifies which one of the three, if any, is actually proposed to be implemented. Similarly, Appendix H to the proposed BPMMP offers a buffet of three different "conceptual" disc golf course designs, but never states with any specificity, which of the three is actually being proposed, or exactly how any of the three would actually be laid out, on the ground, in relation to sensitive resources that are located in Upper Bidwell Park.

³ CEQA Guidelines, § 15124, subd. (a).

⁴ CEQA Guidelines, § 15126.

⁵ CEQA Guidelines, § 15126.4, subd. (a)(1)(D).

⁶ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.

In sum, the *entire* "project description" in the DEIR for the disc golf course reads as follows:

The Disc Golf Course/Trailhead Area Concept Plan provides three design options for the use of the disc golf course area off SR 32 in Upper Park (Exhibits E3.2.4.1 through E3.2.4.3). All three design options have been developed according to environmental design criteria, taking into consideration the extent and location of sensitive biological resources present on the site. All three options also provide for multiple use of the area, including disc golf, multiuse trails, picnicking, and scenic overlooks. Two separate trailhead layouts are also provided, depending on the site use option chosen for the site. The following three options have been developed:

Option A: an 18-hole long course and an 18-hole short course with parking lot alternative A;

Option B: an 18-hole long course and a 12-hole short course (eliminating holes 4, 8, 10, 12, and 15 from the short course proposed in Alternative A) with parking lot alternative A;

Option C: an 18-hole long course only (no additional short course) with the smaller parking lot alternative B.⁷

This project description leaves it fundamentally uncertain as to what the actual, proposed disc golf course project is: is it a 36-hole course, a 30-hole course, or an 18-hole course? Moreover the description of the project is informationally lacking, because the project description fails to provide any meaningful information about the manner in which the course will be operated and maintained, once it is built. Absent information in the project description about such basic matters as the manner in which the game is played, how the site will be managed and maintained, how many golfers will be using the site, the hours of operations, whether pets will be allowed on the course, etc., it is practically impossible to understand how approving a disc-golf course and related uses may affect the Upper Park's resources over the life of the project.

III. THE DEIR FAILS TO PROPERLY DISCLOSE, INVESTIGATE OR MITIGATE SIGNIFICANT, ADVERSE ENVIRONMENTAL EFFECTS TO A WIDE RANGE OF ENVIRONMENTAL RESOURCES

In addition to failing to properly describe the Project, the DEIR fails to provide legally adequate, project level analysis of a wide range of impacts associated with disc golf in Upper Bidwell Park because it 1) fails to meaningfully describe what environment will be impacted by the project; 2) piecemeals the consideration of potentially significant effects until after the project is approved; and 3) defers the formulation or adoption of measures that may (or may not) mitigate such effects to less than significant levels until after project approval.

⁷ DEIR at p. E3-16. It should be noted that the DEIR's description of "Option B" is informationally defective from the onset, because it only identifies 5 of the 6 holes to be eliminated from the 18-hole short course described in "Option A."

A. CEQA'S PROCEDURAL AND SUBSTANTIVE REQUIREMENTS REGARDING DISCLOSURE, ANALYSIS AND MITIGATION OF PROJECT-LEVEL ENVIRONMENTAL IMPACTS

As an initial matter, we provide the following, brief overview of CEQA's substantive and procedural requirements regarding analysis and mitigation of a proposed project's potentially significant, adverse effects. After providing the following legal framework, this letter then examines several key areas where the DEIR fails to meet CEQA's standards with regard to its assertion that it provides legally adequate, project-level analysis for proposed disc golf activities in Upper Bidwell Park.

1. AN EIR MUST FULLY DESCRIBE THE CEQA ENVIRONMENT

The Public Resources Code defines the CEQA "environment" to be "the physical conditions [that] exist within the area [that] will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, [and] objects of historic or aesthetic significance."⁸ The CEQA Guidelines further clarify that the description of the CEQA environment in an EIR must include the "area in which significant effect would occur either directly *or indirectly* as a result of the project."⁹

2. AN EIR MUST ANALYZE IMPACTS ASSOCIATED WITH IMPLEMENTING PROPOSED MITIGATION MEASURES

As noted above, impacts associated with mitigation measures for a proposed project must be disclosed and analyzed in the project EIR.¹⁰ For example, in *California Farm Bureau v. California Wildlife Conservation Board*, the Court of Appeal recently ruled that a proposal to alter existing land contours to "create" wetlands constitutes a CEQA-triggering event.¹¹ Accordingly, to the extent that the implementation of mitigation measures proposed in an EIR might have significant, adverse environmental effects, the DEIR must describe the existing environment where such mitigation measures might be implemented, and whether such effects, themselves can feasibly be avoided or mitigated to less than significant levels.

3. AN EIR MAY NOT SEGMENT, OR "PIECEMEAL," ENVIRONMENTAL REVIEW

The CEQA Guidelines explain that "[t]he lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect."¹² For example, in *Santiago County Water Dist. v. County of Orange* the Court of Appeal held that an EIR for a proposed mining project improperly piecemealed environmental review, and, therefore, was fundamentally inadequate as informational document, where the EIR failed to include "a description of the facilities that will have to be constructed to deliver water to the

⁸ Pub. Resources Code, § 21060.5

⁹ CEQA Guidelines, § 15360.

¹⁰ CEQA Guidelines, § 15126.4, subd. (a)(1)(D).

¹¹ *California Farm Bureau v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 190-192.

¹² CEQA Guidelines, § 15003, subd. (h), citing *Citizens Assoc. For Sensible Development v. County of Inyo* (1985) 172 Cal.App.3d 151.

mining operation, or facts from which to evaluate the pros and cons of supplying the amount of water that the mine will need.”¹³

4. THE LEAD AGENCY MAY NOT DEFER THE FORMULATION AND ADOPTION OF MITIGATION MEASURES OR ALTERNATIVES UNTIL AFTER PROJECT APPROVAL

In *Gentry v. City of Murrieta* the Court of Appeal explained that CEQA’s normal requirement that mitigation be adopted *prior* to project approval may be met if an agency prepares a Draft EIR that 1) analyzes the “whole” of the project, 2) identifies and discloses with particularity the project’s potentially significant impacts, 3) establish measurable performance standards that will clearly reduce all of the identified impacts to less-than-significant levels, and 4) describes a range of particularized mitigation measures that, when taken in combination, are able to meet the specified performance standards.¹⁴ The *Gentry* court further explained that 1) promises by a lead agency to implement future recommendations that other agencies might make after project approval, is *not* sufficient to find that a proposed project’s potentially significant effects have been mitigated to less-than-significant levels; and 2) that the addition of mitigation measures to address such impacts *after* the close of the CEQA public comment period requires recirculation of the agency’s revised environmental document for further public comment and review before the project can lawfully be approved.¹⁵

5. SUBSTANTIAL EVIDENCE MUST SUPPORT THE LEAD AGENCY’S CONCLUSIONS THAT PROJECT-LEVEL IMPACTS HAVE BEEN AVOIDED OR MITIGATED TO LESS THAN SIGNIFICANT LEVELS

A lead agency’s CEQA findings that a project’s impacts have been mitigated to less than significant levels through the adoption of mitigation measures proposed in its EIR must be supported by substantial evidence in the agency’s record.¹⁶ Substantial evidence includes facts,

¹³ *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829. See also *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 733 (“even assuming sewer expansion was severable from the development project, the FEIR did not comply with CEQA,” because such expansion would have to be considered in EIR as a *cumulative* impact of proposed project.)

¹⁴ *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394-1395, comparing and contrasting *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011 with *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.

¹⁵ *Gentry, supra*, 36 Cal.App.4th at p.1397 (promise to comply with future recommendations that might be made by agency with jurisdiction over affected resources *after* project approval not sufficient to declare impacts “less-than-significant”), 1411-1412 (where evidence before lead agency indicates project may have significant, adverse effects on biological resources, agency may not adopt new mitigation measures to reduce such impacts to “less-than-significant” levels without recirculating environmental document for public review and comment on the newly added mitigation measures).

¹⁶ CEQA Guidelines, § 15091, subd. (b).

reasonable inferences based on facts, and expert opinion supported by facts.¹⁷ Substantial evidence is not speculation or opinion that is not supported by fact.¹⁸

In *Topanga Association for a Scenic Community v. County of Los Angeles*, the California Supreme Court held that an agency's administrative findings must trace the analytic route from "evidence" to "action."¹⁹ Although *Topanga* was not a CEQA case, the courts have since confirmed that *Topanga's* requirements apply to an agency's mandatory CEQA findings.²⁰

B. THE DEIR FAILS TO PROVIDE LEGALLY ADEQUATE ANALYSIS AND MITIGATION OF PROJECT LEVEL IMPACTS TO A WIDE RANGE OF RESOURCES ASSOCIATED WITH THE PROPOSAL TO AUTHORIZE DISC GOLF IN UPPER BIDWELL PARK.

With the foregoing legal principles in mind, this letter now turns to the DEIR's consideration of impacts and mitigation measures associated with authorizing a disc golf course in Upper Bidwell Park. As demonstrated in the following sections, the DEIR fails to meet CEQA's substantive and procedural requirements with regard to a wide range of environmental resources.

1. AESTHETIC IMPACTS

The DEIR never identifies or describes with any meaningful detail the aesthetic resources in the vicinity of the proposed disc golf course (*i.e.*, the "environment").²¹ Accordingly, absent meaningful information about the existing environmental condition, the DEIR's "analysis" of aesthetic impacts associated with the disc golf project is conclusory, uninformative and self-contradictory.

The DEIR never describes the existing aesthetic environment, but rather broadly asserts:

Each of the Park Improvement Projects has been designed to preserve, protect, and enhance scenic views as part of the overall recreation experience for Park visitors. These Plans were developed while taking the scenic quality and natural diversity of these sites into account. Any proposed new elements have been carefully sited and designed to preserve the integrity of the sites and avoid adverse effects on visual resources. Furthermore, no new significant structures or alterations to the natural landscape are being proposed.

Implementation of the Trails Plan, Horseshoe Lake Area Concept Plan, and Disc Golf/Trailhead Area Concept Plan is expected to enhance the scenic quality of the project sites. These Plans call for a reduction in the number of informal trails (social trails), restoration/rehabilitation of degraded areas, and reduction of unmitigated use of the sites. Visual enhancement is also planned through the use

¹⁷ Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15384, subd. (a).

¹⁸ Pub. Resources Code, § 21080, subd. (e)(2); CEQA Guidelines, § 15384, subd. (b).

¹⁹ *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.

²⁰ *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 496.

²¹ DEIR at pp. E4-5 to E4-6.

of natural materials to demarcate trails, provide interpretation, and provide facilities, such as picnic areas and scenic overlooks. The Cedar Grove Area Concept Plan includes the establishment of a new trail around the festival meadow and connector trails to facilitate pedestrian circulation during special events. These proposed improvements would also prevent the visual character of the area from being degraded, because they would discourage and counteract off-trail travel. The enhancement and clear demarcation of parking areas would lead to less off-road parking, which tends to damage the scenic quality of a site by damaging natural resources. In addition, all of the concept plans call for the use of native plants in site rehabilitation and the planting of native trees to enhance the natural character of the project site. The Horseshoe Lake Area Specific Plan also calls for the establishment of a natural vegetation edge along Horseshoe Lake.

Implementation of the Park Improvement Projects would result in a beneficial impact on scenic vistas in the Park. No mitigation is required.²²

In addition to failing to actually describe the aesthetic environment, the DEIR violates CEQA's procedures, because it admits that aesthetic impacts associated with disc golf are only "largely" being "minimized to the greatest extent possible" yet (incorrectly) concludes that this categorically means that all remaining (and undisclosed) impacts are less-than-significant:

Environmental criteria that were included in the design process of the proposed Disc Golf/Trailhead Area Concept Plan included areas that were identified for avoidance and protection. These areas, which included occurrences of Butte County checkerbloom, vernal pools, and ephemeral drainages, also constitute visual resources, which would be largely avoided under the conceptual project plan. The design criteria also identified resources for impact minimization, including blue oaks and other native oak species, Bidwell's knotweed populations, native wildflower fields, and the old Humboldt wagon road. All of these resources contribute to the attractive visual character of the project site, and under the conceptual project plan, impacts on these resources would be minimized to the greatest extent possible as a result of the proposed course design.

* * *

Potential for the degradation of the existing visual character or scenic quality of the Park resulting from implementation of the four Park Improvement Projects would be less than significant. No mitigation is required.²³

The above statements and conclusions are also unsupported by substantial evidence, because the DEIR never actually describes which of three different "conceptual" versions of the proposed disc golf-course might actually be implemented, thus making it impossible, as a practical matter, to determine what the aesthetic impacts of building the undefined course will be.

²² DEIR at pp. E4-8 to E4-9.

²³ DEIR at pp. E4-11 to E4-12.

Finally, the DEIR's discussion of cumulative aesthetic impacts is inadequate, because it never describes what other "cumulative projects" may combine with the proposed project to have cumulatively considerable effects, and lacks any substantive content to support its conclusory assertion that no cumulative aesthetic impacts exist. The DEIR's *entire* consideration of cumulative aesthetic impacts states:

Implementation of the BPMMP and associated Park Improvement Projects would not result in significant adverse effects on aesthetic resources. With regards to several aesthetic resources such as scenic vistas and viewsheds, the proposed projects would result in a beneficial impact to the environments. Thus, the proposed projects will result in an overall beneficial cumulative impact to the aesthetic resources in the project area.²⁴

2. AIR QUALITY IMPACTS

The DEIR does not adequately address the operational, project-level impacts of the Disc Golf Course on local or regional air quality. The DEIR states:

The four Park Improvement Projects aim to better accommodate existing uses and their implementation is not expected to result in a significant number of new trips. Consequently, implementation of the four specific Park Improvement Projects would not result in an increase in vehicle miles traveled and, thus, would not conflict with or obstruct implementation of BCAQMD's air quality planning efforts.²⁵

The problem with this statement is that no information is provided regarding maintenance of the course, or how many people are anticipated to be driving to and using the disc golf course (whichever version might be implemented) or when. Absent information on maintenance plans, and patterns or amounts of road traffic and public use that this area might see, the DEIR's conclusions that approving and building a disc golf course will not result in air quality impacts associated with vehicle trips and maintenance activities is unsupported by any evidence.

And, as with aesthetics, the DEIR's discussion of cumulative impacts regarding air quality is inadequate. The discussion of cumulative air quality impacts fails to describe 1) what other past, present and future projects might combine with the proposed project to have cumulatively considerable effects, or 2) to otherwise quantify cumulative effects of air quality impacts in any meaningful way.²⁶

²⁴ DEIR at p. E4-13.

²⁵ DEIR at p. E4-27.

²⁶ DEIR at pp. E4-32 to 4-33.

3. BIOLOGICAL RESOURCES IMPACTS

The DEIR's analysis of the disc golf course's impacts on biological resources in the Upper Park is also inadequate.

i. BUTTE COUNTY CHECKERBLOOM

Butte County Checkerbloom is a sensitive plant species that has been documented to exist in the project area, and that has been severely impacted both unintentionally and, in some cases, by apparent acts of intentional and direct vandalism.²⁷ The DEIR acknowledges that disc golf may have significant adverse effects on this plant species, but then proposes mitigation measures that only mitigate such impacts "to the greatest extent feasible" or "wherever possible":

As provided in Appendix H of the BPMMP, the Disc Golf/Trailhead Area Concept Plan shall be implemented to avoid direct and indirect impacts on locations of Butte County checkerbloom on the site to the greatest extent feasible. All disc golf structures (e.g., tees, targets, fairways) and trails shall be placed a minimum of 50 feet from locations that currently support Butte County checkerbloom wherever possible. Where this cannot be accomplished due to physical site constraints, the buffer may be reduced, but shall remain at a minimum of 25 feet.²⁸

No information provided explains how a 25 foot "buffer" will be sufficient to mitigate impacts to this species to less than significant levels. This is especially true when it is recognized that 1) discs do not always fly exactly where their owner intends (indeed, that is the precise challenge of disc golf), and must be retrieved; 2) nothing prevents unsupervised excursions by disc golf players or their pets off of authorized trails for a variety of non disc-golf activities; and 3) there are documented instances where apparent acts of intentional vandalism to this sensitive plant have occurred in the project area.²⁹ In sum, the DEIR unrealistically assumes, without evidence, that simply designing the course in a particular manner will avoid all impacts on Butte County Checkerbloom, without regard to documented past experience and the knowledge of how the game of disc golf is actually played.

Moreover this mitigation measure further confirms that the "project" at issue has not been adequately defined. The question of where disc golf "structures" (tees, targets, fairways) are to be placed *is* the project, and needs to be described in the DEIR. The fact that these "details" are being put off until after project approval constitutes multiple violations of CEQA including 1) failing to describe the project, 2) piecemealing of environmental analysis, and 3) deferral of the development or implementation of mitigation measures until after project approval.

²⁷ See Exhibit 2, Letter from EDAW, Inc., to Mr. Dennis Beardsly, Park Director, re: Results of follow-up survey to investigate reports of possible vandalism/ removal of Butte County checkerbloom at the proposed disc golf course study area (June 27, 2005) (documenting facts showing apparent attempts to hide evidence of intentional removal of Butte County checkerbloom in vicinity of proposed disc golf course).

²⁸ DEIR at p. E4-53.

²⁹ See Exhibit 2.

ii. BIDWELL'S KNOTWEED

The DEIR's proposed mitigation for Bidwell's Knotweed suffers from practically identical infirmities. The DEIR states:

Consistent with the Disc Golf/Trailhead Area Concept Plan, trails shall generally be placed outside of wildflower fields. The Disc Golf/Trailhead Area Concept Plan shall be implemented to restrict foot traffic to clearly defined trails and disc golf structures. The number of trails dissecting wildflower fields shall be minimized to the fewest number necessary to facilitate reasonable access to the disc golf course and scenic viewpoints, and trails shall be as narrow as possible and have clearly marked edges to reduce widening and discourage users from wandering off the path. Existing trails through wildflower fields that will not be retained as part of the Disc Golf/Trailhead Area Concept Plan shall be decommissioned, and barriers (such as boulders) shall be placed just outside any points where trails enter the wildflower field community to discourage use of these trails.³⁰

Merely "minimizing" the number of trails dissecting wildflower fields to "the fewest number necessary to facilitate reasonable access to the disc golf course and scenic view points" does not constitute substantial evidence that this acknowledged, potentially significant impact has been mitigated to less than significant levels. Moreover, as explained above, this mitigation measure's proposal to design these aspects of the course design *after* project approval, once again, constitutes a violation of CEQA for 1) failing to describe the project in the DEIR, 2) piecemealing of environmental review; and 3) deferral of mitigation.

iii. VERNAL POOLS AND RELATED RESOURCES

With regard to vernal pool and related aquatic habitat impacts, the DEIR, again, unlawfully defers the identification of impacts, and the formulation and adoption of mitigation measures, until after project approval. The Draft EIR admits that vernal pool and related plant and animal resources are known to exist in the area of the (vaguely proposed) disc golf course, but admits that the precise location and extent of such resources, or how they will be impacted by the as-yet undefined disc golf course, is not known. This, again, constitutes a violation of CEQA due to the DEIR's failure to provide an "accurate, stable and finite" project description, or to fully investigate and describe the environment that may be affected.

The DEIR's mitigation measures for vernal pool resource, again, point to unlawful deferral of mitigation, piecemealing of environmental review, and factually unsupported assertions that impacts have been mitigated to less than significant levels:

Before any ground-disturbing project activities begin, the City shall retain a qualified biologist to identify and map potential habitat in areas that could be affected by the given project. The City shall ensure, through coordination with the biologist, that the footprint of project features and construction zones, staging

³⁰ DEIR at p. E4-57 to E4-58.

areas, and access routes are designed to avoid direct or indirect effects on suitable habitat for vernal pool invertebrates and western spadefoot to the extent feasible and practicable. In addition to vernal pools, suitable habitat for western spadefoot includes the surrounding grassland matrix.

If vernal pool invertebrate and western spadefoot habitat cannot be avoided, measures shall be implemented to minimize and mitigate unavoidable effects. Before beginning any ground-disturbing project activities in such habitat, USFWS shall be consulted to identify appropriate measures to minimize and compensate for adverse effects on special-status vernal pool invertebrates; DFG shall be consulted to identify measures to minimize and compensate for adverse effects on western spadefoot. Applicable avoidance and minimization measures may include those described in USFWS's vernal pool crustacean Programmatic Consultation (USFWS 1996a). Minimization measures for vernal pool invertebrates are likely to include, but would not be limited to, fencing of habitat to be avoided, timing of ground disturbance to correspond with the dry season, conducting worker awareness training, and periodic biological monitoring. Compensation may include preservation, enhancement, and/or creation of suitable habitat in areas that currently, or could in the future, support special-status invertebrate and/or spadefoot populations.³¹

These so-called "mitigation measures" constitute an admission of a broad array of *prima facie* violations of CEQA, because they 1) concede that the environment that may be affected has not yet actually been investigated by the City or described in the DEIR; 2) concede that the "project" has not yet been defined or described in an "accurate, finite and stable" manner, 3) only require impacts to vernal pool and related resources be avoided to the extent "feasible and practicable"; and 4) defer the development, formulation or implementation of additional measures to mitigate impacts that cannot be "feasibly or practicably" avoided until after project approval.

The above mitigation measures are also problematical, because, in its discussion of impacts to "jurisdictional wetlands," the DEIR actually concedes that implementation of the disc golf course *will* destroy four vernal pools.³² The DEIR is internally inconsistent by asserting at one point 1) that it is unknown whether vernal pools will be affected by the disc golf course, but then later 2) stating that four vernal pools will be destroyed by the disc golf course.

And, again, The DEIR's proposed measure to "mitigate" the destruction of these four vernal pools implicates numerous violations of CEQA's procedural and substantive requirements:

The acreage of waters of the United States, including wetlands, that would be adversely affected by project construction shall be replaced or restored/enhanced on a "no net loss" basis in accordance with USACE regulations and City General Plan Policy OS. G-9. Habitat restoration, enhancement, and/or replacement shall

³¹ DEIR at pp. E4-64 to 4-65.

³² DEIR at p. E4-82.

be at a location and by methods agreeable to USACE, as determined during the Section 404 permitting process.³³

This "mitigation measure" violates CEQA because it proposes to "replace" vernal pools on a vague, "no net loss" basis, but the DEIR does not state 1) where such "replacement" will occur (failed project description); 2) what resources may be impacted by conducting such "replacement" (failed description of the CEQA "environment"); or 3) whether feasible mitigation measures or alternatives exist to reduce or avoid the undisclosed impacts of conducting "replacement" activities at the undisclosed "replacement" site. This mitigation measure also violates CEQA because it constitutes the unlawful piecemealing of environmental review for the Clean Water Act 404 permit and 401 certification required for the disc golf course, and the deferral of the development or adoption of mitigation for such impacts (if they can be mitigated at all) until after project approval.

iv. OAK WOODLANDS

The DEIR states that discs hitting trees, and damaging bark and tree foliage, are a potentially significant, adverse effect.³⁴ Again, however, the mitigation measures proposed for oak trees and blue oak woodlands, on their own terms, are not adequate to categorically prevent disc strikes, and thus do not meaningfully address or mitigate the "impact" identified in the DEIR:

Where possible, trails, improvements, and facilities shall be constructed outside of oak woodlands. The number of trails dissecting oak woodlands shall be minimized to the fewest number necessary to accomplish the goals of the site-specific Park Improvement Projects. The width of trails through oak woodlands shall be minimized and trails shall have clearly marked edges that discourage trail widening and deter users from straying off the designated trail.³⁵

As with previous measures, the DEIR proposal to construct the disc golf course facilities outside of oak woodlands "where possible," and to "minimize" the number of trails through such resources "to the fewest number necessary," does not prevent errantly thrown discs from striking or damaging oak tree foliage. Nor does the DEIR's proposed "mitigation" measure preventing course features from being located within the dripline of oak trees "except where necessary."³⁶

In addition, implementation of some of the DEIR's proposed mitigation measures may, themselves, have significant, adverse effects which are not described, analyzed or mitigated in the DEIR. For example, one of DEIR's "mitigation" measures for impacts to oak woodlands caused by disc golf states:

³³ DEIR at p. E4-83.

³⁴ DEIR at p. E4-75 and at Appendix E4.

³⁵ DEIR at p. E4-76.

³⁶ DEIR at p. E4-76.

Any unavoidable impacts to oaks resulting from construction, or tree mortality resulting from ongoing use of the site shall be mitigated by replanting oak woodland habitat at the Disc Golf/Trailhead site in areas located outside of the footprint of facilities and trails.³⁷

The DEIR violates CEQA by failing to state where such mitigation "areas" will actually be located (failed project description), what *existing* environmental resources are presently located at such undisclosed sites (failed description of the CEQA environment), and how the "replanting" of oak woodland habitat at these undisclosed locations may affect already existing sensitive resources (*e.g.*, perhaps vernal pools?) at the undisclosed sites. In addition, pursuant to the Court's decision in the recent *California Farm Bureau* case, the DEIR needs to also describe and mitigate the short term construction and other impacts of implementing such proposed habitat conversions.³⁸

Another example of a proposed oak woodland mitigation measure that, itself, may result in significant, adverse environmental impacts that the DEIR fails to disclose or analyze, states:

In cases where tees or trails are located within driplines of oaks or in the immediate vicinity of driplines, a 6 inch layer of woodchip mulch shall be applied to a 20' radius around the tees and on the trails to minimize soil compaction; this layer shall be maintained on a ongoing basis, as needed, to ensure continued protection of the root zones.³⁹

What are the environmental impacts of the DEIR's proposal to permanently bury all presently existing, natural vegetation in these locations under six inches of woodchips? How will importing these woodchips affect the existing local soil chemistry and composition, and its suitability to support naturally occurring plant species at these locations, including but not limited to plant species of special concern, such as Butte County Checkerbloom?

v. HABITAT FRAGMENTATION

The DEIR's discussion of habitat fragmentation at the proposed disc golf course site is also inadequate. As noted above, several sections of the DEIR acknowledge that 1) the habitat of special status plants in this area of Upper Bidwell Park is adversely impacted by disc golf activities, and 2) that such habitat fragmentation may be exacerbated by the construction of as-yet undefined disc golf trails and facilities.

The DEIR's entire "analysis" of habitat fragmentation related to disc golf states –

The Trails Plan and Disc Golf/Trailhead Area Concept Plan would be implemented in areas where habitat fragmentation could be an issue. However, the amount of habitat lost with implementation of these two Park Improvement

³⁷ DEIR at p. E4-77.

³⁸ *California Farm Bureau, supra*, 143 Cal.App.4th 173, 190-192

³⁹ DEIR at p. E4-77.

Projects would be small relative to the overall size of Bidwell Park, the existing extent and distribution of wildlife habitats within the Park and regionally, and the spatial (area) requirements of most wildlife species within the Park.⁴⁰

It is a violation of CEQA for a DEIR to declare that a project's incremental, adverse environmental effects impacts are less than significant, based on the assertions that 1) the existing environment is already in an impaired state; and 2) the project's incremental contribution to already deteriorated conditions would be relatively small.⁴¹ In addition, the DEIR's discussion of habitat fragmentation is inadequate, because it assumes that only animals need unfragmented habitat. In fact, plants are far more susceptible to habitat fragmentation than animals, for the very reason that plants are rooted in the ground, and, unlike animals, cannot simply pick up and move to another location when their current habitat is no longer suitable due to excessive fragmentation.

Finally, as with its analysis of cumulative effects to other resources, the DEIR's discussion of cumulative biological impacts is defective because it fails to 1) describe what cumulative projects may combine with the proposed project to have cumulatively considerable, adverse biological impacts, or to otherwise quantify cumulative biological impacts in any way.⁴²

4. CULTURAL RESOURCE IMPACTS

With regard to cultural resources, the DEIR states 1) that the Humboldt Trail is a cultural resource, 2) that implementing two of the conceptual designs for the proposed golf course would destroy 25%-37% of this resource; and 3) that this impact is significant.⁴³ Yet, the DEIR then goes on to conclude that this impact has been mitigated to a less than significant level, without ever *actually* mitigating the identified impact:

For portions of the Humboldt Wagon Road that cannot be avoided during implementation of the Disc Golf/ Trailhead Concept Plan, impacts would result in destruction of a portion of the route and intrusion of newer elements that would alter the immediate surroundings. As outlined in the management plan (see Jensen, et al. 1996; Table 2), this segment of the road appears significant based upon the associated archaeological deposit (NRHP Criterion D/CRHR Criterion 4), which will not be impacted by construction, and the association of the wagon road with John Bidwell. As currently designed, neither Alternative A nor Alternative B will result in destruction or alteration of the surroundings of the archeological deposit, and would impact only a percentage of the route associated with the original person responsible for its construction, John Bidwell. The surrounding environment of this segment of the route has been previously impacted by construction of a more recent dirt road that parallels the contemporary route of Highway 32, such that the immediate surroundings have

⁴⁰ DEIR at p. E4-85.

⁴¹ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.

⁴² DEIR at p. E4-85-86.

⁴³ DEIR at p. E4-94.

been altered from what was present during the historic period. Therefore, because neither alternative would impact the archaeological deposit or substantially impair the significance of the resource as it relates to its association with a person of historic importance (NRHP Criterion B/CRHR Criterion 2), both alternatives would result in less-than-substantial adverse changes in the significance of this resource.⁴⁴

This "mitigation measure" is not a mitigation measure, because it does not, in any way, avoid or mitigate the significant, adverse impact identified by the DEIR in the first instance: the destruction of 25% to 37% of this historic, cultural resource.

5. SOIL EROSION IMPACTS

With regard to soil erosion, the DEIR documents the fact that disc golf has, in fact, resulted in significant soil erosion in Upper Bidwell Park, but then broadly concludes that implementation of vague "mitigation" measures contained in the proposed master management plan and trails plan will reduce such impacts to less than significant levels:

Environmental criteria that were included in the design process of the proposed Disc Golf/Trailhead Area Concept Plan included thin soil, erodible areas that were identified for impact minimization by minimizing the footprint of trails and tees. The design criteria also identified certain areas that were to be restored or set aside to reduce erosion effects, including portions of the short course that have been damaged by previous unmitigated use; establishment of setbacks from cliff faces; and the provision of designated areas for uses other than disc golf (i.e., staging areas, scenic view spots) to reduce the amount of off-trail use. Disc Golf Implementation Strategies and Guidelines I. DG/T-4, DG/T-9, and DG/T-10 of the BPMMP specify that construction, materials, and maintenance specifications shall be developed and approved before the start of any work at the site; that the disc golf course area shall be inspected periodically to assess potential degradation of resources, and course management and maintenance procedures shall be adjusted as necessary; and that suspension of disc golf play during wet weather conditions would be considered as a management strategy. Furthermore, construction and maintenance of proposed trails in the disc golf course area would be subject to the standards and guidelines contained in the Bidwell Park Trails Manual (Park Department 1999). The environmental criteria used in the design of the disc golf course, in combination with the BPMMP Implementation Strategies and implementation of the standards contained in the Trails Manual, would reduce erosion impacts of the proposed Disc Golf/Trailhead Area Concept Plan.⁴⁵

Measures LDG/T4, DG/T-9, and DG/T-10 are inadequate to mitigate known and documented soil erosion impacts caused by disc golf activities in their present location. The fact that construction, materials and maintenance specifications "shall be developed and approved" before

⁴⁴ DEIR at p. E4-95.

⁴⁵ DEIR at p. E4-104.

the start of work only confirms what has been explained above: the City has failed to provide an adequate or accurate description of the disc golf course project, or how it might affect the environment. A mitigation measure calling for “periodic inspection” and the adjustment of management, again, indicates that significant, adverse impacts will in fact be incurred before corrective action is taken. And the measure stating that closure during wet weather “should be” considered is not mandatory, and thus cannot be relied upon to mitigate erosion impacts.

The DEIR’s general assertion that the Bidwell Park Trails Manual will mitigate erosion impacts also violates CEQA, because the DEIR fails to indicate what pages or substantive provisions of the trails manual form the basis for the DEIR’s conclusion. The California Supreme Court, in *Vineyard Area Citizens v. City of Rancho Cordova*, recently explained that if an EIR is going to rely on the analysis or provisions of other documents for its conclusions that project impacts have been mitigated to less than significant levels, it must, at the least, provide the reader with sufficient information to understand what part of the other document actually applies to the project, and to explain how such incorporated provisions actually address and mitigate the impact at issue.⁴⁶

6. IMPACTS ASSOCIATED WITH LAND USE PLAN INCONSISTENCIES

With regard to conflicts with land use plans or designations, the DEIR incorrectly asserts that no such conflicts exist. In fact, on February 27, 2003, this office sent a letter to the City on behalf of our client at that time, Josephine Guardino, who is a current member of Friends of Bidwell Park, explaining that disc golf use is in direct conflict with Upper Bidwell Park’s OS-1 zoning and RCA status of this area. A copy of our February 27, 2003 letter is attached as Exhibit 1 to this letter, and its entire content (including its comments regarding disc golf impacts) is incorporated as if set forth in full. Moreover, even the proposed BPMMP itself recognizes that the proposed disc golf course area must be re-zoned, for the very reason that disc golf *is not* consistent with the *passive* recreation uses allowed under the area’s present, OS-1 zoning.⁴⁷

Stepping briefly out of CEQA and into the Planning and Zoning Law, the proposed BPMMP’s assertion that the BPMMP can or does supersede the applicable OS-1 zoning for this area is also incorrect as a matter of law. As explained in the proposed BPMMP, the hierarchy of land use documents that applies to Bidwell Park is 1) general plan, 2) municipal ordinances (zoning); and then 3) the BPMMP.⁴⁸ Accordingly, the OS-1 zoning of this area controls, and overrides, any conflicting uses that are purportedly “authorized” by the lower-tiered BPMMP.⁴⁹

⁴⁶ *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 (“The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project.”)

⁴⁷ Draft BPMMP at p. 3-52, Implementation Strategy I.Upper-5.

⁴⁸ Draft BPMMP at p. 2-9 (“The General Plan, Municipal Code and BPMMP provide *increasing levels of detail* and complementary guidance to the BPPC when considering land use questions for Bidwell Park.” [emphasis added]).

⁴⁹ *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 772.

7. TRAFFIC / CIRCULATION IMPACTS

The DEIR fails to describe (and therefore, by extension, again piecemeals the analysis of, and defers mitigation for) traffic improvements associated with the disc golf course. The DEIR acknowledges that implementing the proposed disc golf course may result in significant traffic circulation hazards, but then goes on to state:

To address the potential increase in traffic hazards resulting from implementation of the Disc Golf/Trailhead Area Concept Plan, the City shall coordinate with Caltrans to obtain an encroachment permit for construction of the site access and parking lot for the Disc Golf/Trailhead area. As part of the consultation with Caltrans, the City shall address the potential need for additional signage and/or a left turning lane to address traffic safety along SR 32. The City shall implement any measures deemed necessary by Caltrans as a condition of the encroachment permit or as a result of the consultation on safety.

Obtaining the required encroachment permit, and providing site access and parking, is an integral part of the "whole" disc golf project. Accordingly, CEQA requires that *this* DEIR disclose, analyze and mitigate the effects of obtaining the required encroachment permit from CalTrans.⁵⁰ The DEIR violates CEQA by piecemealing analysis of this aspect of the project, and deferring the development and implementation of mitigation measures for traffic circulation impacts, until after the project is approved.

IV. INADEQUATE ALTERNATIVES ANALYSIS REGARDING DISC GOLF

As required by CEQA, the DEIR does contain an analysis of alternatives to the proposed disc golf project. Unfortunately, the alternatives analysis contained in the DEIR is defective because it 1) fails to consider any alternative that would eliminate disc golf in the Upper Park altogether, while still providing meaningful disc golf opportunities elsewhere in the City; 2) fails to discuss the comparative impacts of the alternatives in any substantive manner; and 3) improperly assumes that the "no project" alternative would result in a continuation of disc golf activities that are inconsistent with 1) the site's OS-1 zoning and RCA status, and 2) the BPMMP.

A. FAILURE TO CONSIDER A FULL SCALE, OFF-SITE DISC GOLF ALTERNATIVE

The CEQA Guidelines require that an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."⁵¹ "There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."⁵²

⁵⁰ CEQA Guidelines, § 15003, subd. (h); *Citizens Assoc. For Sensible Development v. County of Inyo* (1985) 172 Cal.App.3d 151.

⁵¹ CEQA Guidelines, § 15126.6, subd. (a).

⁵² CEQA Guidelines, § 15126.6, subd. (a) citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376.

In this case the DEIR analyzes three alternatives to the proposed disc golf project: 1) build an 18-hole short-course in the Upper Park, and a new short-course at Comanche Creek; 2) the restoration alternative, which would provide no disc golf opportunities anywhere in the City; and 3) the “no project” alternative which the City asserts would allow disc golf to continue as an unauthorized activity in the Upper Park.

The DEIR, in proposing these alternatives, has unreasonably limited the range of alternatives in a manner that unfairly pits the sensitive natural resources of the Upper Park against disc golf in all instances. The DEIR fails to consider a reasonable range of alternatives, because one obvious way to achieve the project’s objective (establishing an authorized, full scale disc golf facility in the City) while avoiding the impacts that disc golf has had, and will continue to have, on Upper Bidwell Park’s sensitive natural resources, would be to consider a project alternative that would eliminate disc golf use in Upper Bidwell Park, and instead establish one, or possibly even two, full scale 18-hole disc golf courses spread across a number of alternative locations in the City.

The DEIR consideration of alternatives violates CEQA, because the only alternative presented that fully avoids the adverse impacts that disc golf has had on the sensitive resources of Upper Bidwell Park (the “restoration alternative”) contains no component that would allow disc golf to be played elsewhere in the City. In selectively crafting its alternatives in this manner, the DEIR creates a false dichotomy by pitting preservation of the Upper Park’s resources against the threat of eliminating disc golf in the City entirely. The DEIR should be revised and recirculated to consider an alternative that would allow for one or two full sized disc golf courses in the City at locations other than Upper Bidwell Park, or to explain why the consideration of any such alternative is so obviously infeasible as to not merit discussion in the first instance.

B. FAILURE TO MEANINGFULLY DESCRIBE OR DISCUSS ALTERNATIVES IN COMPARISON TO PROPOSED PROJECT

The CEQA Guidelines state that, in considering alternatives to a proposed project, the DEIR must “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”⁵³

The DEIR initially violates this principle, because, as explained above, it never actually provides any “accurate, stable and finite” description of the proposed disc golf course for Upper Bidwell Park. Accordingly, it is impossible for the DEIR to meaningfully consider how alternatives might reduce or avoid the inadequately described project’s effects.

In addition, the DEIR’s “analysis” of alternatives also violates CEQA because it is uninformative and does not provide any substantively meaningful evaluation, analysis or comparison of the alternatives to the proposed project. As just one example, when considering the “restoration” alternative’s comparative environmental effects, the DEIR’s *entire* “analysis” reads as follows:

⁵³ CEQA Guidelines, § 15126.6, subd. (a).

Under this alternative, the use of the site for disc golf would be eliminated and areas that have been degraded by the unmitigated use of the site would be restored. Because restoration would likely not involve the use of heavy construction equipment, impacts associated with construction would not apply to the same extent. However, because some facilities like the parking lot and trailhead would still be constructed, they are included here as potential impacts. Impacts to other sensitive resources would likely occur at a lesser degree than under the proposed project, but could not be eliminated, because removal of the current disc golf structures and restoration activities would occur on or immediately adjacent to the sensitive resources present on the site.

The following impacts would still apply due to restoration efforts or from anticipated use of the site as a multi-use trailhead:

Air Quality

- ▶ Violation of air quality standard or substantial contribution to an existing or projected air quality violation (short term construction emissions only) (AQ-2) (reduced);
- ▶ Cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (AQ-4) (reduced).

Biological Resources

- ▶ Adverse effects on Butte County checkerbloom (BIO-1c);
- ▶ Adverse effects on Bidwell's knotweed (BIO-1d);
- ▶ Adverse effects on vernal pool crustacean habitat (BIO-2c);
- ▶ Adverse effects on oak woodland (BIO-3c);
- ▶ Adverse effects on wildflower fields (BIO-3d);
- ▶ Adverse effects on vernal pools (BIO-3e);
- ▶ Adverse effects on jurisdictional wetlands (BIO-4b).

Cultural Resources

- ▶ Change in resource significance (CUL-1b);
- ▶ Disturbance of human remains (CUL-2b).

Hydrology and Water Quality

- ▶ Potential for water quality degradation (HYDRO-1b).

Noise

- ▶ Excessive noise levels from project construction (NOISE-1b) (reduced).

In addition, there would be the following beneficial effect on biological resources at the site:

- ▶ Beneficial effects on sensitive natural communities and habitat for common and special-status plant and wildlife species due to restoration of degraded habitat

Overall, the environmental impact of this alternative on sensitive resources would be less than under the proposed project, because it would involve active restoration of the site. While all of the potential impacts to biological resources, cultural resources and hydrology would still apply due to the fact that some facilities would be placed at the site, the overall impact would be expected to be less severe, due to the limited footprint of the site. Adverse effects on air quality and noise associated with construction would be reduced due to the downscaled degree of construction. This alternative would eliminate a current use of the site and would therefore reduce the footprint of facilities of the site. It would likely result in a reduction of the overall number of visitors to the site, due to the elimination of an activity that is currently very popular. Use of the site for picnics, scenic viewing and hiking would result in less intensive use of the site than the proposed project. In addition, many of the impacts associated with construction of the project (such as air quality and noise impacts) would be less severe, due to the overall reduced footprint of proposed facilities. There would be no increase in traffic hazards when compared with current conditions. However, as noted previously above, this alternative would not fulfill some of the project's objectives.

The foregoing discussion hardly constitutes a *meaningful* comparison of this alternative to the proposed project, because (like the proposed project) this alternative and its impacts (and benefits) is never described with sufficient detail to meaningfully consider what its actual impacts (and benefits) are. The discussion is also misleading and internally inconsistent, in that it seems to indicate, under the heading "Biological Resources," that impacts to Butte County Checkerbloom, Bidwell's Knotweed, vernal pools and oak woodlands are the same as the proposed project. Yet, in its brief, concluding narrative, the DEIR appears to assert that impacts on biological resources under this alternative will be less than under the proposed project.

C. IMPROPER ASSUMPTION THAT DISC GOLF WILL CONTINUE UNDER NO PROJECT ALTERNATIVE

The DEIR is also wrong in asserting that, under the "No Project" alternative, unauthorized disc golf use would continue unabated in Upper Bidwell Park. As explained above, disc golf violates the existing OS-1 zoning and RCA status of this area of the Upper Park. If the proposed disc golf course project is not approved by the City (the "No Project" scenario), then it must be presumed that such use is unlawful and will be terminated.

As stated by Justice Blease in his concurring opinion in *California Aviation Council v. County of Amador*: "Most of the time we may reasonably expect administrative agencies to obey the law. Indeed, courts are directed to assume that such is the case."⁵⁴ Disc golf is illegal in Upper Bidwell Park under currently existing ordinances and land use designations. If the City does not approve disc golf as part of the BPMMP (i.e., the "No Project" alternative for disc golf) then it will remain illegal.

⁵⁴ *California Aviation Council v. County of Amador* (1988) 200 Cal.App.3d 337, 348.

Under such circumstances the DEIR must presume – as directed by Justice Blease in *California Aviation Council* – that under the “No Project” alternative the City will “obey the law,” and forbid continued disc golf activities in Upper Bidwell Park. Accordingly, the DEIR’s analysis must be revised and recirculated, to properly reflect that under the “No Project” alternative, “unofficial” (*i.e.*, illegal) disc golf activities cannot and will not be allowed to persist in Upper Bidwell Park.

V. INADEQUATE ANALYSIS OF IMPACTS ASSOCIATED WITH THE TRAILS PROJECT

Finally, beyond the DEIR’s numerous failures regarding its consideration of the proposed use of Upper Bidwell Park for disc golf, we wish to note at least one glaring defect in the DEIR with regard to its claim to present “project” level analysis for a new trail system in the Park – specifically, the proposal to build a bridge across Big Chico Creek at an unspecified location in Upper Bidwell Park.

The DEIR fails to meet CEQA’s requirements regarding the proposal to build this bridge, because it never describes 1) where the bridge will be located, 2) the impacts associated with building the bridge or its use, or 3) any potentially feasible alternatives or mitigation measures to offset such undisclosed impacts. The DEIR, on these points, states:

[A]ny bridge crossing that would affect the bed and bank of Big Chico Creek would require a Streambed Alteration Agreement from DFG, which would require consultation with DFG, the state agency vested with the responsibility for protecting special-status fish species. The consultation with DFG would result in the identification of measures, if any, to mitigate impacts on special-status fish species.⁵⁵

The fundamental problem with this statement is that *this* DEIR is the project level EIR for the trails system, including the proposed bridge, and obtaining a Streambed Alteration Agreement from CDFG is just one of many governmental approvals required to implement the “whole” of the proposed trails project, including the proposed bridge. In other words, the above mitigation measure, by putting off consideration of impacts associated with obtaining a Streambed Alteration Agreement from CDFG until after project approval, again constitutes a textbook example of multiple violations of CEQA by unlawfully 1) failing to describe the whole of the trails project; 2) failing to describe the environment affected by the trails project; 3) piecemealing of environmental review; and 4) deferral of mitigation until after project approval.

Moreover, since the Streambed Alteration Agreement statute and CDFG’s implementing regulations, on their own terms, do not prohibit the issuance of a such an Agreement unless all impacts have been mitigated to less-than-significant levels, the DEIR’s categorical assertion that obtaining such an Agreement from CDFG after project approval will mitigate the bridge’s impacts to less-than-significant levels is not supported by substantial evidence.

⁵⁵ DEIR at p. E4-72.

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June 25, 2007

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VI. CONCLUSION

On behalf of Friends of Bidwell Park and its members, we have reviewed the proposed BPMMP and DEIR, with a particular focus on the legal adequacy of the DEIR's project-level analysis of disc golf activities in Upper Bidwell Park. As indicated above, the DEIR is not adequate to meet CEQA's procedural or substantive requirements in this regard because it 1) fails to describe the project; 2) fails to describe the environment; 3) piecemeals environmental review; 4) defers the formulation and adoption of mitigation; 5) asserts that impacts are less than significant without supporting substantial evidence; and 6) fails to analyze a reasonable range of alternatives. The DEIR's assumption that the "No Project" alternative would allow "unofficial" disc golf to continue in Upper Bidwell Park is also wrong, because it improperly assumes that the City would not follow the law to bring the uses of Upper Bidwell Park into conformance with the applicable OS-1 zoning and RCA status of this area.

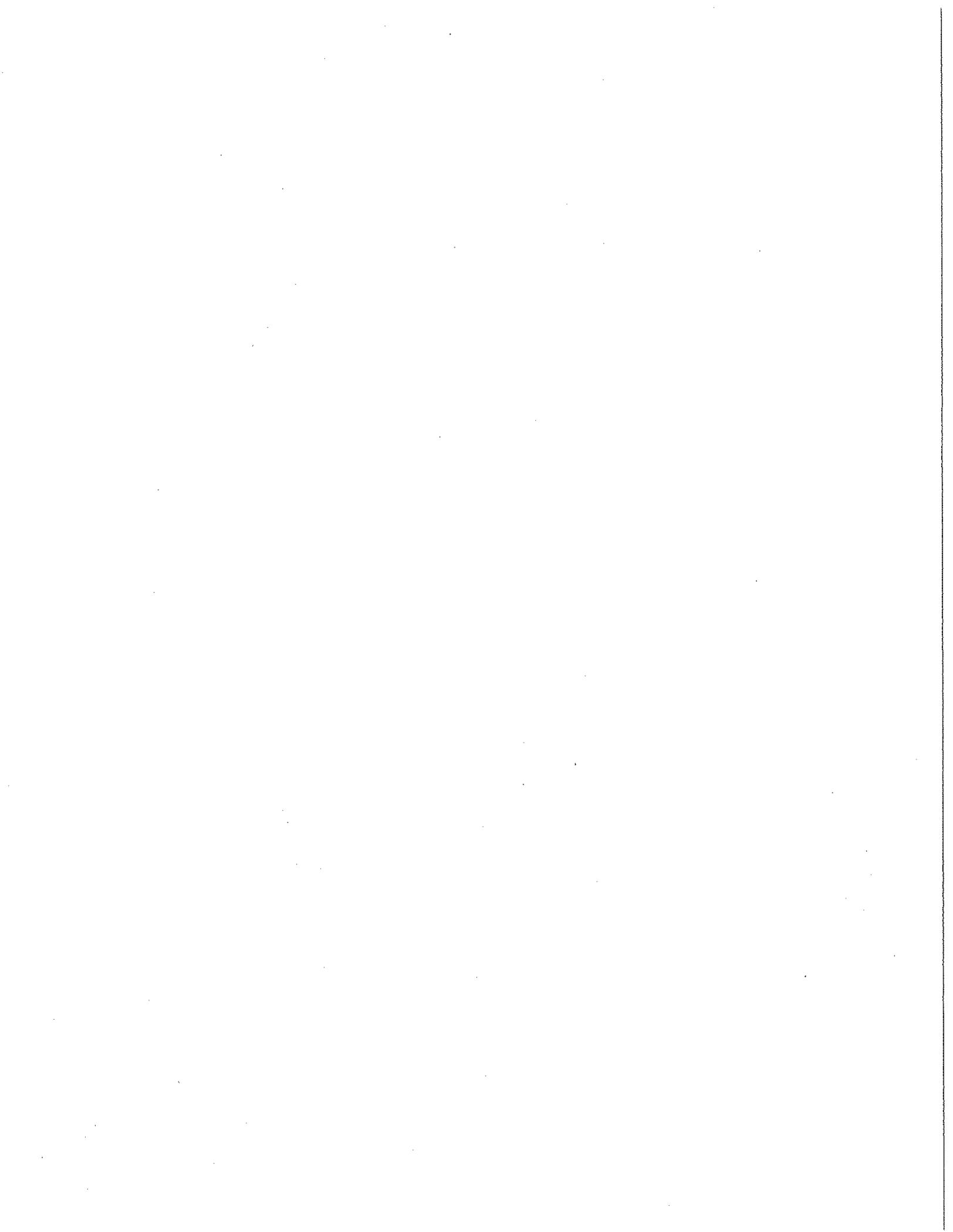
Before the City may approve any project that would authorize disc golf activities in Upper Bidwell Park, the City must first revise its DEIR to address the shortcomings identified in this letter, and then recirculate the DEIR for further public review and comment.

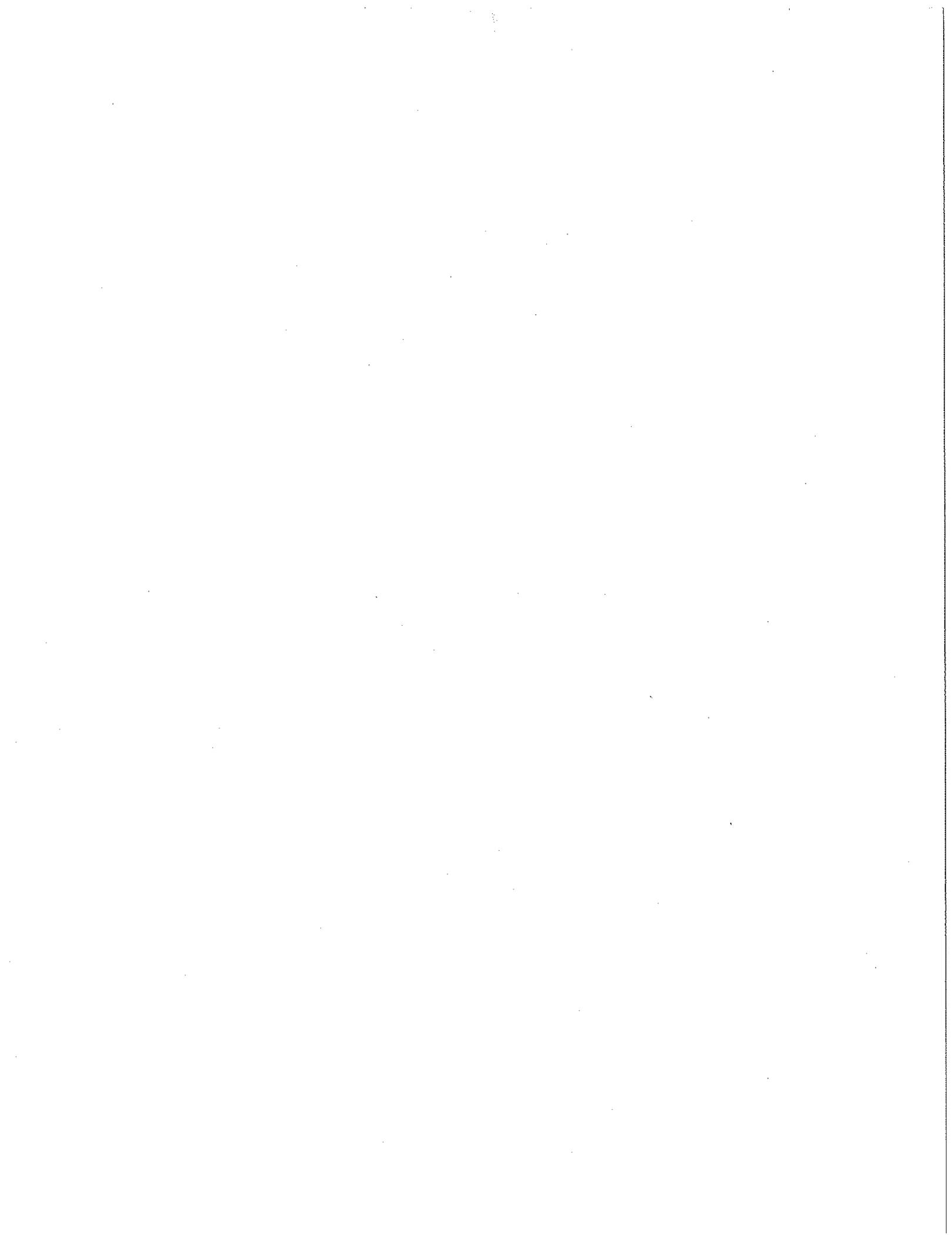
Sincerely,



Keith Wagner

cc: Friends of Bidwell Park
Interested Parties





LAW OFFICE OF
J. WILLIAM YEATES

8002 CALIFORNIA AVENUE
FAIR OAKS, CALIFORNIA 95628
TELEPHONE: (916) 860-2000
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info@enviroqualitylaw.com

J. WILLIAM YEATES

MARY U. AKENS
KEITH G. WAGNER

February 27, 2003

Mr. Kim Seidler
Planning Director
City of Chico
Community Development Department
P.O. Box 3420
Chico, CA 95927

Re: Comments: Upper Bidwell Park Disc Golf Course Project and Mitigated Negative Declaration (State Clearing House No. 2002092068).

Dear Mr. Seidler:

We are submitting these comments on behalf of our client, Josephine Guardino, objecting to the approval of the above-referenced project. These comments are submitted "prior to the close of the public hearing on the project before the issuance of the notice of determination," and are to be included in the City's administrative record for the proposed project.¹

The proposed project cannot lawfully be approved at this time. As explained further below, the Mitigated Negative Declaration and Initial Study for the proposed project are procedurally and factually defective. In addition, even if the identified defects in the City's CEQA documents are cured, the project cannot be approved because it is fundamentally inconsistent with the overlying requirement of the City's General Plan, the zoning designation for the project area, and the Bidwell Park Master Management Plan. For these reasons, the City must take affirmative steps to curtail the existing use of the project area for disc golf until such time as the City's General Plan, the zoning for the project area, and the Bidwell Park Management Plan are updated (including appropriate CEQA review for such updates) to allow disc golf in this environmentally sensitive area of Upper Bidwell Park.

¹ Pub. Resources Code, § 21177, subs. (a) and (b); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109.

I. THE CITY FAILED TO MEET CEQA'S PROCEDURAL AND SUBSTANTIVE REQUIREMENTS IN PREPARING AND CIRCULATING ITS MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED DISC GOLF COURSE

A. NO "MITIGATED NEGATIVE DECLARATION" APPEARS TO HAVE BEEN SENT TO THE STATE CLEARINGHOUSE OR CIRCULATED FOR PUBLIC REVIEW

CEQA requires that a lead agency circulate any proposed mitigated negative declaration for public review before it is approved by a lead agency.² It is quite clear from the structure of CEQA that an "initial study" and a "mitigated negative declaration" are, in fact, two distinct documents that serve different purposes, and that both documents must be 1) provided to the State Clearinghouse, and 2) attached to the Notices of Availability for public review.³

In reviewing the environmental documents that our client has received from the City, it appears that the only CEQA document provided to the State Clearinghouse and circulated with the City's Notice of Availability for this project is the City's "Initial Study." Therefore, the City has failed to meet CEQA's procedural requirements in its failure to prepare and circulate for public review a separate "Mitigated Negative Declaration" along with the City's Initial Study for the project.⁴ The project cannot be approved until the Mitigated Negative Declaration *and* the City's Initial Study are circulated for public review pursuant to CEQA's public circulation and review requirements and timelines.

B. MANDATORY FINDINGS OF SIGNIFICANCE FOR CEQA "RARE, THREATENED AND ENDANGERED" SPECIES

The CEQA Guidelines require that a lead agency find that a project may have a significant effect on the environment if the project has the *potential* to "reduce the number or restrict the range of an endangered, rare or threatened species"⁵ Furthermore, the discussion following this Guideline explains:

These mandatory findings *control . . . the decision of whether to prepare an EIR* This section is necessary to insure that public agencies follow the concerns of the Legislature in determining that certain effects *shall be found significant* and

² Pub. Resources Code, §§ 21064.5 (defining "mitigated negative declaration"), 21080, subd. (c)(2) (stating that a mitigated negative declaration "shall be prepared" if an initial study indicates that revisions in a project would avoid the project's potentially significant impacts, and there is no substantial evidence in the "whole of the record" before the agency that the project, as revised, "may have a significant impact on the environment.").

³ Compare Cal. Code Regs., tit. 14, ch. 3 (hereinafter "CEQA Guidelines"), art. 5 (titled "Preliminary Review of Projects and Conduct of Initial Study"), with CEQA Guidelines, art. 6 (titled "Negative Declaration Process"). Also compare CEQA Guidelines, § 15365 (defining "Initial Study") with CEQA Guidelines, § 15369.5 (defining "Mitigated Negative Declaration").

⁴ CEQA Guidelines, §§ 15073, 15105, subd. (b).

⁵ CEQA Guidelines, § 15065, subd. (a).

then take the actions at the different stages of the process that are required with significant effects.⁶

In other words, as explained by the discussion following the guideline, once the condition stated in the mandatory guideline is met (i.e., the fact that the project has the potential to reduce the number of a CEQA "rare, threatened or endangered" species), that finding "control[s] . . . the decision of whether to prepare an EIR," in order to carry out the Legislature's intent that certain effects "shall be found to be significant."

In the instant case, the City's Initial Study plainly states that Butte County checkerbloom 1) is a CNPS List 1B plant, 2) that these plants were observed growing along the northwest boundary of the proposed project, and 3) that these plants qualify as CEQA "rare" species under CEQA Guidelines section 15380, subd. (d).⁷ The City's checklist also clearly indicates that the project "may have potentially significant impacts on this plant," but then claims that such impacts should be "less than significant" with mitigation incorporated.⁸

The mitigation measure that is recommended for this List 1B plant states

Prior to hiring a contractor to construct the disc golf course, the project designer shall meet onsite with the biologist who conducted the 2002 botanical survey (or an equally qualified botanist if that person is not available). Any proposed disc golf facility with a potential to adversely impact populations of Butte County checkerbloom shall be relocated. The boundaries of populations adjacent to proposed construction areas shall be marked and protected with construction fencing prior to construction.⁹

The Initial Study, in considering CEQA's mandatory findings of significance, finds that – with this mitigation measure incorporated – the proposed project does not trigger CEQA's mandatory findings of significance for rare plants.¹⁰

This finding is inadequate for several reasons. First, as explained above, the CEQA Guidelines require that a *mandatory* finding of significance be made and an EIR prepared if a project has the "potential" to reduce the number or restrict the range of a CEQA rare species.¹¹ In other words, by the Initial Study's own admission, the project *has the potential* to reduce the number of Butte County checkerbloom at the project site. Therefore, under section 15065 of the CEQA Guidelines and the discussion following that guideline, this finding "control[s] . . . the decision of whether to prepare an EIR," despite the City's attempt to trivialize this mandatory finding by adopting mitigation measures to reduce such impacts.

⁶ CEQA Guidelines, discussion following § 15065.

⁷ Initial Study, at p. 9.

⁸ Initial Study, at p. 8.

⁹ Initial Study, at p. 10.

¹⁰ Initial Study, at p. 23.

¹¹ See discussion at notes 5-6, *supra*.

Additionally, even if it is claimed that the inclusion of the mitigation measure to relocate portions of the course relieves the City of the need to prepare an EIR, the mitigation measure proposed is inadequate under CEQA because it unlawfully defers the redesign of the project to clearly protect the identified Butte County checkerbloom until after the project is approved.¹² In fact, this problem can also be viewed as a defective CEQA project description problem as well, because the mitigation measure itself – in proposing that the “project designer” shall meet with a botanist *after* the project is approved – suggests that the City does not actually know what the precise design and layout of the proposed disc golf course will be.¹³

Another problem with this supposed mitigation measure is that it only goes to mitigate impacts associated with designing the course and construction of the project, but fails entirely to address impacts associated with the use of the course after it is built. Anybody who has ever thrown a Frisbee knows that hard-flung discs do not necessarily fly and land where intended – indeed, that is the precise challenge presented by the game of disc golf. Therefore, the mere fact that limits are placed on where construction equipment may be used in *building* the course does not address, in the least, impacts associated with disc golfers crashing through populations of Butte County checkerbloom at the edges of the golf course’s boundaries to recover errantly thrown Frisbees.¹⁴

C. FUNDAMENTALLY INADEQUATE ANALYSIS OF AESTHETIC IMPACTS

As a third issue, the City’s Initial Study is entirely devoid of analysis of the project’s aesthetic impacts with regard to uses of Upper Bidwell Park. In its aesthetics analysis, the Initial Study singularly focuses on aesthetic impacts associated with the view of Bidwell Park from adjacent State Highway 32.¹⁵ The Initial Study acknowledges that a parking area will be built for the proposed project, but then only analyzes the aesthetic impacts of that parking area with regard to drivers on State Highway 32:

At the approved highway speed in this area (65 mph), the parking area will be visible from a distance of approximately 100 yards for slightly less than 5 seconds. This impact is determined to be less than significant.¹⁶

The Initial Study, however, is absolutely *silent* as to how the construction of the proposed parking lot, tees, trails, baskets and tone poles over a 40-acre expanse of Upper Bidwell Park will affect the aesthetics of Bidwell Park, *from the perspective of people who are inside the park* for non-disc-golf related purposes.

¹² *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 (invalidating negative declaration for golf course, where credible evidence in the record supported an argument that the golf course *may* have a significant impact on the environment.)

¹³ Initial Study, at p. 10. CEQA Guidelines, § 15124, subd. (a) (requiring that a project description include “[t]he *precise location and boundaries* of the proposed project be shown on a *detailed map.*”)

¹⁴ The pictures that were provided to us by our client are more than adequate to demonstrate the environmental damage associated with user-created paths and trails.

¹⁵ Initial Study at p. 6.

¹⁶ Initial Study at p. 6.

The Bidwell Park Management Plan specifically states that "wilderness recreation" is to be emphasized in the Upper Park, and that uses should be restricted that "individually or cumulatively" cause substantial environmental deterioration.¹⁷ Photographs of the project area clearly show that even the *present* use of this area of Bidwell Park for disc golf directly violates these standards.¹⁸ In short, the Initial Study should at least *explain*, from the City's perspective, how installing a parking lot, trails, multiple 5' x 12' concrete tees, basket and tone poles, and the trampling of sensitive park resources resulting from disc golf use, is so utterly lacking in aesthetic impact that it doesn't even warrant a casual mention in the City's Initial Study – especially in light of the Bidwell Park Management Plan's express management policies for Upper Bidwell Park.

D. LACK OF ADEQUATE WILDLIFE STUDIES, CUMULATIVE IMPACTS ANALYSIS, ETC.

Finally, we incorporate by reference all documents and oral discussion that our client, and other members of the public, have presented to the City up to this time in opposition to the project including, but not limited to, the lack of scientifically and legally adequate studies of potential impacts to wildlife (including raptors that may nest and forage in and near the project area), and the City's failure to analyze the cumulative impacts of this project with other planned activities in Bidwell Park.

Many of these issues are documented in our client's letter to the City of January 2, 2003. The City responded in a letter of January 24, 2003. In that letter, Mr. Steve Zalusky, the Senior Planner for the project, repeatedly states his personal opinions about why such impacts are not an issue. The City's letter is inadequate to cure most, if not all, of the defects identified in our client's and others' previous comments and letters regarding the inadequacy of the City's Initial Study for the project.

CEQA provides that a mitigated negative declaration can be adopted only where 1) revisions to the proposed project *prior to* the release of the mitigated negative declaration and initial study indicate that the project will "*clearly*" not have significant impacts on the environment, and 2) there is no evidence in the "whole" of the agency's record that the project may have remaining, significant impacts on the environment.¹⁹ In this case, as set forth above, and as set out in the prior letters and oral information presented by our client and others, the City's Initial Study fails to "clearly" indicate that that project will not have significant environmental effects. The City's response letter is insufficient to resolve the issues raised for numerous reasons including 1) the City primarily relies on Mr. Zalusky's personal opinions and beliefs to discount our client's and others' documented concerns, but states no basis for the scientific methodology for his claims or his qualifications as an expert on the wide range of issues addressed in the City's letter, and 2) the City's letter even goes so far as to make the entirely non-sequitur claim that destruction of

¹⁷ Bidwell Park Master Management Plan, at p. 30.

¹⁸ See attached photographs documenting significant environmental impacts caused by disc golf use in project area.

¹⁹ Pub. Resources Code, § 21080, subd. (c)(2). See discussion at note 2, *supra*.

blue oaks should be categorically viewed as "insignificant" because there is no known way to mitigate for the loss of blue oak trees caused by the proposed project.²⁰ Indeed, on this point alone, Mr. Zalusky's statement about the *inability to mitigate* for the loss of blue oaks in Bidwell Park that will be caused by this project indicates that, in fact, this project *may have potentially significant effects*, thus *requiring* the preparation of an EIR. Also, the City's letter, while citing to certain biological studies, fails to disclose whether the studies were conducted under protocols established by the Department of Fish and Game, and therefore again fails to adequately support the Initial Study's summary conclusions that the project will not have significant impacts on wildlife.

Finally, the Initial Study entirely fails to consider a number of other past, present and future projects that are apparently being proposed for the Park (including, but not limited to, the Annie Bidwell trail, proposed improvements to the observatory in Bidwell Park, and the lead contamination cleanup at Horseshoe Lake and the pistol range), and the cumulative impacts that might result from these projects in combination with the proposed disc golf course.

II. THE PROPOSED DISC GOLF COURSE PROJECT IS FUNDAMENTALLY INCONSISTENT WITH APPLICABLE LAND USE PLANS

The City's finding in its Initial Study that the project is consistent with applicable land use plans is an abuse of discretion, given the *known* impacts that are *already being caused* by the active recreational use of the project area for disc golf, as graphically demonstrated in the attached photos. The City's Initial Study for the proposed disc golf course finds that the project will have "no impact" with relation to land use plans that govern the proposed golf course site.²¹ In discussing these findings, the Initial Study only makes general reference to the Parks, Public Facilities and Services Element of the City's General Plan, and makes no mention *at all* of the Bidwell Park Management Plan.²²

In fact, as the remaining discussion in this letter demonstrates, the project *is not consistent* with 1) the City's General Plan, 2) the zoning designation for the project area, *or* 3) the Bidwell Park Management Plan. Thus, *in addition to* the City's abuse of discretion under CEQA in checking the "No Significant Impact" box on its Initial Study regarding inconsistencies with overlying land use plans, it is also clear that the proposed project *cannot* be approved (and that the existing disc golf use must be curtailed) unless and until the City's overlying land-use documents are amended (including adequate environmental review under CEQA to adopt such amendments) to actually allow this active recreational use in Upper Bidwell Park.

²⁰ See, e.g., Community Development Department letter to J. Guardino (Jan. 24, 2003) at p. 3 (narrative by Mr. Zalusky regarding impacts to raptors and to blue oak woodlands with no citation to authority, and claiming that the unmitigated impacts associated with removal of blue oak trees are "insignificant" because "[r]eplacement of oak trees has been discredited by many biologists as ineffective and unrealistic.")

²¹ Initial Study at p. 17 (checklist for all "Land Use and Planning" categories finds that project will have "No Impacts.")

²² Initial Study at p. 17.

A. THE PROJECT AREA IS PROTECTED, EITHER AS A "RCA" OR AS A "RMA,"
UNDER THE CITY'S GENERAL PLAN

Maps included in the Open Space Element of the City of Chico's General Plan indicate that the disc golf course is either in an identified Resources Conservation Area (RCA) or, possibly, Resource Management Area (RMA).²³

If the proposed project is in an RCA, it would appear that the General Plan's Open Space policies prohibit the intensive, active recreational use of disc golf.²⁴ According to the General Plan's definition of RCAs, such areas "may be used for *limited passive* recreation, educational purposes, as sites for scientific study, or as locations for off-site mitigation banking when on-site habitat preservation for development projects proves infeasible."²⁵

If, on the other hand, the course is in an RMA, then the General Plan requires that before any development project is approved the City must (at a minimum) develop and circulate, with its environmental review documents, a Resource Management, Monitoring and Reporting Information report.²⁶ The City's Initial Study was not circulated with such a document, and no reference is made in the City's Initial Study as to whether such a document was ever prepared for the project.

Regardless of whether the project is in an RCA or an RMA, the General Plan's Open Space Biological Policies, which apply to both RCAs and RMAs, expressly require, among other things, that the City protect areas that "represent valuable biological resources," "[p]reserve and protect populations and supporting habitat of special status species," and "[m]inimize impacts to sensitive natural habitats" in the Planning Area.²⁷

Given the ample photographic and other evidence that our client has submitted regarding *ongoing* impacts at the project site, it is clear that the *present* use of the area fundamentally violates the City's General Plan Open Space Policies for Biological Resources. The City's proposal to formally build a disc golf course at this site where CNPS List 1B plants (*i.e.*, "special status species") are acknowledged to exist simply compounds this inconsistency. The City, accordingly, must *immediately* take steps to either 1) terminate the *existing* use that violates its General Plan, or 2) update its General Plan (including corresponding environmental review under CEQA to adopt such updates) to allow for such intensive, active recreational uses in the project area.

²³ See City of Chico, General Plan at Figure 7-1, and at § 7.2, titled, "Biological Resources and Habitat Conservation."

²⁴ See generally, General Plan at pp. 7-11 (defining "Resource Conservation Area"), and 7-14 through 7-16 (Implementing Policies: Biotic Resources for RCAs). "Bicycle and pedestrian paths and *low impact* recreational uses may be permitted in these open space corridors." General Plan Implementing Policy OS-I-22.

²⁵ General Plan at p. 7-11.

²⁶ See General Plan at p. 7-18.

²⁷ General Plan, Guiding Policies OS-G-5 through OS-G-7.

B. THE OS1 ZONING FOR THE PROJECT AREA DOES NOT ALLOW FOR IMPACT INTENSIVE, ACTIVE RECREATIONAL USES

The City of Chico's Zoning Ordinance describes the "OS1" zoning that it applicable to the proposed project area as follows:

OS1 (Primary Open Space) District: The OS1 zoning district is applied to areas appropriate for permanent protection as open space because of environmental resources These areas include [RCAs] of the General Plan and other sensitive habitats . . . that are either, publicly owned or have been committed to preservation by property owners The OS1 zoning district is consistent with the Open Space for Environmental Conservation/Safety, Open Space for Agriculture and Resource Management, Parks (*passive uses*), and Creekside Greenways land use classification of the General Plan.²⁸

Unlike the OS1 description, the City of Chico's Zoning Ordinance describes "OS2" zoning to include "active" Park uses.²⁹ For the same reasons set forth in Part II.A, above, the City cannot approve the proposed project (and must curtail, the existing active use of the project area for disc golf) until the zoning for the project area is modified to allow for active recreational uses, such as disc golf.

C. THE BIDWELL PARK MANAGEMENT PLAN REQUIRES THE CITY TO PROTECT UPPER BIDWELL PARK FOR PRIMARILY WILDERNESS PURPOSES

Finally, for the reasons stated in the preceding sections of this letter, the present, and proposed use of the area for disc golf is also fundamentally inconsistent with the Bidwell Park Management Plan's directives that 1) Upper Bidwell Park be reserved for wilderness uses, and 2) that uses be restricted that result in substantial environmental deterioration.³⁰

Again, as clearly demonstrated in the attached photos of the project site, the *existing* use of the area has, in fact, resulted in substantial environmental deterioration, and, therefore, must be restricted under the express terms of the Bidwell Park Management Plan. In addition, as explained above, it is unclear how the construction of approximately forty (40) 5' x 12' concrete tees, baskets and tone poles, a 40 car parking lot, and the placement of numerous boundary markers (for the ostensible purpose of protecting sensitive plants and habitats), is consistent with reserving Upper Bidwell Park for wilderness uses.³¹ In fact, by permanently authorizing the construction of an "official" disc golf course, the City will only ensure that this ongoing fundamentally inconsistent use of Upper Bidwell Park is "legitimized."

²⁸ Chico Municipal Code, § 19.50.010, subd. (C).

²⁹ Chico Municipal Code, § 19.50.010, subd. (D).

³⁰ See discussion at note 17, *supra*.

³¹ See discussion at Part I.C, *supra*.

Again, as with the General Plan, and the zoning for the project area, the Bidwell Park Management Plan indicates that the existing disc golf use must be suspended, at least until the Bidwell Park Management Plan is updated (with appropriate environmental review) to allow for such uses.

CONCLUSION

In light of the photos and other evidence that our client and others have provided – graphically demonstrating the *existing, extensive, and ongoing* damage to the proposed project area that has been caused by disc-golf – there can be no question that disc golf is, in fact, an active, and environmentally intensive, use of Upper Bidwell Park's natural resources.

The City's proposal to build a formal disc golf course at the project site cannot be approved at this time. The City's CEQA review for the proposed project has been procedurally flawed, and fails to take into account substantial evidence in the whole of the record that clearly indicates approval of the project may have significant adverse effects on the environment. Moreover, even if the City corrected the defects in its CEQA process and analysis by preparing, and circulating for public review, an appropriately detailed EIR, the City would *still* be unable to approve the proposed project because it is fundamentally inconsistent with the City's General Plan, with the OS1 zoning that applies to the project area, and with the Bidwell Park Management Plan.

Given the evidence in the record of the *existing* impacts that disc golf has had at the project site, it appears that the City owes a mandatory duty to the citizens of Chico, including our client, to immediately terminate this active, intensive use of Upper Bidwell Park unless and until the City amends its General Plan, the zoning for the project site, and the Bidwell Park Management Plan to allow for such uses.

The City Council of Chico, in adopting the Bidwell Park Master Management Plan in 1990, observed:

Neglect, *intense use*, and inappropriate stewardship have led to *incremental deterioration* of this *irreplaceable* resource. Future responses may ultimately include even more distressing changes, if the recommendations of the Master Management Plan are not implemented. . . . ¶*The Master Management Plan must be managed. New data and recommendations must be added to keep the plan up to date. . . . The Bidwell Park Master Management Plan should be used to guide decisionmaking. People should read and understand the plan. They should seek ways to improve it and means to implement it. Decisions related to Bidwell Park should be defensible. Those decisions that appear to be inconsistent with the plan should be challenged.*³²

³² Summary of the Bidwell Park Master Management Plan (no pagination available) (emphasis added).

Our client is deeply concerned about the City's ongoing failure to carry out the mandatory policies and directives in the various land use documents that govern activities in Bidwell Park. But she also views this as an excellent opportunity for the City to begin to take the proactive steps to review and update the City's General Plan, zoning, and the Bidwell Park Management Plan to account for the proposed disc golf course project and the numerous other projects that are presently being proposed for Bidwell Park. Our client looks forward to the opportunity to work with the City as it takes the steps that are necessary to bring *all* uses of Bidwell Park – including the ongoing and proposed disc golf course use – into conformity with the Bidwell Park Management Plan's mandatory directives, and to carry out those directives by updating the Park Management Plan (and the City's General Plan and zoning), so that the City's future decisions of how Bidwell Park will be used and enjoyed by all are defensible.

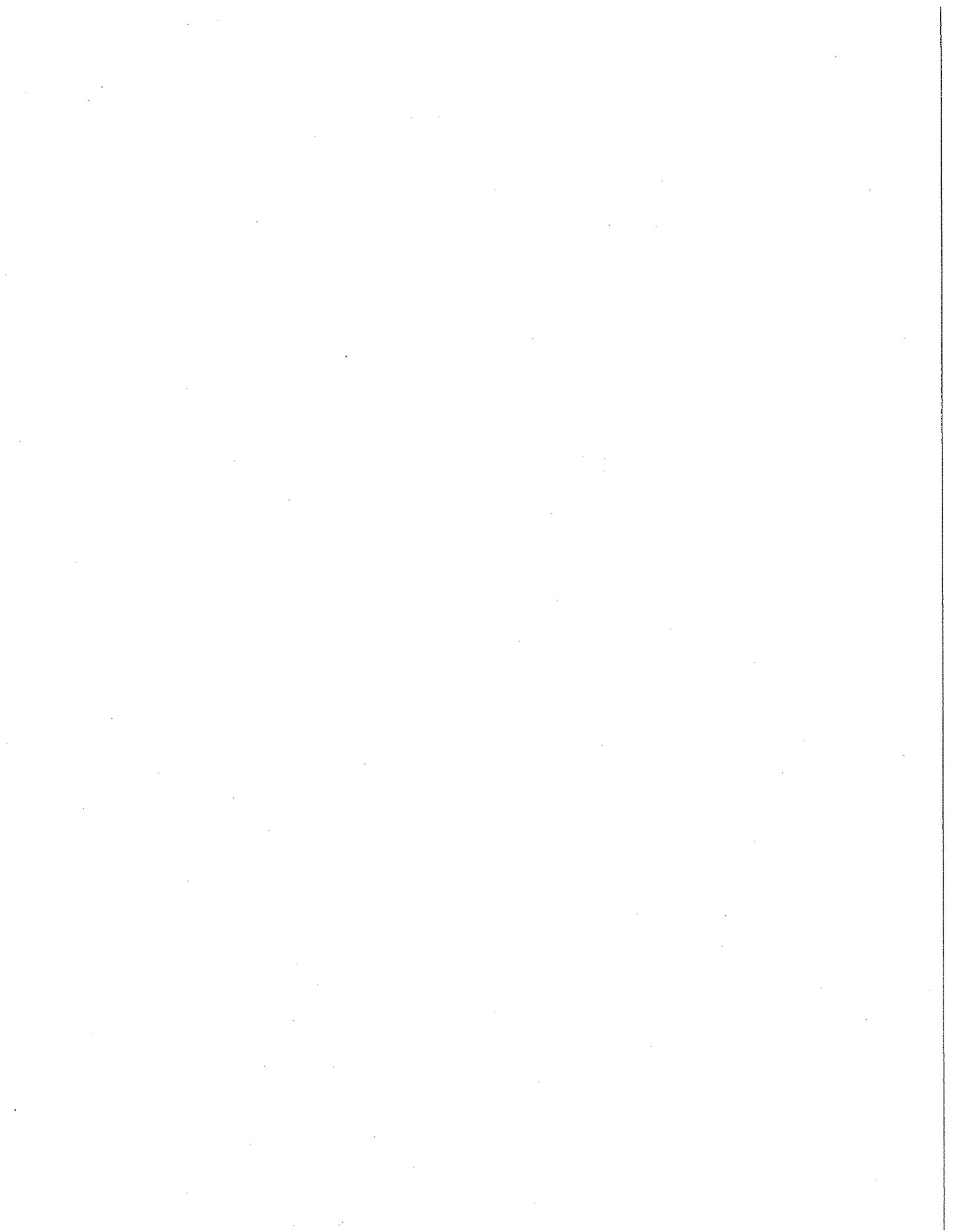
If the City has any questions about the concerns we have raised in this letter, please do not hesitate to contact our office.

Thank you,

Keith Wagner
Attorney at Law

Attachments: Photographs of disc golf impacts in Upper Bidwell Park (with mailed copy)

cc: Steve Zalusky, Senior Planner
Tom Lando, City Manager
Dave Frank, City Attorney
Dennis Beardsley, Park Director





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June 27, 2005

Mr. Dennis Beardsley, Park Director
City of Chico
421 Main Street
Chico, CA 95927

**Re: Results of follow-up survey to investigate reports of possible vandalism/
removal of Butte County checkerbloom at the proposed disc golf course
study area**

Dear Mr. Beardsley:

This letter report describes the results of a follow-up survey to investigate reports of possible vandalism/removal of Butte County checkerbloom at the proposed disc golf course study area. Pursuant to the City of Chico's request, EDAW botanist Tammie Beyerl visited the study area on June 2, 2005 and examined locations where Butte County checkerbloom populations were observed and documented during rare plant surveys conducted by EDAW botanists in March and May of 2005. Signs of damage to Butte County checkerbloom were noted and photographed.

Of the 12 Butte County checkerbloom populations documented by EDAW botanists in March and May 2005, eight showed no evidence of vandalism or removal. These eight populations were somewhat inconspicuous either because they were concealed (e.g., by shrubs) and/or they were not flowering. These populations were also located away from areas of visible ground disturbance (e.g., fairways, tees, and targets). Three populations showed signs of recent damage. These included a small population at the base of a poison oak shrub near tee #2, a large population that is transected by a foot trail, and a small population located near another foot trail; each of these populations had numerous bent, torn, and broken flowering stalks and trampled leaves (Photographs 1-6). Abrasions and tear patterns observed on the flowering stalks indicated that these stems may have been broken and bent by people, intentionally or unintentionally, rather than by animals whose teeth typically result in clean cuts of vegetation.

One population of Butte County checkerbloom that was documented among the woody debris of a fallen gray pine appeared to have been dug up and removed from the site. This population consisted of five clumps of plants (with approximately 15-20 flowering stems) when observed by EDAW botanists in March and May 2005. During the site visit on June 2, 2005, four freshly dug holes in the ground were observed where Butte County checkerbloom plants were observed the previous

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DESIGN, PLANNING AND ENVIRONMENTS WORLDWIDE

Mr. Dennis Beardsley, Park Director
City of Chico
June 27, 2005
Page 2

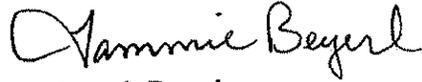
month. These holes ranged from approximately 1.5 to 2.5 feet in diameter. Two of these holes had been filled in with branches and bark from the fallen gray pine and two were filled in with dirt indicating a likelihood of intentional removal and an attempt to hide the evidence (Photographs 7-9). Only one less conspicuous (not flowering) clump remained at this location during the June 2nd survey.

If you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,



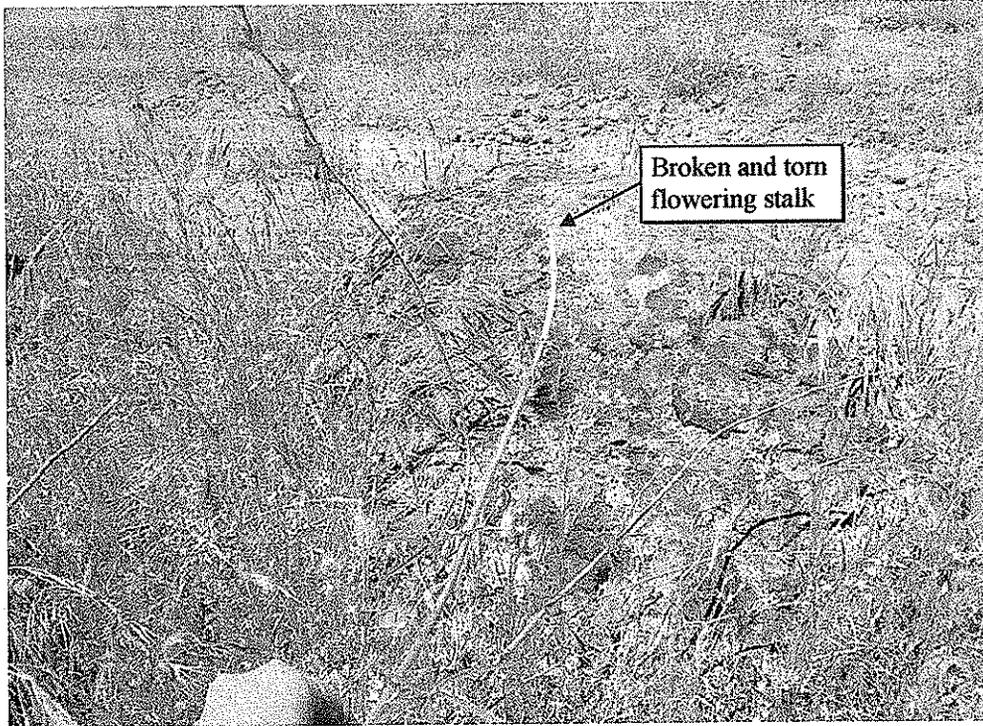
Petra Unger
Project Manager



Tammie Beyerl
Botanist

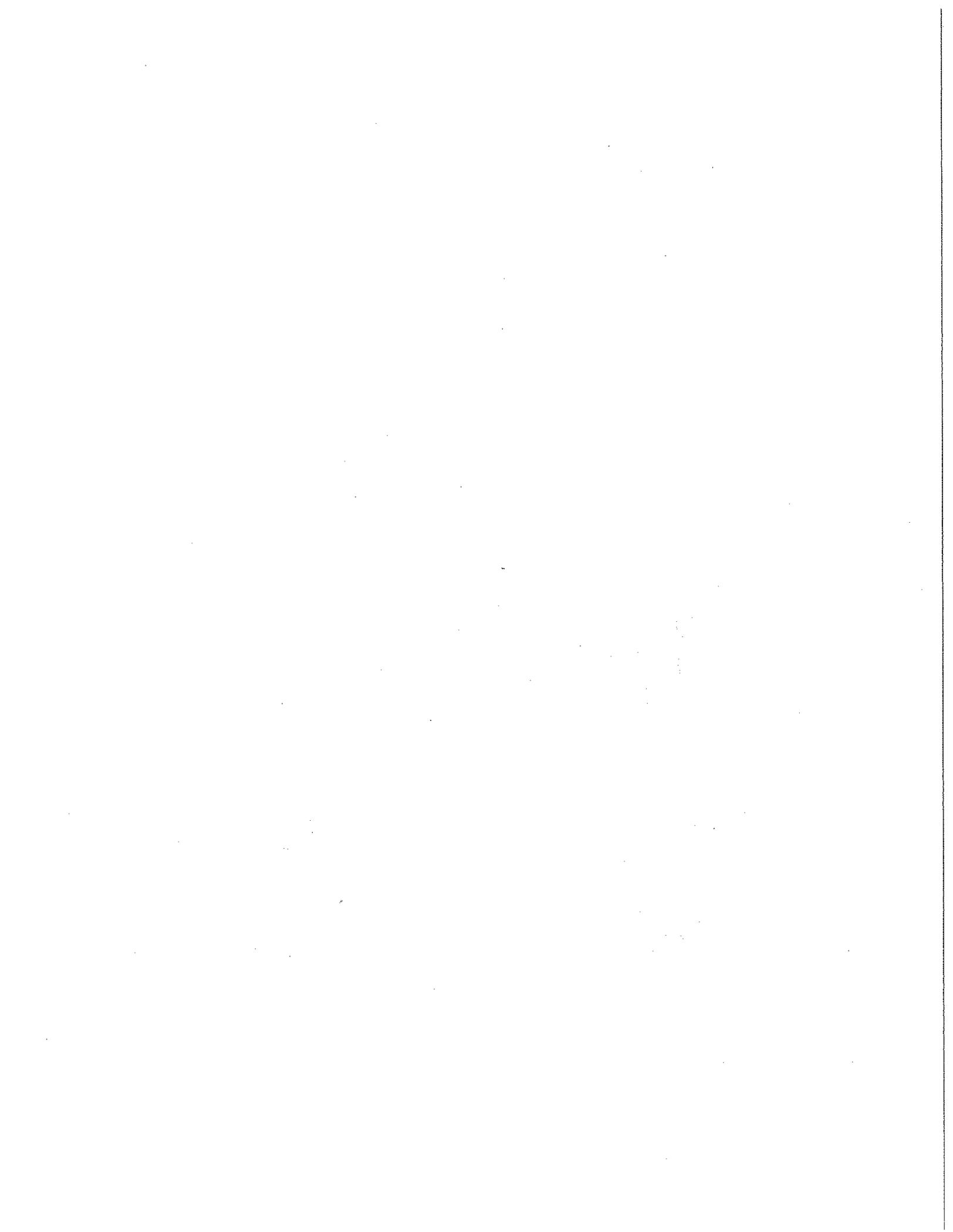
Enclosures

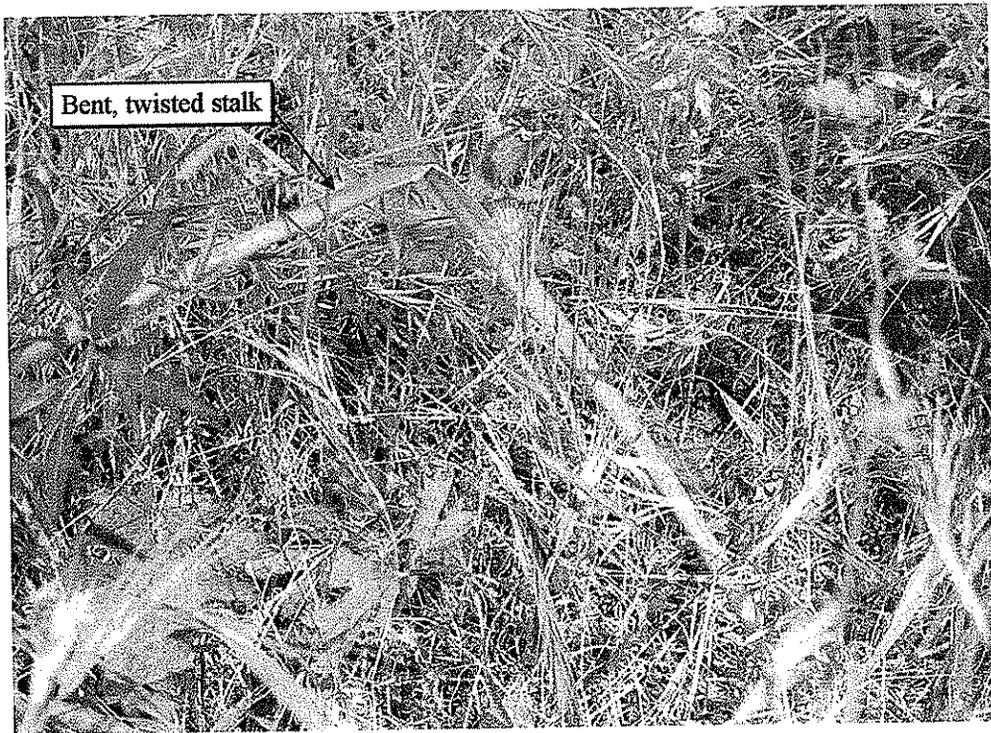
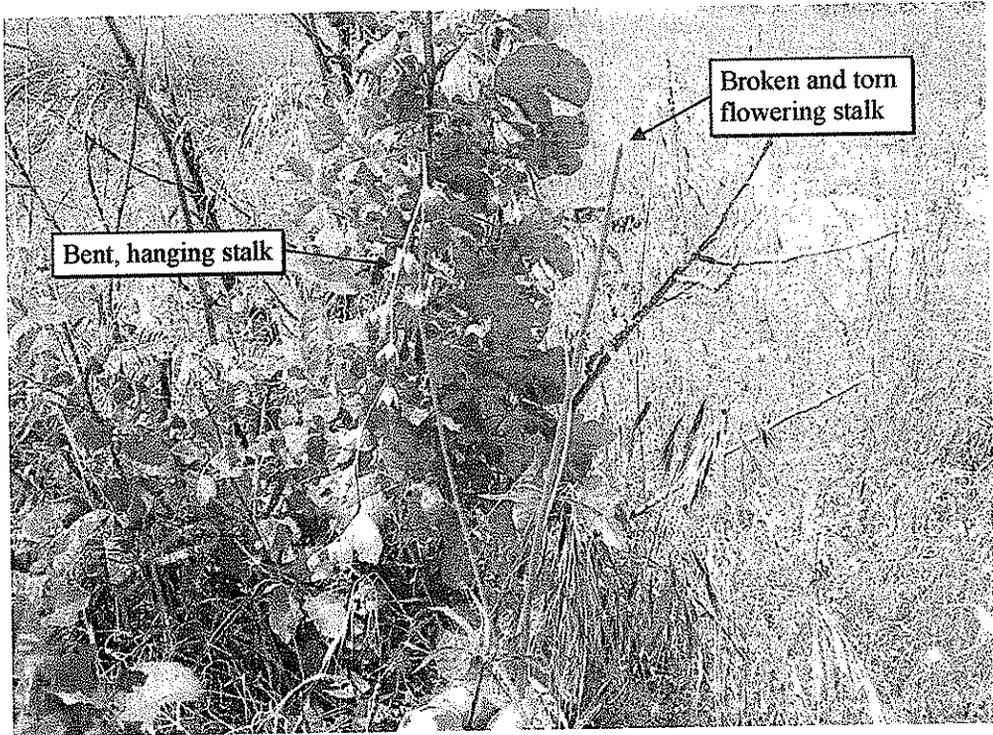
cc: Brendan Vig
04110032.01/chron



Broken Butte County Checkerbloom Flowering Stalks Adjacent to Trail (June 2, 2005)

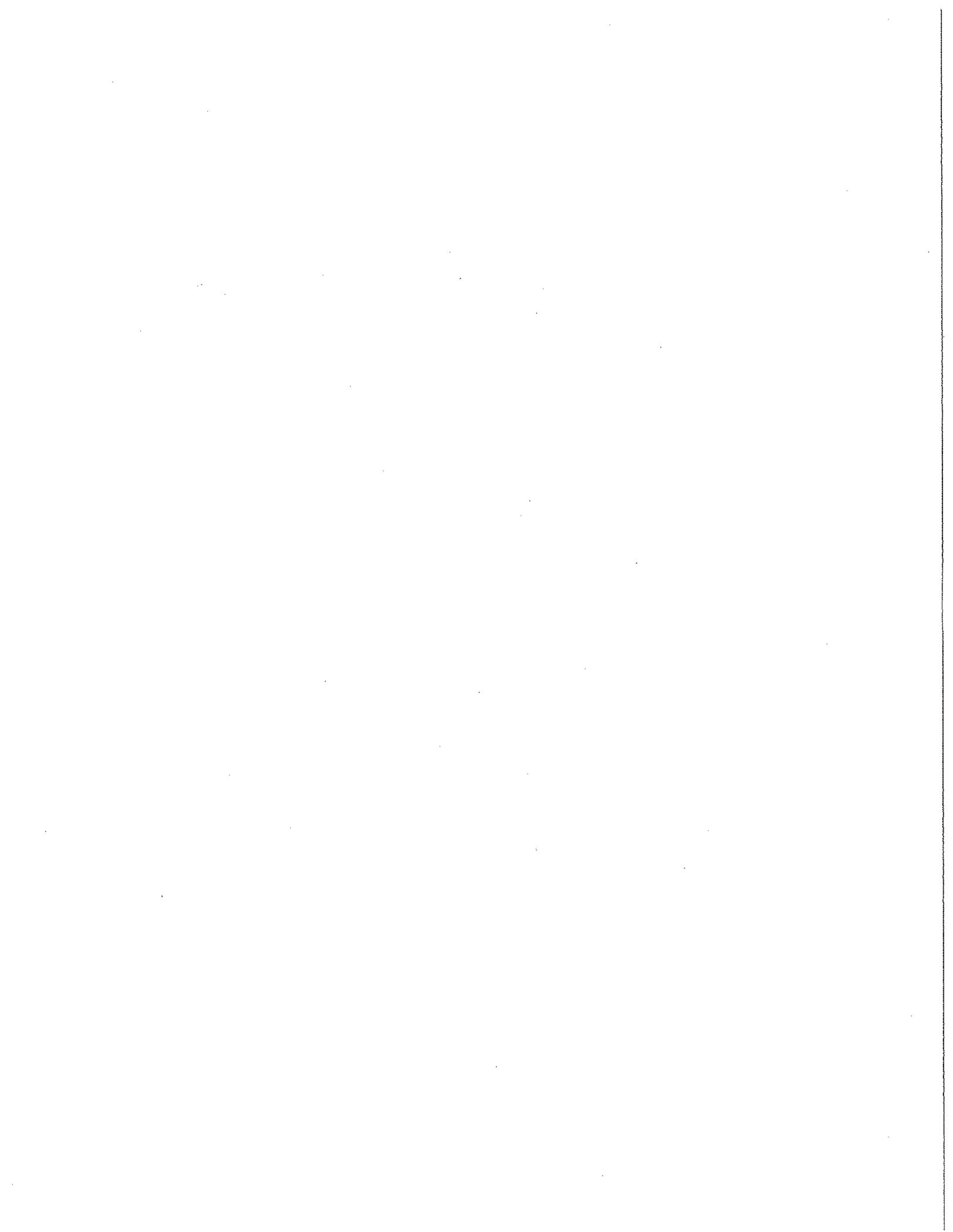
Exhibit 1

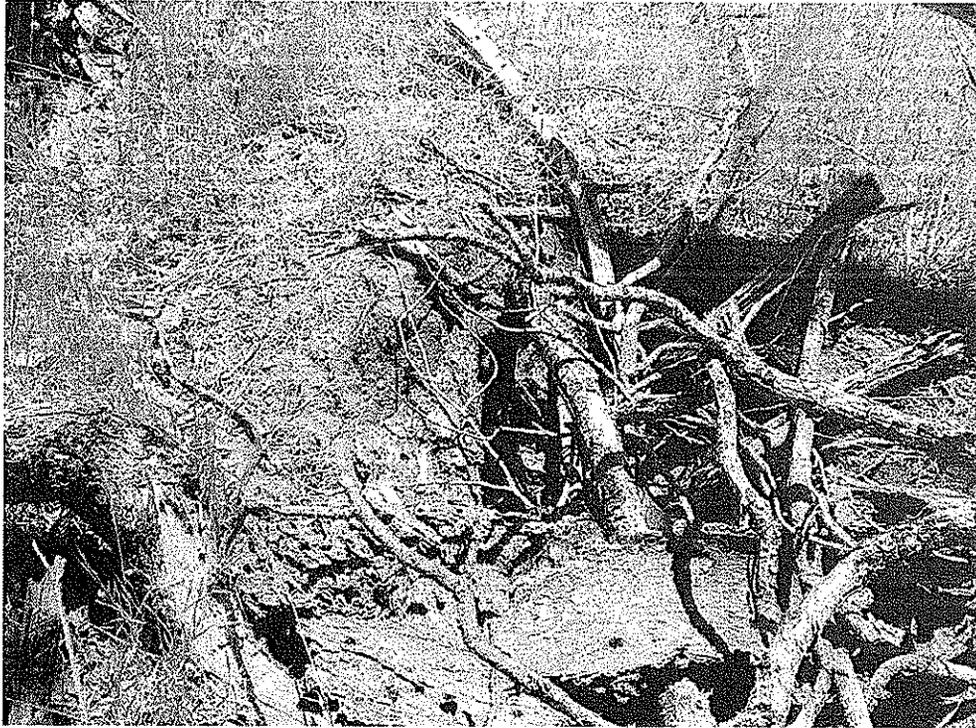




Broken and Damaged Butte County Checkerbloom Flowering Stalks (June 2, 2005)

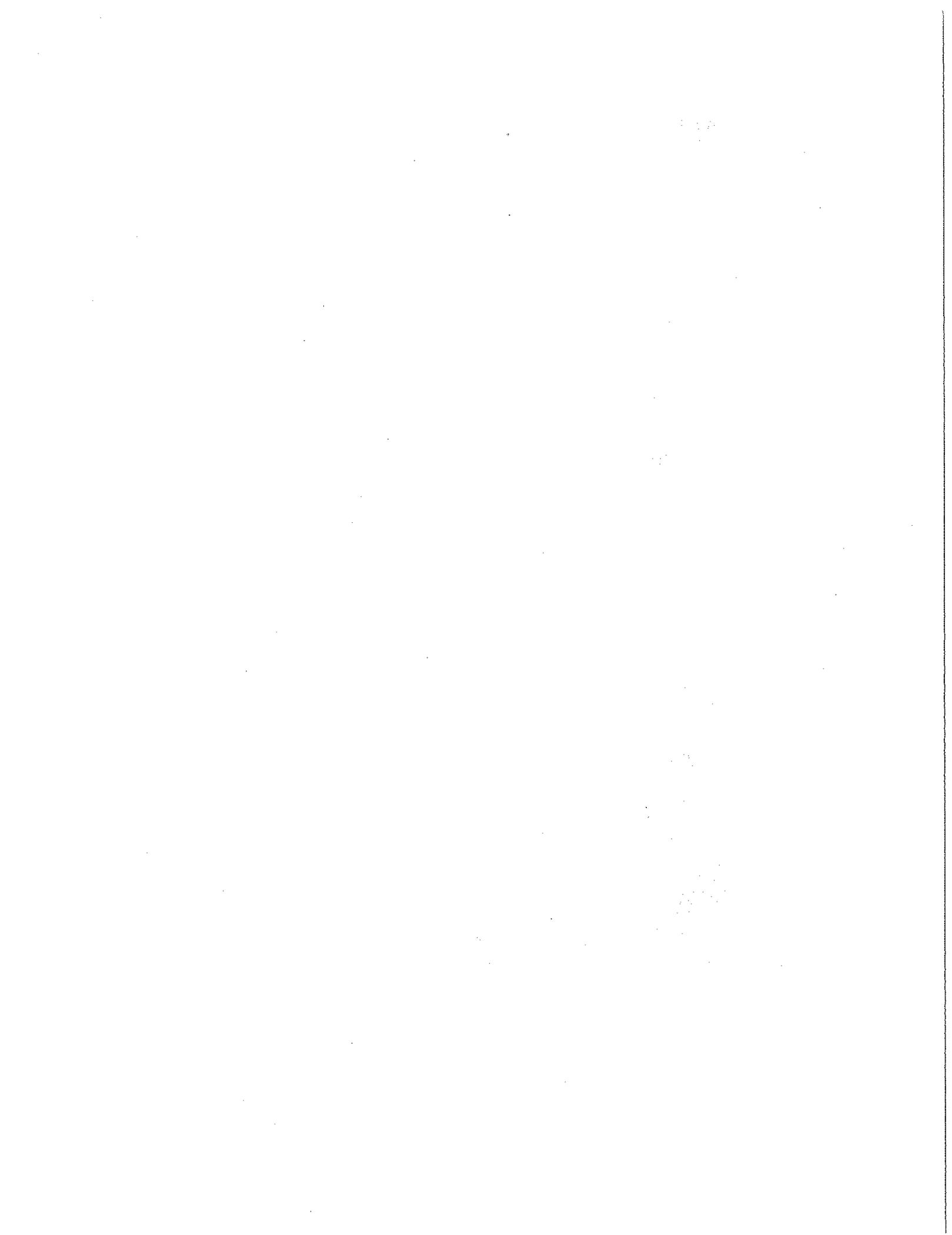
Exhibit 2





**Freshly Dug Holes Where Butte County
Checkerbloom Plants Were Previously Observed (June 2, 2005)**

Exhibit 3





June 26, 2007

Brendan Vieg
City of Chico
Planning Services Department
P.O. Box 3420
Chico, CA 95927

RE: Bidwell Park Master Management Plan/Environmental Impact Report

Dear Brendan,

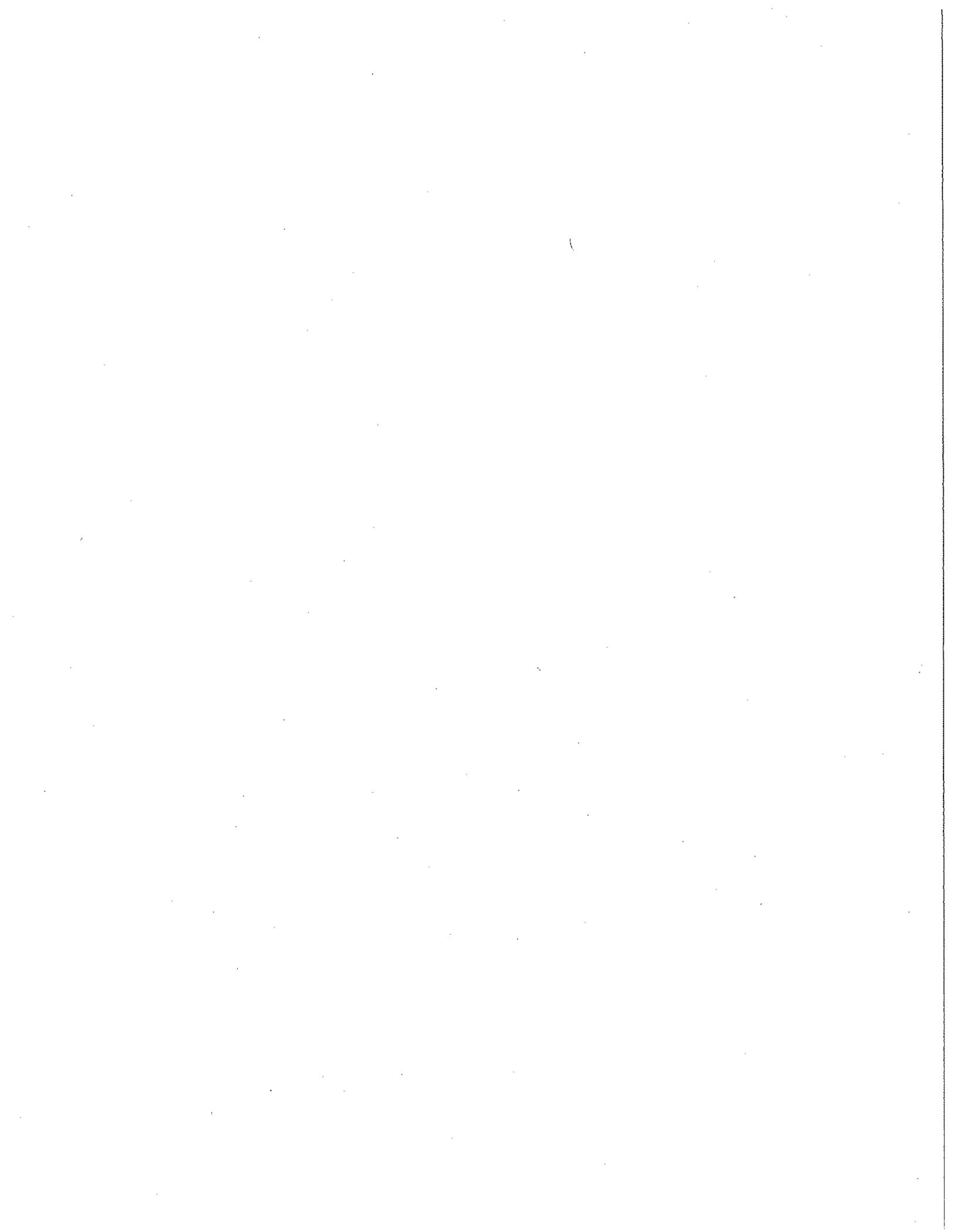
Thank you for providing the opportunity to review and comment on these documents and for allowing the maximum number of days allowed by CEQA to comment. Friends of Bidwell Park (FOBP) has submitted comments on these aspects of the Bidwell Park Master Management Plan/Environmental Impact Report:

Cedar Grove Project
Horseshoe Lake Project
Trails Plan Project
Disc Golf/Trailhead Project
Natural Resource Management
Historical Resources
Editing comments and questions

If you have any questions regarding our comments, please contact me. We look forward to reading the responses by the City of Chico and EDAW to our comments as well as those submitted by other community members and public agencies.

Sincerely,

Susan Mason
President, Friends of Bidwell Park



June 18, 2007

To: Brendan Vieg
City of Chico
Planning Services Department
P.O. Box 3420
Chico, CA 95927

From: Friends of Bidwell Park (FOBP)
P.O. Box 3036
Chico, CA 95927-3036

Re: Comment on Draft Bidwell Park Master Management Plan and Environmental Impact Report

Before these two documents were released for public review, they would have greatly benefited by a thorough edit to eliminate typographic and spelling errors as well as to eliminate discrepancies between information provided in different places in the same document. Of course, it's more difficult to catch some kinds of errors when the document preparers are an out-of-area firm that has only spent a few days in Bidwell Park, but an effort should have been made to eliminate the obvious errors that any competent proofreader would have noticed. Since it is likely to be many years before the documents are superseded, it is important that they be as accurate as possible.

Corrections and Comments on Cedar Grove information

Since the boundaries of the Cedar Grove project area are not explicitly described in the MMP, these corrections and comments assume that the boundaries are Big Chico Creek on the north, homes and Parkview Elementary School on the west, East 8th St. on the south and the park entrance path to the east of the deer pen to the east. A verbal description of the Cedar Grove project area should be added, as the Cedar Grove Area Concept Plan map does not appear to show the entire project area.

Although Friends of Bidwell Park supports the concept of improvements in the Cedar Grove area that would make it more accessible and usable for individuals and community groups, we feel that the one-page project plan is too vague to be evaluated in the context of an EIR. It failed to address how historic features of the area would be evaluated and protected, if necessary. It failed to take note of the Cedar Grove resident (not migratory) deer population that is already being impacted by East 8th St. residential construction across from the Nature Center. It failed to assess the condition of the remaining Experimental Forestry Station tree plantings¹, the condition of specimen trees in the

¹ Comments by Wes Dempsey (CSU, Chico Professor Emeritus, retired) on 6/13/07:
Forest Station Plantings

The 1918 map (revised in 1959) made of the Old Forestry Station by Woodbridge Metcalf lists about 144 tree and shrub species. According to my surveys, 43 of these species remain. There are no surviving earlier maps that I am aware of but there is a list of 90 species in the report of the UC experiment stations of 1893.

World of Trees², the major problems of invasive plants introduced into the area by the Forestry Station, and the cumulative impacts of the East 8th St. Road Reconstruction. We hope that before final plans are developed for this area, a more thorough inventory of its current condition will be made.

When reviewing pages that had references to Cedar Grove, other typographic and consistency errors have also been noted.

Master Management Plan Comments

Section 2.2.2.5 page 2-92

Please change "deer pens" to "deer pen." Change "present on the property.." to "was on the property..." since the referenced barn burned down in October 2006. Please define what remnants of a small zoo still remain on the site.

Section 2.4.4.1 South Park Drive; page 2-99 and 2-100

"..between Alder and Sycamore..." entrance now has a street name "One Mile Way"—please include it in the description. Also, change "maintenance vehicle" to "maintenance vehicles". Eliminate blank line. Move "Lower Park can be accessed..." sentence from Vallombrosa paragraph to this paragraph. Please indicate that the Cedar Grove entrance street is named Cedar Grove Way and that it provides access to South Park Drive. Also indicate that the CCNC entrance does not provide access to South Park Drive.

The huge number of Cherry plums (*Prunus cerasifera*) probably came from #89 (labeled as "*P. serotina*") and the many Hawthorns (which Oswald calls *C. laevigata*) from #30 (labeled "*C. oxycantha*"). The nasty infestation of Cork elms around the Nature Center and Cedar Grove came from #120 *U. thomasi* (labeled as "*U. racemosa*").

The olives probably came from backyard gardens nearby. I find a few Cork oak (# 97 *Quercus suber*) seedlings near the Cork oak grove that certainly came from there. The volunteer Catalpas along the creek came from #29 *C. speciosa* which were planted in large numbers along the "World of Trees" trail and west of the Nature Center. A few English oaks have come from #98 *Quercus robur* (labeled as "*Quercus pedunculata*"). Some Ashes have also popped up from the original plantings (species ?).

² Comments by Wes Dempsey (CSU, Chico Professor Emeritus, retired) on 6/13/07:

Origin of World of Trees Plantings

The beginning of the World of Trees Trail was planted in 1890, the Cypress grove (originally the cypresses were inter-planted with hardwoods, like Maples) was planted in 1896, the Zelkovas were planted in 1896 and NW of them a small block of Burr oaks (still there). South of these was a big planting of Eucalyptus (Block S on the map) that was gone by 1959 and recently has been filled in with volunteer Ashes. Further south, a block of Coastal redwoods on the east side of the trail across from a block of Madrones (only 1 left) and Virginia persimmons on the west side. Still further west, near the Parkview School fence, a bunch of Burr oaks—now very large. South of them, planted in 1904, the 4-acre Cork oak grove. No olives were listed on the map or mentioned in any of the records.

The trail goes along the old road that looped south thru the station and, for a short way, thru Cedar Grove; then the trail goes west to the cork oak grove. The old road loops NW thru the Pine plot (USFS 1949), past the Zelkovas, and joins the north branch of the road near South Park Drive. The road is bordered for most of its way with Western catalpas with the exception of a single English oak, near where it rejoins the trail.

Parking in Lower Park

Please remove “and Cedar Grove/Nature Center” from first sentence since the information is duplicated in a following sentence.

Exhibit 2.4.3-1a Circulation-Lower Park

There are parking lots at both Cedar Grove and the CCNC, so an additional P should be added at Cedar Grove. Also, there’s only one parking lot on the north side at Sycamore Pool.

Table 2.4.4.1-1 Lower Park Parking Capacity page 2-104

There’s only 1 parking lot on the north side at Sycamore Pool. Please explain where the “Vallombrosa Avenue Entrance Gate” parking lot is located and how it differs from the Sycamore Pool parking lot.

“Petersen Drive North of Cedar Grove” should be changed to “Petersen Memorial Drive east of former walnut orchard” since Cedar Grove is not nearby and is on the other side of the creek. Also, this parking area frequently has more than 2 vehicles. Please verify the lot size.

Many of the Lower Park lots have been mistakenly included in the Upper Park Parking Capacity table (see below)

Table 2.4.4.3-1 Upper Park Parking Capacity

These lots are not in Upper Park and should not be included in this list:

Cedar Grove Overflow, Deer Pen on East 8th Street, Manzanita/Vallombrosa SW corner, Sycamore Field/1-Mile reservation area, Caper Acres, South Park Drive picnic sites, Petersen Memorial Drive picnic sites.

As Middle Park is currently defined, the “Police Pistol Range” parking lot should be in the Middle Park Table. Since the pistol range presumably was removed during the lead cleanup, it would be more accurate to call this parking area by a more descriptive name, such as “Chico Canyon Road trailhead parking lot.”

Horse Arena should also be in the Middle Park Table. Wildwood is not part of Bidwell Park so it should not be included. Ten Mile House Road and Green Gate refer to the same parking area. Lot M is misplaced in the list.

Please explain where the 35 parking spaces are located on Centennial Drive.

Also, the preceding paragraph, Bear Hole is misspelled “Beerhole.” The third sentence needs clarification—perhaps the word “east” should be “exist”? Why is Oak Grove capitalized in this sentence?

Table 2.4.5.3-1 Trash Receptacles

Junction Park (did you mean Ringel Park?), City Plaza, Children's Park, Humboldt Neighborhood Park, and Depot Park are not in Bidwell Park. What is the "Kiwaniis Area"? Do you mean the Observatory Parking Lot (lot C)? Please correct parking lot names and lettering to match other tables in this document (e.g. Horseshoe Lake is apparently now lot E, according to other tables). Is "Amphitheater" the Bidwell Bowl Amphitheater? Is the Oak Grove picnic area the two group picnic sites at One Mile? Is Campfire Ring the Campfire Council Ring?

Change "Deer Pens" to "Deer Pen."

Section 3.6.1. Cedar Grove Objectives, Implementation Strategies and Guidelines 3 pages 3-46 and 3-47

Without an explicit definition of the boundaries of Cedar Grove, it's difficult to know whether these objectives and implementation strategies are appropriate.

I.CG.2 It's unclear why this sentence has been included for this area of the park and not for other areas, where problems with soil, erosion, cultural resources, aesthetic resources, etc. are much more likely to be an issue. If possible, please explain this sentence, especially the use of the word "efficiently."

Since I.CG.1 states "The following shall be considered when implementing the Cedar Grove Area Concept Plan", presumably that plan will contain information relating to the bulleted points. However, in Appendix G, which contains the 1-page concept plan, none of these points are referenced, either explicitly or implicitly.

Appendix G Cedar Grove Area Concept Plan

The Concept Plan fails to specifically deal with the points mentioned in Section 3.6.1, e.g. no additional paths from East 8th St. are shown, no description is provided about what vegetation might be used that improve sight-lines within Cedar Grove, no information is provided about the deer pen, which would help Park Commissioners to decide what alternative use might be appropriate (size, fence condition, gate locations, amenities such as water line, potential parking locations, etc.).

No information is provided about the possible impact of the Experimental Forestry Station historical landmark status on development of this site.

The plan also does not take into account the East 8th St. road reconstruction project, which will significantly reduce the number of Cedar Grove special event parking spaces along East 8th St., reduce deer pen parking, realign the Cedar Grove and Parkview School entrances, and create a new bike path along the southern edge of the Cedar Grove area.

Friends of Bidwell Park (FOBP) has spent hundreds of hours in Cedar Grove removing invasive plants so we are perhaps more familiar with usage patterns there than the consultant. The parking lot, as redesigned, may work well for special events, but it fails to address the everyday vehicle usage of this lot. This includes delivery truck drivers and

landscapers with large trucks & equipment trailers stopping to eat lunch in the shaded lot, RVs, 12-passenger vans, and other types of vehicles that won't fit into the standard parking space.

Keep in mind that this is not a shopping center parking lot where larger vehicles have the option of parking on the outskirts of the lot. Please don't make the same mistake that was made at Parking Area E in Upper Park, where a significant number of vehicles are forced to use the Rod & Gun Club parking lot because they are too big to get into or out of lot E or to park there without obstructing other traffic.

FOBP also has participated in the Endangered Species Faire, which is the type of event that presumably the Cedar Grove upgrade is designed to encourage. The plan does not address the neighbors' complaints about live music events emanating from a stage that faces East 8th St. (because the only electrical hookups are at the restrooms). It does not address the need for trucks and vehicles to drive into the Festival Meadow to unload/load their equipment and booth set-ups and the impacts these vehicles have on the turf and irrigation system.

Overall, for a project which represents ¼ of the total identified park projects that will have cumulative impacts on Bidwell Park, this is a remarkably poorly-defined project. There is no indication of what type of events this remake might be expected to attract, how many vehicles and people might participate in such events, how this remake will affect the historic World of Trees, or how it will benefit the daily park users. As mentioned above, it also does not address any of the issues raised in Section 3.6.1.3 Implementation Strategies.

Concept Plan Map

The 4 viewing platforms are not shown. The correct entrance street name is Cedar Grove Way. South Park Drive is missing from the map. The World of Trees Independence Trail is mislabeled "Tree Walk." What does "Proposed Tree Typ." mean? The map fails to show the numerous unofficial trails throughout Cedar Grove and does not indicate that there will be an additional entrance from East 8th St. where the fence is continually damaged by people wishing to enter from the location of the convenience store. The loss of the CCNC barn and subsequent enlargement of the Interpretive Center should be noted on an updated version of the map, as should the Cedar Grove Way/East 8th St., intersection realignment and change in number of parking spaces along East 8th St. Please show bus parking areas for the Nature Center on the map.

EIR Comments

Section E3.2.3 Cedar Grove Area Concept Plan page E3-15

Please correct “Cedar Way” to Cedar Grove Way.”

“Paving and delineation of the existing parking lot...” From the map, it looks like the parking lot size will be expanded significantly in the direction of the creek. Please clarify whether the space will be expanded and if so, what will be the size of the new lot.

Parking lot efficiency is only important a few days a year, when major events take place in Cedar Grove. Please explain how users the rest of the year—people who often drive larger vehicles that are used in their businesses or for recreation—will benefit from “standard” parking spaces and where they would legally park in the newly reconfigured lot.

Two Entry Kiosks are shown in the map but only one is described in the text.

What’s the purpose of the meadow trail? Why would anyone want to use it?

Section E4.3.1 Aesthetics page E4-6

East 8th St. is also designated a local scenic road between Bruce Rd and Hwy 32 (see http://www.east8thstreet.net/8th_Street_Guidelines.pdf).

Impact AES-4: Degradation of Visual Character page E4-11

Since none of the maps in the MMP or EIR show the many informal trails that currently exist in the Cedar Grove Project area, how can you conclude that there will be a reduction in informal trails? Without knowing where these trails go, it’s impossible to know whether trail delineation will reduce usage of other trails. Also, the MMP does not list removal of informal trails or planting/revegetation as implementation strategies for Cedar Grove so it’s unlikely that any efforts would be devoted toward this goal.

Section E4.3.3 Biological Resources Valley Elderberry Longhorn Beetle page E4-39

With such a small area defined for the Cedar Grove project, even if the consultant didn’t do a VELB survey, the location of elderberry bushes could have been noted, in case they had a potential impact on the project design.

Section E4-3.7.4 Impact Discussion Impact Hydro-2 page E4-123

On page E3-15, the overflow parking area is described as unpaved. On page E4-123, it’s described as paved. Which is accurate?

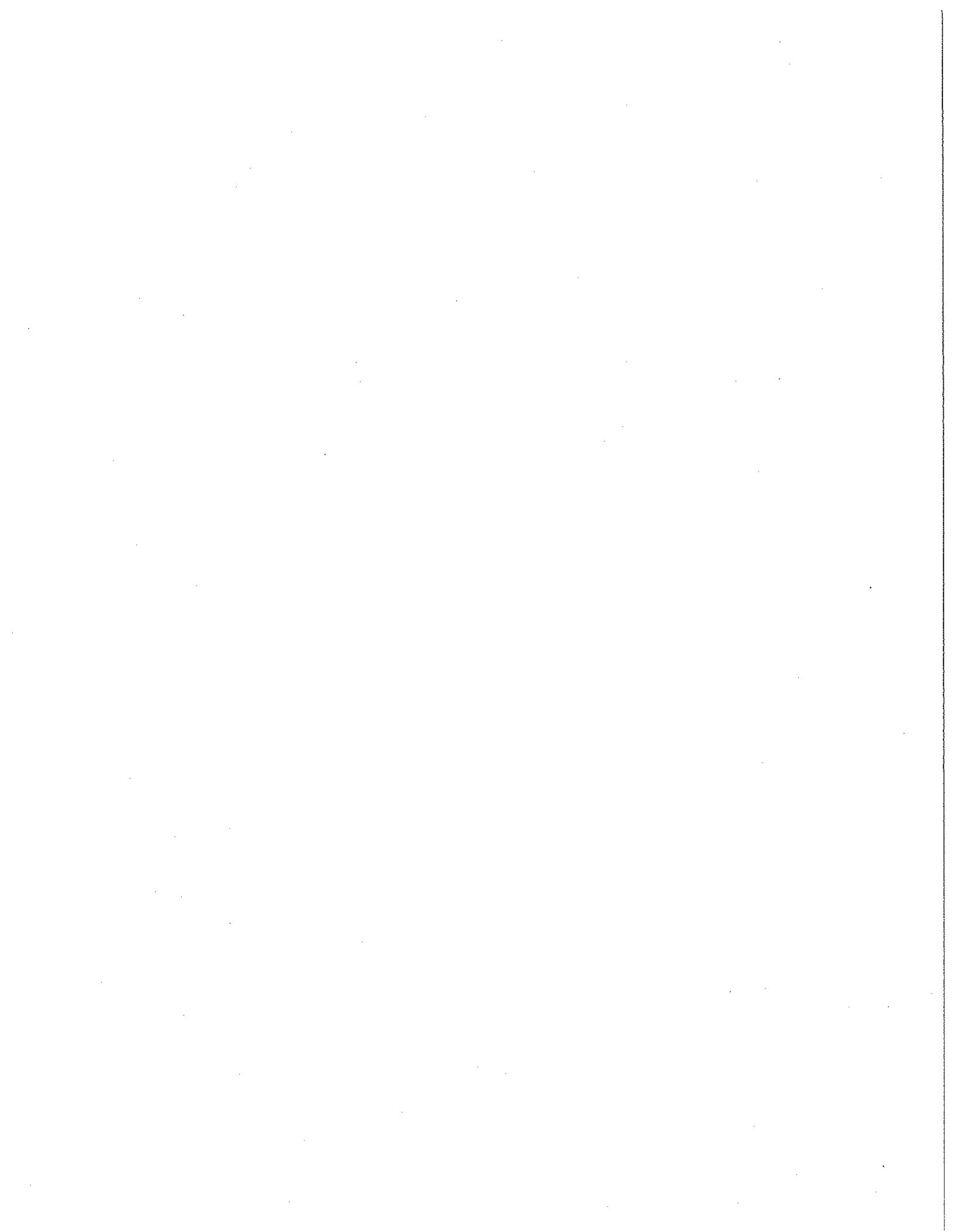
Section E4.3.9.4 Impact Discussion Impact Cum-1 page E4-152

Please explain how the Cedar Grove projects, one of whose goals is presumably to increase the number of outdoor concerts, festivals, etc. at this site, would not increase the

noise for the area's neighbors. There have been numerous neighbor complaints over the years regarding the noise level from concerts and Shakespeare in the Park. This topic is always a discussion point whenever any permit is issued by the Bidwell Park and Playground Commission for use of the Cedar Grove meadow.

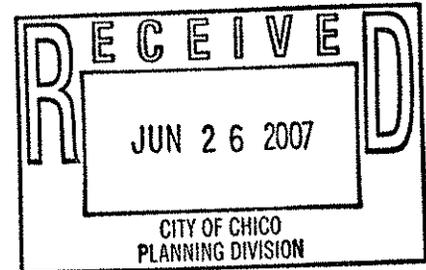
Section E4.3.12.4 Impact Discussion Impact Traffic-3 page E4-163

Since the impact of the East 8th St. Road Reconstruction and the resulting loss of many head-in parking spaces on East 8th St. that are used by Cedar Grove event participants has not been included in this study, it is presently unknown whether there would be a net gain or loss of event parking. If there is a net loss, then the adjacent residential neighborhood would likely become more impacted by event parking.



6/26/2007

To: Brendan Vieg
City of Chico
Planning Services Department
P.O. Box 3420
Chico, CA 95927



From: Friends of Bidwell Park (FOBP)
P.O. Box 3036
Chico, CA 95927-3036

Re: Comment on Draft Bidwell Park Master Management Plan and Environmental Impact Report

Comments on Horseshoe Lake Project pages

Friends of Bidwell Park is in agreement with the observations about the lack of trail definition in the Horseshoe Lake area, which not only has led to degradation of the area but also causes user conflicts between equestrians and lake/observatory users (i.e. horse manure on the path next to the Observatory). Providing an all-weather trail that bypasses the lake/observatory path will alleviate this problem. We think that the area immediately adjacent to Horseshoe Lake and the Observatory, two of Upper Park's most popular visitor destinations, would benefit from improvements in invasive plant control, signage and possibly parking capacity. Since this area is within the setting of Upper Park, we also want this it to maintain its natural grassland appearance, as much as possible, rather than have the manicured lawns and high-maintenance costs associated with the Bidwell Park Golf Course, One Mile Recreation Area and Five Mile Recreation Area. Based on the 'Concept Plan' which provides the only detail about project, it appears that a drastic makeover of the Horseshoe Lake area is being proposed.

Since the Horseshoe Lake project area was not specifically delineated by a map, for purposes of these comments, we are assuming that it is the area bounded by Parking lot B on the west, Upper Park Road on the south, Monkey Face on the east and the unnamed trail that's on the southern edge of the north rim.

Master Management Plan

Appendix F pages F-1 through F-5

1. As described on page 2-2, the water level in Horseshoe Lake varies a great deal seasonally. In the dry season, extra water is pumped in from a golf course well to maintain a minimum level. In the rainy season, water percolates down from the hillside to the north and fills the lake to its maximum capacity. When it's reached capacity, an overflow culvert moves excess water across the road and ultimately into Big Chico Creek.

Related to this seasonal fluctuation in water level, would implementation of this plan keep the lake at a specific level year-round? If it would, how much water would need to be pumped in to maintain this level versus how much is pumped in now to maintain a minimum level? Who would pay for pumping this water and how much would the pumping cost? If there would still be fluctuations in the water level, where would the paths and plantings be sited in order to avoid being flooded in winter? Please define the current seasonal fluctuation in size with maps showing the maximum and minimum lake size as well as the size of the lake in the proposed project.

2. Would the perimeter trail be ADA accessible? Which trails or portions of trails within the project area would be ADA accessible?

3. Any time that infrastructure (trails, trash cans, benches, etc.) or landscaping is added to the park, there are increased maintenance costs. Who will pay for the additional maintenance costs associated with these improvements?

4. Exactly how would the B and C parking lots be expanded? Please provide a map showing the current footprints of the parking lots and the footprints of the expanded lots. Have you consulted a soil scientist or hydrologist to determine how expanding these lots might affect the seasonal drainages in these areas?

5. Has the city ever had a successful Upper Park revegetation project that involved planting in areas that weren't directly adjacent to a creek? How many failed revegetation projects have there been in Upper Park? Who would be responsible for the watering needed to keep these plants alive for the first few years?

6. In the third paragraph is the sentence "Access to Monkey Face has been consolidated at the northeast corner of the Lake." Do you mean by this statement that all of the unofficial trails that lead to Monkey Face from parking lot #E will be closed and revegetated and that access will be only via the Maidu Trail as the map on page F3 and Exhibit E3.2.1.2 implies? If so, as experienced trail maintenance volunteers in the park, we believe this is extremely unlikely to be successful. No matter how many signs and fences you install, many hikers will not be willing to use a trail that does not appear to lead to their destination (namely, Monkey Face). Please provide details about the routing of this trail to Monkey Face. Also provide details about what you plan to do at the top of Monkey Face to prevent hikers from taking a shortcut back down to the parking lots.

Also, it will be very difficult to do any revegetation of the many trails that now scar the Monkey Face area because there is almost no topsoil there, there's no way to water any plants that put in, and there's little existing vegetation to provide shade for new plants that will get the hot afternoon sun. Please describe the restoration plan for this area.

7. Please show the Observatory's outdoor seating area in any future maps.

8. In 2002, several of us spent quite a few hours picking up fishing line, hooks and sinkers during the time period when the water level in the lake was drawn down in order to build the fishing pier. Many trees and shrubs near the lake had fishing line tangled in them. Your plan shows a significant number of new trees being planted by the lake. How do you plan to educate the public that they shouldn't cast a line near an obstacle and that they should retrieve their tangled line instead of just abandoning it?
9. Have you consulted a soil scientist regarding the location of the proposed trail from the north edge of Parking Lot B to Lot C? If it is in the same location as the current unofficial trail, in the western part of this trail, it goes through the low point in the meadow and has several small vernal pools immediately adjacent to the trail. How much of this area is a wetland in the winter?
10. Part of the trail that is next to Upper Park Road from the entrance to Parking Lot B, which intersects the trail described in 9 appears to be an existing unofficial trail at its western end and a new trail at the eastern end. What's the length of the new section? If the eastern portion is located where it appears to be from the map, it will be in an area that's very wet in winter.
11. Since 4 ADA parking spaces will be created at Parking Lot B, presumably there will be ADA access to new facilities there (restroom, picnic area) that are also ADA accessible? Please explain what trail surfaces will be used to make these facilities accessible, i.e. concrete, crushed gravel.
12. The Concept Plan map is inaccurate in its portrayal of the Blue Oak Trail location. Does this mean that the Blue Oak Trail will be moved or that an additional trail will be built to join the Middle and Upper Trail? It's difficult to tell from this map or from the map in Appendix E, Exhibit 2 exactly which trails are being kept, which are being closed and which are being moved. On future maps, please include this information by differentiating between official and unofficial trails and use the map of existing trails as the basis for the map, rather than an artist's rendering of where trails might be.
13. How many feet of new trails would be created if this plan was implemented? How many feet of existing unofficial trails would be closed and revegetated?
14. In the general area of Parking lot B, there is currently only one tree. The concept plan shows numerous trees. Have you consulted a soil scientist to determine why there aren't more trees there now and whether this is a suitable location for trees to thrive?
15. The Neg Dec for the Observatory originally had a requirement for landscaping, but this was removed in the final draft of the Mitigated Neg Dec. Since this requirement was apparently considered too onerous or impractical to implement, what conditions have changed in the general area to make this area suitable for landscaping? Have specialists (e.g. soil scientist, ecologist) been consulted as to the feasibility of planting trees in this area?

16. Where are the traffic studies that indicate a need for parking lot expansions? Besides the Hooked on Fishing, Not on Drugs day and a few Observatory celestial events, how often would these parking lots fill to capacity? For these major events, no amount of on-site parking would be adequate. If the Observatory management has requested an expansion and provided documentation regarding the need for additional parking on a regular basis, that would constitute a reasonable basis for considering expansion. Otherwise, where's the need?

Comments regarding EIR

E4.3.1 Aesthetics

Impacts AES-1b: Alteration of Scenic Vistas with implementation of Park Improvements Project (page E4-8)

We believe that to alter the natural setting of Horseshoe Lake as drastically as appears to be proposed will significantly impact the ecological and aesthetic resources of the area. These impacts will be compounded if the proposed landscaping is not successful and the park ends up with a permanently disturbed-failed planting area. Just consider the dismal failure of mitigation at the Municipal Golf Course just across the road on deeper and more easily planted soils. Virtually none of the blue oaks planted as part of that mitigation have survived and a second oak tree planting also failed. It's now just a patch of weeds.

Regarding implementation of mitigations for Bidwell Park, the City of Chico does not have a good track record. The failed mitigation efforts at the adjacent municipal golf course and failure on the City's behalf to uphold viewshed mitigations for the Canyon Oaks development are both testimony to their "cut-and-run" impact-mitigation ethic. Even within this project area, a minor required mitigation was never implemented. The portable toilet at the Observatory parking lot was supposed to be surrounded by a wooden fence as one of the mitigations when the Observatory was built (and it may have again included as a mitigation when the outdoor seating area was added). There is still no screening fence around this portable toilet. Likewise, the first blue oak planting at Parking lot E failed and was replanted a few months ago. Will there be a third and fourth planting if these trees don't thrive?

There are not trees around Horseshoe Lake currently because the thin soil and lack of hydrology preclude their natural establishment and growth. What will be different as part of the City's proposed actions? Will there be an irrigation system installed? If so where will the water come from? If not, how is it expected to support a plant community that currently cannot be naturally maintained?

How will the city ensure that these plans will succeed considering natural site potential and past failures nearby? And, if things don't establish as planned, what will be the monitoring protocol, monitoring frequency, monitoring timeline, thresholds of success

and required remedial measures? Where is the assurance; or at least the definition of process that should assure us of follow-through, monitoring and remediation obligations?

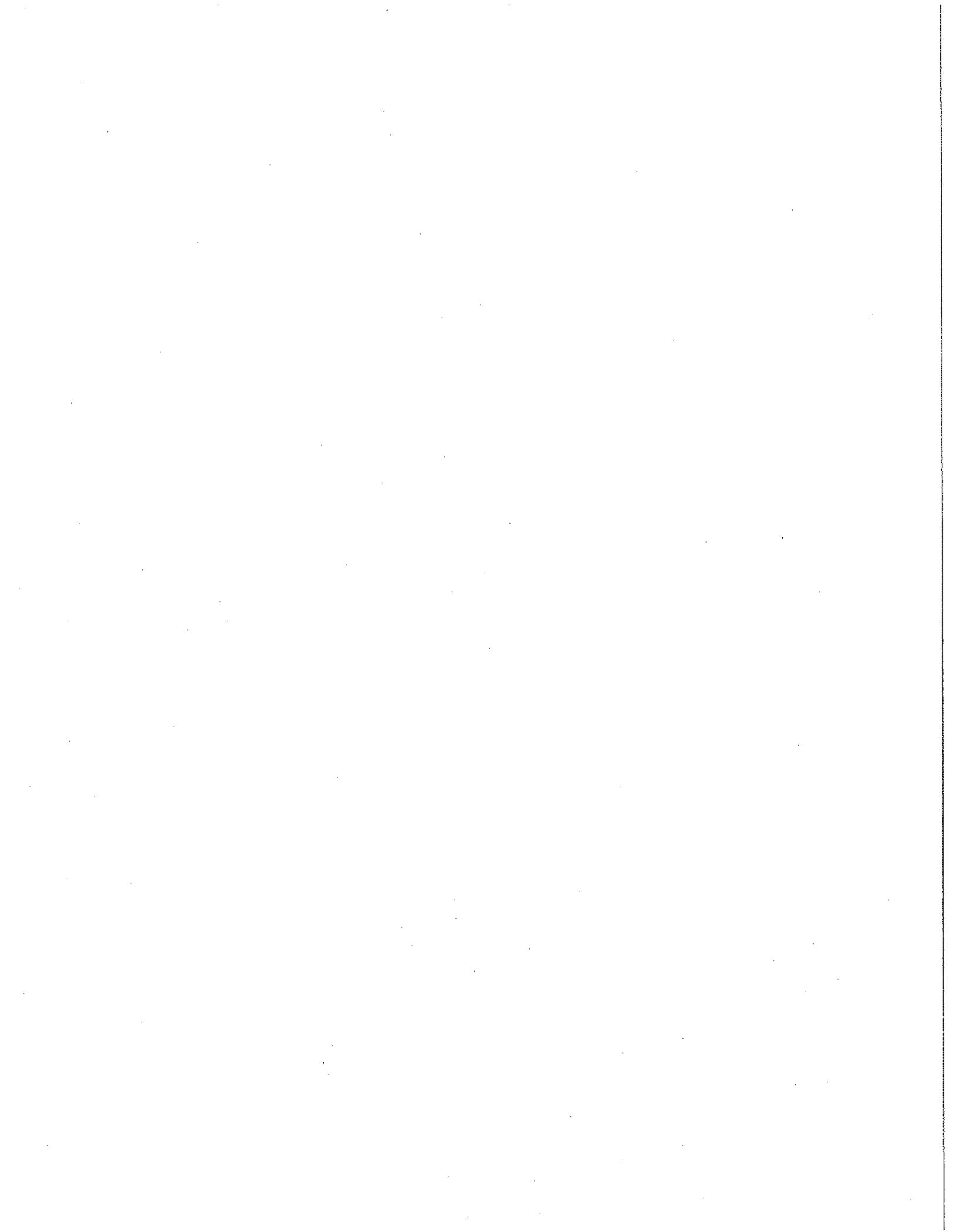
E4.3.3 Biological Resources

Impact Bio-1c: Adverse Effects of the Trails Plan and Horseshoe Lake Area Concept Plan (page E4-55) and Impact Bio-6 Fragmentation of Wildlife Habitat (page E4-84)

The proposed Monkey Face trail as a branch to the east from the first switchback of the Maidu Trail (as shown in Exhibit E3.2.1.2) is in an area of dense, native vegetation (including several listed plant species), crosses numerous seasonal drainages, and currently provides undisturbed habitat for many wildlife species (including a coyote den). When this proposed trail routing was discussed years ago at trail planning public meetings, there was almost universal condemnation of the proposed route by the members of the public who participated in this series of meetings. Not only would it open up a previously undisturbed area of the park to impacts but it would be very difficult to maintain due to the amount of vegetation along the proposed route. **Friends of Bidwell Park strongly opposes the development of a new trail in this area.** There are several much more suitable locations for a trail that would access Monkey Face from the east via Upper Trail, where there have already been significant impacts to the vegetation and soil. Also, as mentioned in item 6 of the MMP comments, an easterly routing would be much more likely to be used by hikers since it would appear to provide more direct access to the top of Monkey Face.

Impact Bio-3e Adverse Effects of Park Improvement Projects on Northern Volcanic Mudflow Vernal Pools page E4-80

There are several vernal pools in the meadow area between Parking Lot B and C, where trail construction is proposed. The EIR fails to provide a map of Middle Park's vernal pools or discuss the possible impacts to vernal pool special species from the construction of several trails in this area.



6/26/2007

To: Brendan Vieg
City of Chico
Planning Services Department
P.O. Box 3420
Chico, CA 95927

From: Friends of Bidwell Park (FOBP)
P.O. Box 3036
Chico, CA 95927-3036

Re: Comment on Draft Bidwell Park Master Management Plan and Environmental Impact Report

Comments on Trails Plan Project

MMP Appendix E Trails Plan

Many Friends of Bidwell Park (FOBP) volunteers have participated in trail maintenance and in the public trail planning sessions that started six or seven years ago. It's almost astonishing how little has been accomplished in the last six years. We're still at the point of "making a plan to make a plan." There was general agreement throughout the trail planning public process that the focus needed to be on improving the park's existing trails, rather than building new trails. Except for the Park Division's and volunteer work on the western segment of the Middle Trail and the work that the Chico Mountain Bikers have done on the Maidu Trail, all of the park's official trails continue to deteriorate, some of them severely. Bootleg trail construction continues unabated, especially on the south side of Upper Park. This is unlike the situation for the park's vegetation management program, where park staff, FOBP, CNPS and other groups and individuals who have an interest in improving the park's vegetation have not only created a usable vegetation management plan, but are implementing it (albeit slowly due to funding and volunteer constraints), with measurable annual goals.

FOBP believes that upgrading the Middle Trail in Upper Park to become an all-weather trail, usable year-round by walkers, bicyclists, equestrians, joggers, and hikers, should be a high priority. We also think that much more attention needs to be paid to closing and revegetating unauthorized trails throughout the park.

Although the disc golf project is supposed to be linked to a trailhead project, no information is provided in this section regarding hiking/biking trails in that area, nor does the Disc Golf Project Appendix H provide that information. Please provide a map showing the hiking/biking trail(s) that will be created at that site and provide a discussion in the EIR of any potential impacts from the creation of that trail(s). How many feet of new trail will be created by this project?

Based on a review of the Upper Park trail map (Exhibit 2), this plan does not appear to address the severe erosion problem that exists near the eastern end of the Upper Trail where the trail dips down through a steep ravine before veering south to connect with the Middle Trail. An alternative trail routing was mapped by park staff and members of the public and should be considered as part of the trails management plan.

The plan and map (Exhibit 1) does not show the north bank creekside trail in Lower Park where severe erosion is taking place along some segments of the trail.

5.0 Methods (page 13)

“The planning process used during the preparation of this Trails Plan for Bidwell Park is illustrated in Exhibit 3.” This statement is not true, even considering the disclaimer sentences that follow. As park volunteers who participated fully in all trail planning meetings (both before and after the creation of FOBP), we do not believe that this plan process sequence was followed. Many steps were omitted or done out of sequence (and of course, we’re currently only about halfway through the process).

In paragraph 4, for most of the “key locations” included in the “limited field review”, no information is provided as to what solutions the surveyor proposes for these “key locations.” All of these “key locations” were identified as problem areas many years ago during the public trail meetings. What we need now are solutions. Also, no indication is given as to what type of qualifications this trail surveyor had—was this person a trail builder, a soil scientist, a biologist? What did this person know about local vegetation and soils?

Table 1 (page 14)

Please explain the need for an “equestrian only” trail in Middle Park. Will this be an all-weather trail? How will cyclists and walkers be kept off this trail? In the past, all park trails have been multi-use, except where there were environmental constraints that necessitated limiting their use, e.g. Yahi Trail. What such constraints exist in this area?

Page 18 The middle photo shows the Yahi Trail as it approaches Diversion Dam, which is not a swimming hole.

Page 20 “The City should make its stand clear on unofficial mountain biking trails.” There is a clear policy regarding the creation of new park trails by members of the public—they’re not allowed. Unfortunately, there’s no enforcement of this policy and, once created, there’s no incentive to eliminate them and remediate the damage.

Page 21 The middle photo appears to show the Middle Trail, not the North Rim Trail.

EIR

Impact BIO-3a (page E4-72)

Although equestrians are already allowed to ride on south-side trails, the current condition of these trails precludes much usage by equestrians. When these trails are finally brought up to the Trails Manual standards (as FOBP hopes they will be), their usage by equestrians is likely to increase. Please explain what will be done to assess and possibly mitigate for the increase in equestrian traffic, whose likely impacts include increased soil erosion, increased infestations of invasive plants, and possible trampling of special species plants. Will the Park Division provide a regular patrol of the trails on the south-side? How will the wet-weather equestrian (and cyclist) trail usage prohibition be enforced in this more remote area?

Currently dogs are required to be on leash on the south side of Upper Park, but there is no enforcement of this law and, in fact, it is unenforceable, due to the remoteness of the trails here. Most of the dogs seen on the south side by FOBP during many visits to this area were off leash. The EIR does not include any discussion of the potential impacts of off leash dogs on the south side, especially to wildlife. Please discuss this problem and what mitigations would be appropriate.

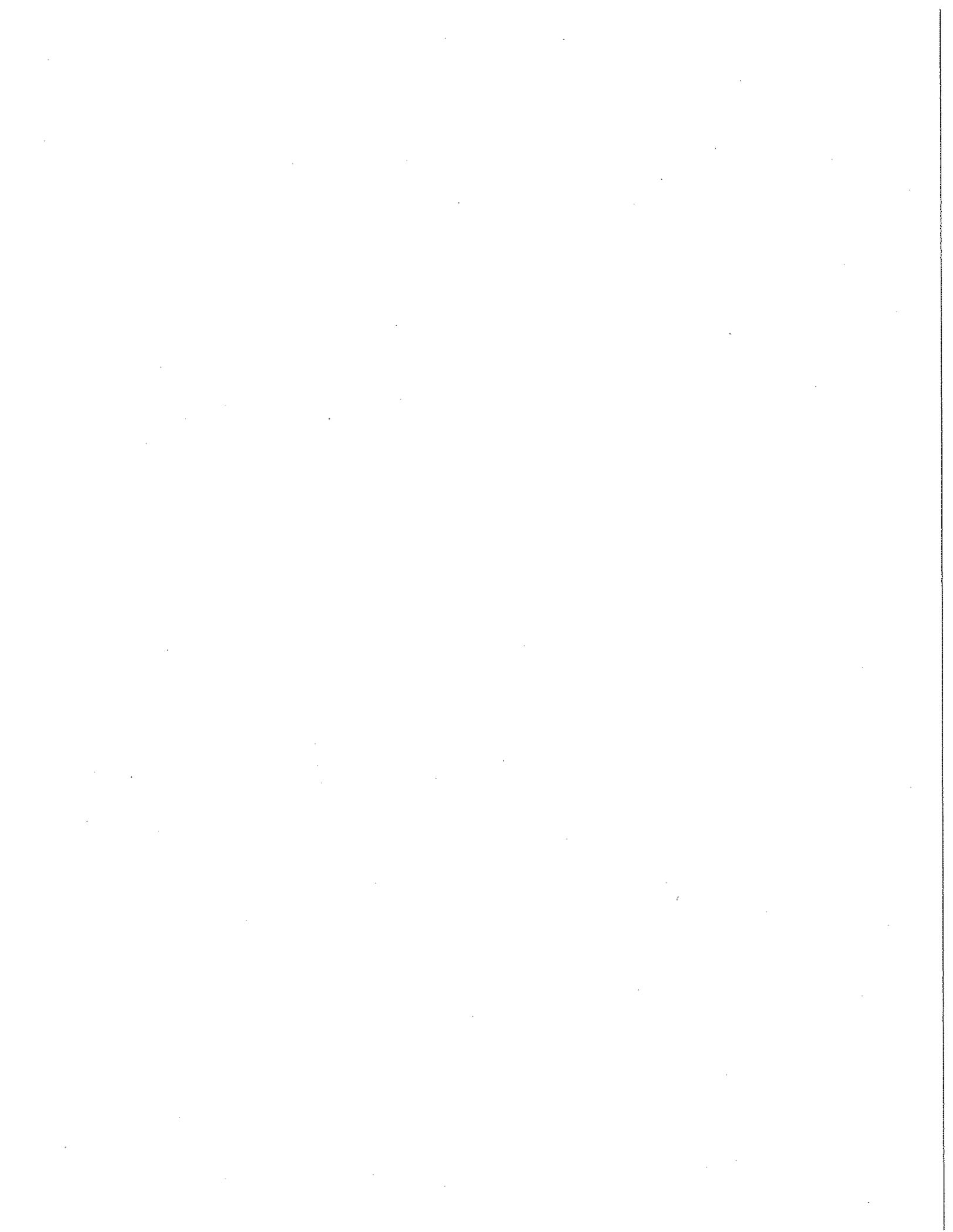
Impact CUL-1b (page E4-94) Mitigation measure CIL-1

A fire in Middle Park several years ago exposed one of the park's prehistoric sites to public view, where previously it had been hidden by dense vegetation. One of Middle Park's trails is directly adjacent to this site. Please explain how the mitigation measures described in this section would have been applied to protect this site from degradation. Would the existing trail be moved?

Impact GEO-2 Potential for Soil Erosion (page E4-103 and E4-104)

All of these objectives and implementation strategies require a significant amount of increased funding for park maintenance staff. Since the permanent park maintenance staffing levels have not been increased in about 20 years and there appears to be little or no public support for future increased staffing levels, the measures described here are extremely unlikely to be implemented. Please include a discussion of how these measures might be implemented without any increase in funding for park staff.

In particular, please discuss how the problem of the creation of new, unofficial Upper Park south side trails will be solved, considering that there's no regular park presence along trails on this side of Upper Park.



6/26/2007

To: Brendan Vieg
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From: Friends of Bidwell Park (FOBP)
P.O. Box 3036
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Re: Comment on Draft Bidwell Park Master Management Plan and Environmental Impact Report (DEIR)

Comments on Disc Golf Impacts and Proposed Mitigation

Environmental Impact Report

Impacts to Aesthetics; Section E4.3.1.1; Page E4-5

1) Since the report discusses the potential impacts to “Visual Character” shouldn’t “Visual Character” be defined in the report, as are scenic vistas, scenic roads and night sky? This is a serious oversight, since it is the natural beauty of Bidwell Park that makes this park stand head-and-shoulders above every other municipal park in California. Surely, “Visual Character” was a primary impetus leading Annie Bidwell to give the land as a park to the City of Chico. For example, in a Chico Daily Record Editorial, July 1, 1905 a quote states that “Mrs. Bidwell’s one idea, to preserve this beautiful natural park for the benefit it will work to humanity, believing that such grand scenery, embodying as it does valley and mountains, creek and canyon, trees and vines, cannot but tend to make people more appreciative of nature and therefore better men and woman.”

With this sentiment as the genesis of Bidwell Park being donated as public land, a more detailed discussion and analysis of the “visual character” of Bidwell Park is expected, especially since we also believe the aesthetic setting is being significantly compromised by the bootleg disc golf course, the “proposed” projects, and most importantly, by the proposed experimental mitigation measures (e.g., artificial barriers around oak tree trunks, constructed rock barriers, imported mulch, concrete slabs, dying oaks, inevitable multiple parallel trampled trails, raw soil, etc.).

It is difficult to see how the inevitable ongoing impacts and proposed experimental mitigation measures could ever be perceived as “visually compatible” with the natural setting of Upper Park. Perhaps Chico’s teachers, artists, photographers, naturalists, biologists, historians, hikers, bikers and others should be queried on their opinions of “Visual Character” as it applies to the bootleg and proposed disc golf course site, and especially, the proposed experimental mitigation measures. Please provide a

more accurate and realistic definition of the aesthetic resources (visual and auditory) and impacts to them.

Impacts AES-1b: Alteration of Scenic Vistas with implementation of Park Improvements Project; Page E4-8

2) This section needs to mention that the proposed Disc golf/trailhead area is a unique site and with the canyon rim accessed there, represents the most spectacular scenery in the entire city of Chico. This is particularly relevant if one considers public access. There is no other site in all of Bidwell Park that combines such grand scenery with such a high degree of public accessibility. People have described the proposed (bootleg) disc golf course site as "Chico's Yosemite". The EIR completely misses this point.

3) Although the DEIR claim that the projects (arguably; see 1 above) may not alter the "scenic vista" as described in the DEIR, they certainly have altered the scene since the bootleg course has started, and will continue (if approved) to degrade the place. How can this be argued? We have watched it happen. Many people have expressed their concern (which is documented extensively in the public record).

Impacts AES-4: Degradation of Visual Character; Page E4-10-E4-13

4) We strongly disagree with your assessment that the Disc Golf /Trailhead Plan will enhance the visual character of the area. Please describe how the following do not constitute significant negative visual and aesthetic impacts:

a) Pouring over 35 (4' by 12' by 6") concrete pads (32 cubic yards of concrete) built on an otherwise natural geological surface,

b) Placing barriers around the trunks of over 100 oak trees [unfortunately and contrary to what is hoped for, this will not mitigate for the most serious disc-related impacts to the canopy foliage (see arborist report)],

c) Unmitigated ongoing canopy damage and likely death of over 100 centuries-old oak trees (see "b" above),

d) Creating unnatural lines of boulders placed along several thousand feet of trails,

e) Placing several thousand cubic feet of mulch, perhaps annually and indefinitely into the future (replacing native vegetation, fostering establishment and growth of invasive species, e.g., Yellow Star Thistle, and contributing to nutrient enrichment and degradation of water runoff quality),

d) Installing dozens of trash cans and benches, and

e) Paving over the historic Humboldt Road.

5) This particular site is the most unique in the park with regard to viewshed, vista and public accessibility. The aesthetic visual resources here are unparalleled elsewhere in Upper Park, except for those able and willing to trek to the north rim, and even there, the viewshed/vista is not comparable to the oak woodlands, wildflower displays and canyon visible from the south rim at this particular location.

Definition of the Disc Golf Trailhead Project

6) Although the DEIR refers to the Disc Golf/Trailhead Area Plan, it never really defines what the project is. We can not determine if the City is proposing 1 course or 2 courses. Are they 12 holes per course or 18? Or is it one with 36 holes?

7) It appears from the conceptual disc golf maps that the City is proposing to build several miles of new trails on the site. These trails are indicated as going through mapped wetlands and Butte County Checkerbloom sub-populations. The DEIR never discusses the proposed trail details (how many miles of new trails are there, where will they go, what resources are impacted from the new trails, what are the construction specifications, how is the city going to mitigate impacts associated with these new trails?). If the term "Trailhead Project" is used in the title, why not describe and analyze them?

8) Shouldn't all new trails be analyzed in the "Trail Plan"?

E4.3.3 Biological Resources

Special Status Plant Species; page E4-36

9) Butte County Checkerbloom (*Sidalcea robusta*)

As with all other CNPS List 1B species, Butte County Checkerbloom is a candidate for State and or Federal Listing on petition, and is required to be completely accounted and mitigated for during planning and implementation of all proposed projects. The Butte County Checkerbloom plants at the bootleg disc-golf site are actually part of a larger single occurrence that is currently being impacted by multiple contiguous projects, each being analyzed in isolation. The Canyon Oaks Developments, the Trails Plan, and the Disc Golf Course are all impacting the same CNDDDB Occurrence (population?). There is no comprehensive analysis of direct, indirect or cumulative effects, nor is there a workable conservation/management/mitigation strategy for this CNDDDB Occurrence/population. Is this another example of piecemeal planning (in violation of CEQA) on behalf of the City?

10) White Stem Clarkia (*Clarkia gracilis* ssp. *albicaulis*) is also known from the south side of Upper Park and would be impacted by both the trail plan and Disc Golf/Trailhead Plan. Please describe how the plan avoids and minimizes these potential impacts

Proposed Mitigation to reduce impacts to Blue Oak

11) Please describe how the proposed trunk barriers will protect the trees from ongoing damage and eventual death. Anyone who has played or has watched the sport knows that the discs are not only hitting the trunk but also and more importantly, the multiple of limbs and seasonal growing tips throughout the tree canopy. In fact, in some cases, all the limbs on the fairway side are virtually denuded of foliage in just the last few years. While the barriers might protect the toughest and most durable part of the trees (the trunk), the most ecologically sensitive and important part of the trees (growing tips and terminal branches) will remain entirely unprotected and will continue to be impacted. While the mitigation effort is appreciated, it is next to insignificant with regard to being ecologically effective. The arborist reports that these Blue Oaks can only take this abuse for so long. The blue oak mitigation measures are nearly meaningless from the ecological standpoint; how will protecting the most durable part of the tree (trunks) mitigate impacts to the most sensitive parts (canopy and roots)? There are recognized oak tree experts that should be brought into this discussion.

12) Since the DEIR never describes what material or design will be used for the barriers, it is impossible to determine if a) they will be effective, b) they won't be ugly and therefore have aesthetic impacts on the visual character of this scenic area (see comments above), c) won't negatively impact nesting and foraging birds.

Proposed Mitigation for Soil Impacts

13) Please discuss more clearly the details of implementing the proposed mitigation measures to address impacts to the soil (compaction and erosion) as well as the potential negative environmental effects of the proposed mitigation for soil compaction/erosion (isolated concrete pads and tons of mulch added in perpetuity).

14) What are the total feet (miles) of trails associated with the Disc Golf course (please account for the inevitable parallel routes)?

15) How many feet of boulders will need to be installed to delineate the fairways? What will keep people within these "boulder-lined paths" when they retrieve their inevitably errant disks?

16) Where will these boulders come from? If they are from the site, what impacts will this cause? If from another site, where?

17) How will the boulders be placed? Will the City use tractors or other motorized vehicles to transport and place them? Will access routes need to be constructed/rehabilitated? Will there be soil/hydrology/season readiness criteria?

18) Since the vast majority of discs do not land within the fairway, how will the areas outside the "boulder-lined delineated fairways" be protected from impacts? This is a

serious point of contention since the nature of disturbances relating to disc golf are by default completely different from all other forms of recreation. Hikers and bikers almost always stay on a single trail, and with exception to exceptionally rare and serious accidents, they do not impact oak tree trunks, and never, ever do they impact oak canopies. There has never been a recreation-related disturbance regime equating to what we see from disc golf. Even cattle only hit a site temporarily and move on once forage is taken advantage of. On these Tuscan Volcanic surfaces, livestock leave 10 out of 12 months for the site to rejuvenate. Carrying capacity of the limited forage and grazing behavior precludes further impacts. Contrary to what a few vocal disc golf proponents claim, there is no historic or existing land use with similar ecological impacts.

- 19) What is the precedent of using imported mulch as mitigation for impacts to soil compaction/erosion in Blue Oak Woodlands/Savannah and Volcanic Annual Grassland elsewhere in California? Is there any precedent, or is this purely experimental?
- 20) Please quantify the amount of mulch needed to protect the soil, how will its condition be monitored; what thresholds are established for reapplication? How frequently will it be reapplied? How will effectiveness be monitored/determined?
- 21) How will the mulch be certified "weed free"?
- 22) Where exactly will the mulch be needed? There already is extensive erosion/compaction around the tees, around the benches, around the tone poles and throughout the fairways.
- 23) How will this mulch be installed? Will motorized vehicles be used?
- 24) How will ongoing mulching and monitoring be funded?
- 25) What are potential impacts from the experimental mulch application to native biodiversity and water quality? This artificial tonnage represents a significant nutrient-pollutant loading on the site. This will foster the establishment and growth of non-native invasive species, including but not limited to Yellow Star Thistle, Wall Barley, Prickly Lettuce, and Medusahead grass. On these volcanic soils, the greatest native plant diversity is associated with the thinnest and least productive of soils. The greatest invasive weed cover is associated with deeper, more nutrient-rich soils. Addition of this mulch in perpetuity represents a major source of nutrient enrichment (pollution) that will significantly alter the floristic composition, and the "Nutrient Tea" from runoff will inevitably wind up in Big Chico Creek. How will this unnatural, unprecedented and significant nutrient loading affect the volcanic grassland vegetation and ecology of the uplands and the aquatic community of Big Chico Creek through decades/centuries?
- 26) How will application of mulch in-perpetuity affect the impressive biodiversity of "thin-soil-adapted" plant species that comprise the brilliant native floral displays?

27) How will application of mulch in-perpetuity affect the well-being of “thin-soil-adapted” rare plant species (e.g., Bidwell’s Knotweed, Butte County Checkerbloom)? This mulch application and mulch decomposition through the decades has great potential to completely alter the ecology of the site, both for terrestrial and downslope aquatic systems.

28) What are the fire hazards of all this mulch? There are already thousands of cigarette butts on the site, so it’s fairly obvious that the City is incapable of enforcing the established May-November “no smoking rules” for the now unauthorized use at this location. Will accumulated mulch represent an unnatural fire hazard?

29) Since the soils are so shallow, aren’t the root zones for the Blue Oak trees much larger than the drip line? Authorities on oak tree ecology report that the rooting zone can be as much as 3-times the areas of the canopy drip-line.

30) All of the proposed mitigation measures for soil and Blue Oaks described in the EIR are highly experimental, questionable in effectiveness, ecologically/aesthetically degrading, and represent significant impacts in themselves, yet there are no mentions of these predictable problems and potential uncertainties.

31) Why should we assume that placement of concrete pads will force disc golfers to voluntarily confine themselves to them? It seems absurd to assume that placement of concrete pads at “throwing locations” will result in people voluntarily restricting themselves to use them exclusively. Is it realistic to expect disc golfers to be crowding themselves together on these pads while one person after another throws, then they all walk single file on a single trail to the next concrete pad? More likely, there will be permanent concrete pads built, which will be surrounded by a halo of the same significant soil disturbances we already see at the throwing sites now, and a complex network of multiple parallel trails will remain/develop to connect the concrete pads and tone-poles. Why should we assume different? Will the placement of boulders along a single route between concrete pads keep disc golfers from leaving the “single pad-trail-route” to retrieve errant discs?

32) What will be the source of the Mulch? Sometimes commercially available mulch is made from things like shredded Christmas Trees, forest waste, landscaping waste, scrap wood materials, etc., and in itself is biologically toxic, at least until it’s completely decomposed. What will be the quality control criteria of the mulch applied to this natural ecologically sensitive soil-plant ecosystem?

33) There is a once-beautiful and unique seep-wetland complex on the rocky outcrop towards the south end of the course. This has been severely degraded over the last few years. Hansen’s Spikemoss (a slow-growing and long-lived species) was once lush and thick. It has been almost entirely replaced by barren rock, and much of the thin soil held by the spikemoss and virtually all of the geophyte species once there are now gone. This site continues to degrade. You do not mention permanent degradation already underway

and ongoing under the “bootleg” setting (again a problem with inappropriately defined “existing conditions”).

34) What are the direct, indirect and cumulative impacts to these unique or otherwise sensitive natural resources (Vernal Pool, Wildflower Fields, Blue Oak Woodland and Savannah, Rare Plant Populations, Sensitive Soils, Aquatic Ecosystems) that are already happening and which will continue under the “E5.2.5.3-No-Project Alternative”? The natural setting cannot continue to endure the abuse without further significant degradation/impacts.

35) Direct, indirect and cumulative impacts of all project alternatives need to be completely described in detail as they relate to all potentially sensitive natural resources so an informed decision can be made.

General questions regarding the Disc Golf project

36) Why are the citizens of Chico forced to consider a 36-hole Golf course, when almost all other disc golf courses in the western U.S. are 18 holes? Hopefully the 36-hole proposal has more to do with analysis/demonstrated needs than a designer’s personal vision/ego. Two 18-hole courses are still a single 36-hole project in this analysis. Anything else is an attempt to piecemeal the projects in violation of CEQA.

37) Will the course be handicapped accessible?

38) As an intensive recreation development, is the facility required by law to be handicapped accessible? If so how will the parking area, the bathroom, the trails and the entire course comply, if it is to be considered as a publicly funded intensive recreation development?

39) Where is the economic analysis of the proposed disc golf courses? Implementation of the proposed project will be expensive enough, but in the long term it will require a significant and as yet undetermined long-term investment of public resources. What will be the cost of this course after construction. If in 10 years, gasoline will be \$6.00+ a gallon (as it is reasonable to assume) what will be the cumulative costs of maintenance and use? This consideration of long-term sustainability alone is a serious economic factor that is totally unaddressed. Where is the economic analysis? Perhaps a course at lower elevation and one accessible by pedestrians and bicyclists in-town would be a better alternative from purely an economic standpoint.

40) Where are the proposed alternatives? Friends of Bidwell Park and others have suggested a number of alternative sites situated nearer to downtown Chico that would be accessible to all people of all ages and transportation capabilities, and in the long run would be eminently sustainable in comparison. Why are there no sustainable alternative sites proposed? There is no cost-benefit analysis that measures short-term and long-term expenses relative to location. One argument against locating the site closer to the town of

Chico and at lower elevation has been the cost of land, but if the true costs are considered over a few decades, an initially more expensive land purchase closer to town will be offset by long-term lower costs of maintenance and lower costs for commute relative to the current bootleg-proposed site. This seems to be a very pragmatic argument in favor of constructing a disc golf course closer to downtown where all people of all age groups can more readily benefit from the sport, in perpetuity. This is a simple cost-benefit-sustainability analysis...where is it?

41) How will 32 cubic yards of concrete (4'x12'x 0.5'x 36 pads) be brought onto the site for construction of the throw-pads? Will the concrete pads need to be rebar-reinforced? Thirty-two yards of concrete (at 4,000lb per yard) amounts to about 128,000 lbs. (64 tons). At about one hundred 60lb dry-sacks required per 1.85 cubic yard of concrete, 1,730 sixty-lb sacks (~60 tons) will be required for transportation. At ~6 gallons of mix water per sack and 1,730 sacks required, there will be 10,380 gallons of mix water needed (86,673 lbs of water). A significant additional amount of water will be needed for cleanup. So, we are led to believe that disc golf volunteers will bring in at least 43+ tons of water and 60 tons of concrete (103+ tons) by hand? Disc golf proponents claim that they will transport and mix by hand...is this realistic? If not done by volunteers and by hand, then by whom and at what cost? There are also temperature minima and maxima for concrete setting (37-90 degrees F), so there is a seasonal window for this as well, which is not specified. Over what period of time will this volunteer construction take place? Are there any cement masons among the disc golf volunteers? Or, again is this another example of wishful thinking?

42) When the concrete is brought in by hand, how will it be mixed, where will the mix-water come from, where will waste concrete and wash water be disposed of, and where will the delivery equipment and finishing tools be cleaned? All of these construction related activities have great potential to permanently degrade the ecologically sensitive site. Who will inspect the concrete-finishing for quality control? Will the volunteer-constructed concrete be of the same quality workmanship as the volunteer-constructed benches?

43) Concrete pads are not a good idea for too many reasons. Most importantly, there will be no impetus for users to confine themselves to them and soil impacts in the halo around them will be at least as severe as they are without concrete pads. And, as the site continues to degrade and ancient oak tree "obstacles" die (see comments pertaining to inadequate oak tree protection), the permanent pads will likely be abandoned as players adjust for more "challenging" throw-spots/fairways.

44) These concrete pads, along with the in-perpetuity-applied mulch, ineffective oak tree-trunk cages, and trailside boulder-lines are not realistic mitigation measures; it is wishful thinking. In fact, it is easy to see that these mitigation measures in themselves represent significant aesthetic and ecological impacts with little provable benefit.

45) The proposed mitigation measures are potentially at least as aesthetically intrusive and ecologically degrading as the unmitigated bootleg-disc golf course-use, only more permanent.

46) These proposed measures convey a false sense of accountability (all of these measures are highly experimental), and as the EIR is written, there are no monitoring requirements, monitoring/reporting schedules, success criteria, nor remedial requirements.

47) This is a very poorly defined project with inadequate/experimental/damaging mitigation, an open end, and no long-term accountability.

48) Will the now-illegal course(s) be closed until construction is complete? If not, then why not?

49) How many benches will be installed? What are the potential impacts (erosion/compaction)? The existing illegally installed benches all have bare soil, broken glass and hundreds of cigarette butts around them, so it seems logical to assume that the new bench areas will have the same impacts. Will these heavily impacted areas require mulch too?

50) The DEIR fails to discuss the direct, indirect and cumulative impacts to the historic Humboldt Road. Including the portions that are impacted from the courses itself (not just the portion being paved over for the parking area).

51) Will there be trash cans installed on the course(s)? If so, how many and where will they be installed? How often will there be trash service to the site and how will this be funded?

52) How often will the toilets be serviced and how will this be funded?

53) Will there be drinking fountains?

54) Doesn't CEQA require complete analysis of alternatives, including previous proposed alternative sites? Since the City is proposing a Disc Golf course in Hooker Oak Recreation Area in Bidwell Park, shouldn't this be analyzed as a project too (or as an alternative)? Won't this be piece-mealing projects if it is not included?

55) What are potential growth inducing impacts (illegal camping, new bootleg extreme mountain biking trails, and illegal modifications such as benches) all which are evident at the site now? Won't this be more of a problem once the course(s) are official and more and more people use the site?

56) Will there be local tournaments? If so, how often would they occur? How many people will be using the course then? What are the potential impacts? What additional mitigation will be required?

57) Will there be regional tournaments? If so, how often would they occur? How many people will be using the course then? What are the potential impacts? What additional mitigation will be required?

58) Will there be state tournaments? If so, how often would they occur? How many people will be using the course then? What are the potential impacts? What additional mitigation will be required?

59) Will there be national tournaments? If so, how often would they occur? How many people will be using the course then? What are the potential impacts? What additional mitigation will be required?

60) What are the impacts to wildlife from Disc Golf activity? There is no mention of how the continuous damage to the oak trees affects nesting birds and foraging birds directly, indirectly and cumulatively. Nor is there discussion of how the players may impact wildlife (i.e. noise disturbance).

61) Shouldn't there be a discussion of impacts to species using the cliffs for habitat? Since several holes on the proposed long course are adjacent to cliffs, discs routinely land over the sides requiring golfers to climb down to retrieve them. This has impacts on nesting birds and bats (including special-status species). The DEIR should discuss how the course design avoids, minimizes and mitigates for these impacts.

62) If a golfer falls off a cliff retrieving a disc (as they have in the past), will the City pay for the rescue?

6/26/2007

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Re: Comment on Draft Bidwell Park Master Management Plan and Environmental Impact Report

Comments on MMP Appendix C Natural Resources Management Plan

Section 3 Vegetation Management

Jeff Mott, land manager for the adjacent Big Chico Creek Ecological Reserve, submitted numerous vegetation management comments during the MMP review process. Even though he's considered to be an expert on local wildland management issues, many of his comments and observations were ignored. We are submitting them again in the hope that this time his very relevant advice will be incorporated into the document so that the document reflects local conditions and knowledge, rather than generic boilerplate. His comments are noted in red text. Some of his comments were incorporated in minor ways in the document but the format in which he provided them is more useful from a land management perspective.

3.1 Oak Woodlands

4/ 3.1.3.2 WILDLAND FIRE

California's oak woodlands have a long history of both "natural" wildfire (e.g. wildfire caused by lightning strikes) and human generated wildfire (e.g. fires set by Native Americans, Spaniards, and ranchers) (Keeley 2001a 2001b 2002, Blackburn and Anderson 1993). Generally, low to moderate intensity ground fires have little to no impact on mature oaks and oak seedlings, most of which are capable of resprouting following a fire (most mature blue and valley oaks do not stump-sprout after a fire, only seedlings and pole-sized trees will sprout), and studies have consistently documented the resiliency of oaks to fires of all intensities (Griffin 1980, Plumb 1980, Tietje et al 2001, Fry 2002, Dagit 2002). In fact, oaks may even benefit from wildfire. Some researchers have suggested that the recruitment of new oak seedlings may increase after a wildfire, possibly because oak seedlings are better able to germinate and grow with the temporary lapse in competition from herbaceous plants (Davis et al 1991, Gordon and Rice 1993, Gordon and Rice, 2000). In spite of the research, Bidwell Park and the surrounding area lost many

mature blue oaks where the intensity of fire was low to moderate. This is due to an accumulation of fuel at the base of the trees that caused the cambium to burn. Many of the trees did not die until several years after the fire.

While oaks have evolved various adaptation that allow them to cope with and, in some cases, benefit from periodic wildfires, it should be noted that most all oaks, including valley oaks and blue oaks are extremely sensitive to the sort of wind-driven, brush-fueled wildfire that could potentially occur within Bidwell Park. And, even though all oaks are capable of resprouting following wildfires (see resprouting comment above), oaks vary in their tolerance of fire and their resprouting abilities. Valley oaks, relative to other oaks, have the lowest tolerance of wildfire and are the least likely to resprout following a wildfire (mature Valley Oaks, the small ones resprout). Most other oaks found in Bidwell Park are able to survive most wildfires and will resprout from the root crown following a wildfire (Garrison et al 1996).

Section 5 of this document discusses wildfire prevention and the use of fire as a management tool in more detail.

1.1 Meadows

1.1.1 Overview

Meadows in the park make up less than 5% of the overall landscape but they provide important habitat for wildlife and humans. Some of the meadows in the Park are created by springs and seeps that keep them wet during a good part of the summer months. Others meadows exist due to dry, shallow soils, native peoples maintaining open spaces, and intense grazing practiced by the European settlers. The wet meadows and meadows with shallow soils naturally keep brush and trees from encroaching. Wet meadows act as important water retention reservoirs that retain, and slowly release water into the hydrologic system. Compaction of these meadows from grazing, roads, excessive human use, trails, heavy equipment, and vehicles reduces their capacity to hold and retain water. Other meadows created by pre and post settlers, and intense fire, are often home to sensitive plant and animal species.

1.1.2 Management Objectives

- ▶ Protect wet meadows from activities that cause compaction and degradation
- ▶ Protect meadows with archeological significance and selectively remove brush and trees that encroach
- ▶ Involve the public through education and implementation programs.

1.1.3 Management Issues

Bidwell Park incorporates a significant portion of the Big Chico Creek Watershed. As water becomes a limited resource in California, emphasis on water supply will become increasingly critical. Wet meadow maintenance and restoration is emerging as a major supply strategy to meet the water needs of humans and wildlife. We need to preserve this resource, which will require education and outreach to the various park user groups.

Management options for meadows that contain significant archeological resources will need to be discussed with the local Mechoopda tribe and community professionals. Since the natural fire regime has drastically changed in the past 100 years, many meadows are converting to brush

and trees. Questions will arise whether to maintain these meadows by burning and hand pruning, or allow them to convert to another habitat type.

1.1.4 Guidelines and Recommendations

Inventory meadows in Bidwell Park when funding or volunteer efforts are available

Refrain from building new roads and trails through wet meadows

Eliminate old roads and trails that bisect existing wet meadows where feasible. Restore the natural hydrologic flow in existing meadows where possible

Keep livestock and vehicles from compacting wet meadows

Begin a dialog with the Mechoopda tribe and local experts to protect meadows with archeological significance. Consider establishing a control burn program and/or selectively remove brush and trees that encroach on existing meadows.

Involve the public through education and implementation programs.

5.6 Chaparral and Mixed Hardwoods

5.6.1 Overview

The chaparral and mixed hardwood habitat association contains a broad diversity of plants that can not be characterized by several major dominant species. This habitat is highly variable and changes rapidly as you move short distances across the landscape. The dominant species can be California bay, black oak, interior live oak, buck brush, foothill pine, and a combination of these plus many others. This habitat is important wintering ground for the East Tehama Deer herd and is home to many bird, reptiles, mammals, and other organisms that don't exist anywhere else in Bidwell Park. The most important aspect in managing this habitat is to introduce disturbance so various age classes of plants are maintained. Disturbance can be in the form of fire, or cutting and pruning decadent stands of brush to promote stump sprouting.

5.6.2 Management Objectives

- ▶ Develop a control burn program and include post-burn monitoring to determine long-term impacts to habitat
- ▶ Develop fuel breaks along existing roads by selectively cutting and pruning.
- ▶ Involve the public through education and implementation programs.

5.6.3 Management Issues

Management issues associated with controlled burning are discussed in section 1/5, Fire Management. In general, the public is fairly aware of the benefits of using fire as a management tool. However, creating fuel breaks, hand cutting brush, removing dead plant material to save a mature tree from fire are not practices that have been widely used until recently. Therefore, there may be some resistance from the public unless adequate education and outreach accompany these activities. In addition, it is still viewed by some that if you leave the forest alone, it will take care of itself. Unfortunately, fire suppression activities have modified the forest habitat and we are gradually seeing our forests convert to grassland and brush. Maintenance of the ecosystem is necessary if diversity is to be maintained.

5.6.4 Guidelines and Recommendations

Implement a control burn program. Burn large areas on a rotating basis to encourage variable age classes of plants. Monitor post burn impacts and modify the burn plan based on results.

Create and maintain fuel breaks 100 feet on each side of Ten Mile House Road and Musty Buck Road. Maintain an over story canopy to promote shade and wildlife habitat

Remove brush and debris from the base mature trees that are deemed ecologically important to increase survival during controlled and uncontrolled fires.

5.7 Riparian and Stream System.

5.7.1 Overview

Big Chico Creek and the riparian areas that flank the creek are home to numerous sensitive species including the spring run Chinook salmon, western pond turtle, foothill yellow legged frog and other plant and animal species. At certain times of the year, human activities along the stream are fairly intense. Swimming in the creek when the spring run salmon are migrating and holding in pools undoubtedly places additional stress on the fish. Basking habitat for turtles is limited when humans occupy the same areas during the summer months. As human use increases along the stream, trash and fecal coliform will degrade water quality.

Another major impact on the riparian and stream system is the invasion of non native plants such as Spanish broom, Himalayan blackberry, vinca, ailanthus, arundo and others. The non-native bullfrog is reducing the native population of yellow-legged frogs in Upper Park and surrounding areas. These invasive species out-compete the native plants and animals for resources and quickly become dominant. The stream depends on native plants to provide nutrients and shade that cools water temperatures for the survival of the salmon, rainbow trout and others.

5.7.2 Management Objectives

- ▶ Develop a recreation program that considers the needs of native plants and animals. Consider limiting swimming in specific areas and critical times for wildlife.
- ▶ Prioritize and control invasives plants and animals
- ▶ Protect mature trees from fire that provide shade to the stream
- ▶ Assess water quality and develop a plan to control pollutants.
- ▶ Involve the public through education and implementation programs.

5.7.3 Management Issues

Managing human activity along the stream could be expensive and difficult to enforce. A public education campaign is probably the best avenue to illicit changes in behavior. The Park already has a competent group of volunteers to help eradicate invasive plants and these people should be supported to remove plants and control vegetation around mature trees. The neighboring property to the north (Big Chico Creek Ecological Reserve) will assist with road improvements, bullfrog eradication and Spanish broom removal. They are also available for consultation and assistance on other ecological issues.

5.7.4 Guidelines and Recommendations

Identify the holding areas for spring run salmon and basking areas for pond turtles and consider temporary swimming closures and signage to educate the public

Drain the pond at Ten Mile House Road to control the invasive bullfrog. The pond should be drained every-other year to control tadpole development.

Continue to work with State, federal and local agencies and groups to eliminate migration barriers to the spring run salmon.

Develop a program that includes volunteers to remove invasive species with an emphasis on Spanish broom, Himalayan blackberry and arundo.

Protect mature trees from fire that provide shade to the stream by removing brush and combustible debris from around the base.

Monitor water quality and consider a program to reduce nutrient load to the riparian and stream from the golf course. Provide bathrooms and trash receptacles to reduce e-coli contamination.

Out slope dirt roads and install rolling dips where feasible to reduce sediment load to the stream. Ten Mile House Road should be the first priority.

Section 5 Fire Management

The lack of information about practical, area-specific fire management implementation techniques is one of the greatest disappointments of the Bidwell Park MMP/EIR. This section mostly regurgitated the 1991 Wildfire Management Plan, which, for the most part, was never implemented. The MMP admits that “No fire protection plan for Bidwell Park currently exists.” (2.4.6.1) and “The city does not have specialized equipment specifically for wildland fires.” (2.4.6.1). In the list of EDAW Plan Preparers (5.2), there is no one listed with expertise in fire management. There’s no one from the Butte County Fire Safe Council listed either.

Catastrophic fire is one of the greatest threats faced by both Lower and Upper Park. The “should” in “The Park Division should develop a fuels management program.” (C.5.5) needs to be replaced by a “shall.”

Jeff Mott submitted suggestions and practical advice regarding fire management, which was also ignored. Friends of Bidwell Park requests that his comments be added to the MMP. The BCCER, in just a few years and working with an equally limited budget and staff, has managed to significantly reduce the potential impacts of future wildfires at the BCCER. The City of Chico has done little to reduce potential impacts in Bidwell Park during the same time period.

APPENDIX C 4/ 5.4.1.2 FUELS MANAGEMENT Fire is the single greatest external force affecting terrestrial ecosystems in Northern California. Depending on circumstances it can be a force for change (as causing a stand of trees to be replaced by shrubs) or for stability (preventing shrub encroachment into a meadow or reducing fuel load to a level where mature trees are not damaged by subsequent fires.)

Fire suppression has been shown to be inadequate and counterproductive since it allows fuel to accumulate. Each year the amount spent on fire-fighting goes up and so does the

damage done by wild fires. Effective habitat management must assume fire will occur and focus on controlling the effect of that inevitable fire on the ecosystem.

Fire depends on weather and slope, which cannot be controlled, and fuel, which can. While all organic material in an ecosystem could be fuel in a sufficiently hot fire, in most wildland fires only certain components of the available fuel contribute to the fire. Chief among these are small-diameter dead wood not in contact with the ground and thick, waxy or resinous leaves such as those of buck brush, toyon, bay, mazanita, scrub oak, interior-live oak, and needles of conifers. These fuels generate enough quick heat to kill mature trees, which, themselves, are seldom consumed in a wildfire. An equally bad source of fire damage comes from slow-burning ground fuels like duff or dry logs that often accumulate on the uphill side of trees and generate localized heat for long periods after the passing of the fire front.

Even when the fire is hot enough to kill their leaves, many trees will survive, sprouting new limbs and leaves. However, if the base of the trunk is heated enough to kill the cambium layer, the tree will be effectively girdled and will die in a few years if not immediately. When only one side is heated enough to kill the cambium, bark will eventually peel from the killed spot, permitting invasion of fungus and insects that further weaken the tree. If not felled by wind or gravity, the tree will gradually grow new tissues around the wound and seal it off. A second fire coming before the dead wood is covered may burn into that dead wood and enlarge the wound. Repeated assaults will weaken the tree to the point where it eventually falls.

Since the fuel load around the base of a tree will determine the severity of fire damage to the tree, removal of this lethal basal fuel load will increase the chance of a given tree surviving the next fire. Dead wood and waxy-leafed shrubs should not be left within 10 feet of the base and heavy duff such as squirrel-dissected pine cones or rotting logs should not be left within three feet of the trunk. Leaning dead trees that will obviously fall against the base of another tree should also be removed. When working with limited funds, logical triage should be practiced with the amount of effort expended to protect an individual tree based on that tree's relative value (see box) and probability of surviving another fire. Effort should generally be concentrated on trees with little or no basal damage.

Several factors influence the ecological value of a native tree:

Size -- larger individuals are more valuable because they provide more ecosystem structure and require a longer time for replacement. However, a range of sizes is important to perpetuate the population. Different ages also provide different resources to other species (for example, juvenile oaks provide deer and rabbit browse while adult oaks yield acorns eaten by many species.)

Scarcity in that area -- Since nearly all species have other species that depend on them for some aspect of their life cycle, presence of even a few individuals of a large organism like a tree may substantially increase local biodiversity.

Living spaces -- damaged or even dead trees may provide cavities for dens or food caches.

Cluster -- A group of trees provides a different habitat than does a single tree; therefore a group of trees equates to a valuable resource component.

Snags (standing dead trees) are a valuable component of the woodland ecosystem and should be left whenever practical since they provide perches for birds and food for insects such as beetles and termites that, in turn, provide food for other species. Snags are particularly valuable for woodpecker habitat.

Fuel breaks

Maintenance of a shaded fuel break may be thought of as shifting dominance from shrubs to trees. In the absence of fire, the various tree species gradually overgrow and outcompete the shrubs, which eventually die. If no fires occur for sufficient time the trees get very large and the shrub layer completely decomposes; subsequent fires can run over the ground killing seedlings without hurting the mature trees. However, if a fire comes through while there is still a mixture of shrubs and trees, the shrub layer will burn with enough heat to kill many of the trees. The shrubs will regenerate from the roots or from seeds and, with the fire-killed trees, soon provide enough fuel to carry another fire that will kill still more trees. Thus, a series of fires spaced a few years apart will create a shrub-dominated system.

To create a fuel break we artificially generate a system that mimics the mature forest. We remove shrubs, surface and ladder fuels, selectively leaving trees that will eventually be large enough to suppress shrub growth.

Fuel breaks don't stop a fire but they create an area of reduced fire intensity, providing a starting line for firefighters or reducing the heat that sweeps into an adjacent habitat.

Section 3.5.1 Decision-Making and Management Prescribed Fire Management (page 3-21)

Prescribed burns are obviously not an option in Lower Bidwell Park. The text needs to state that this applies to Middle and Upper Park only. Additional language should be added to develop fuel reduction methods that are appropriate to Lower Park

Section 3.5.4.7 Public Safety Goal PS/ES (page 3-40) O.PS/ES-6 See above.

Section 3.5.4.7 Public Safety Implementation

"A Wildfire response plan *should* be developed..." This is not an optional element of the MMP—a Wildfire response plan *shall* be developed" is more appropriate language.

Section 5.1.3 Bidwell Park Fire Environmental Table C.5-1 Potential for Extreme Wildfire Within Bidwell Park

Considering that this table notes that the potential for extreme wildfire within Lower Bidwell Park is 66% (almost as high as in Upper Park), much more attention should have been paid in the following pages to fuel reduction techniques that are suitable for Lower Park. Most of the focus is on Upper Park. A major fire in Lower Park would have catastrophic effects on not just the park, its vegetation and wildlife, but would also cause a significant economic loss for adjacent property owners, whose property values would likely plummet.

Section 5.4.1.4 Wildfire Presuppression and Suppression

It's very surprising that the Chico Fire Department made only recommendations that apply to Upper Park. Were they specifically asked to comment regarding the fire dangers of Lower Park? Have they been consulted regarding the creation of a fuels management plan for Lower Park?

Section 5.4.2.3

The paragraph about fire breaks ignores the "shaded fuel break" techniques which have proven to be more effective and less environmentally damaging. Why was no discussion of shaded fuel breaks included?

Comments regarding EIR

E4.3.6 Hazards and Hazardous Materials

Naturally Occurring Hazards *Wildland Fire* (page E4-108)

1. Since the 1991 Wildfire Mgt. Plan study indicated that the most serious threat is in Lower Park, why is there so little information in this plan regarding possible solutions to this problem?
2. "...approximately 162 wildfires had occurred in Bidwell Park between 1981 and 1990." **Please update information regarding the number of wildfires that have occurred in Bidwell Park. Data that's 17 years old is not useful**, especially since park usage and types of activities (e.g. mountain biking, disc golf) have increased significantly and also the park size has increased by 1457 acres since then. Also, please break out fires by location within the park.

Cumulative Impacts

IMPACT CUM AES-1 page E4-13

"Implementation of the BPMMP and associated Park Improvement Projects would not result in significant adverse effects on aesthetic resources. With regards to several aesthetic resources such as scenic vistas and viewsheds, the proposed projects would result in a beneficial impact to the environments."

Regarding the proposed disc golf project, Friends of Bidwell Park does not think that replacing wildflower fields with 6" of mulch, smothering tree trunks in protective wraps,

possibly installing larger shields to protect tree branches, delineating hundreds of feet of trail with tree branches or rocks (perhaps denuding the rest of the site to supply these), installing 36 or more 4'x12' concrete pads, and covering the historic Humboldt Road would provide aesthetic improvements to this site.

**Impact AQ-3b: Long Term Operation Emissions of the Park Improvement Projects
page E4-31**

“Projects would only result in negligible additional trip generation from recreational users, as the projects are mostly aimed at accommodating existing uses.”

Please show projected usage of the disc golf site, including possible tournaments. Please explain how a disc golf facility, 4.5 miles from Bruce Rd. with no public transportation available to it, would not have additional vehicle trips to the site as the facility was developed and became more well-known.

IMPACT BIO CUM-1 page E4-86

“Bidwell Park provides a large, continuous habitat for many plant and wildlife species. It also functions as a migration corridor for wildlife. These functions will be preserved and enhanced by implementation of the proposed corridor and no cumulative impacts to biological resources are expected to result from project implementation.”

Please explain why the cumulative impacts arising from anticipated eventual development of Parcels 8 and 9 of the Canyon Oaks subdivision have not been included in this discussion. Earlier developments in Canyon Oaks have curtailed ridgetop wildlife migration, fragmented habitat, reduced the areas available for native plants and animals, introduced new invasive horticultural plant species to the park, impacted the park's viewshed, and created new trails.

Please explain why the cumulative biological impacts arising from the construction of two new bridges in Upper Park, which will provide increased access to the south side of Upper Park, have not been evaluated.

IMPACT CUM CUL-1 page E4-97

Please explain why the cumulative impact to Humboldt Road arising from the Oak Valley subdivision has not been included in this EIR.

IMPACT PS CUM-1 page E4-156

“Implementation of the BPMMP and the four Park Improvement Projects would result in no impacts of fire protection, police protection, schools, Park, or other public facilities and less than significant impacts on the maintenance of public facilities. Thus, the proposed project is not expected to result in cumulative impacts on local or regional public services.”

6/26/2007

You have not provided any information regarding the last 17 years of fire history in Bidwell Park. How can the potential impact on fire protection be evaluated for the disc golf course site when the fire history of this site is unknown?

Has the Chico Fire Department been consulted regarding the proposed disc golf course plan to use 6" of mulch to reduce soil compaction at that site? Considering the lack of enforcement of the May-Nov Upper Park smoking ban at this site and the thousands of cigarette butts currently littering the barren ground there, the potential for fire seems to be increased with this proposal.

It's disingenuous to state that a project which has the potential to bring hundreds, if not thousands, of new park users to the Disc Golf/Trailhead Area will not create the potential for more wildfire, especially when you consider that many of these new users may be from out of the area and not familiar with the May-Nov smoking ban or the risk of wildfire in the area.

If Chico firefighters are busy fighting a wildfire at the remote Hwy 32 sites, of course, it will have an impact on their ability to simultaneously fight fires in the urban area.

IMPACT TRAFFIC CUM-1 page E4-165

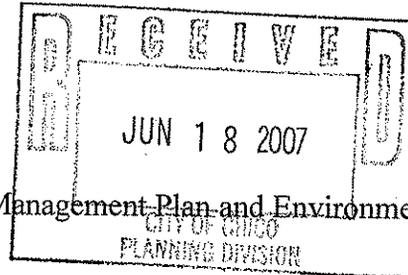
"Implementation of the BPMMP and the four Park Improvement Projects will not result in an increase in traffic levels in the Park, adversely affect the local transit system or have an adverse effect on existing parking or in an increased demand for new parking. With regards to increase in circulation hazards at the Disc Golf/Trailhead area, coordination with Caltrans will be required."

You have not provided any past, current or projected future traffic information regarding the disc golf project to support the accuracy of this statement. Will a turnout lane be required on Hwy 32? Has any study been done regarding the prevalence of alcohol consumption at the site such as counting the beer cans & bottles in the site's 2 trash cans over a few months? Park visitors leaving this site pull directly onto a highway that has a 65 MPH speed limit and limited visibility in both directions—there's no margin for error. Have accidents occurred more or less frequently on that section of roadway than other access points?

June 18, 2007

To: Brendan Vieg
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From: Friends of Bidwell Park (FOBP)
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Re: Comment on Draft Bidwell Park Master Management Plan and Environmental Impact Report

Comments on Historical Resources pages

Master Management Plan

Historic and Current Context of the Park Section 1.1.2 pages 1-2, 1-3 and 1-5

1. According to most historical documents, 1902 acres were donated in 1905, not “approximately 1903” acres.
2. The first sentence of the first paragraph has a grammatical error “...Chico Creek from Expanded to the Southern...). What was the intended meaning? Other sources (Boze, 2004 and Verna Mackey, pers. comm.) state that the second major donation from Annie Bidwell was 301 acres, not 302. Also, the same sentence implies that Children’s Playground is considered part of Bidwell Park. Please clarify if it is or not.
3. Please clearly explain in detail why Annie Bidwell’s Deed is no longer “legally binding” on page 1-3, (Perhaps include all legal documentation in appendices). Who made this legal determination, and based on what authority, criteria and legal precedence?
4. Is the City still committed to preserving the natural qualities of Bidwell Park for future generations to enjoy and appreciate as requested by Annie Bidwell and as promised by the City of Chico when it accepted her gift? This language was very clear in the current Management Plan for the park, for good reason. Why was this changed for the new Management Plan? Who decided that it should be changed/dropped as an explicitly stated commitment? This is a point of serious contention among many, and dropping this historical commitment opens the door for all sorts of future problems. To Friends of Bidwell Park, this is a serious matter and amounts to a simplistic normalization of previously unacceptable, incompatible and ultimately degrading activities.

5. The first paragraph on page 1-5 is missing a reference to the acquisition of the Kennedy Tract (24 acres acquired by bequest in 1934, according to J. Boze, not 20 acres in “1930s or 40s” as stated on page 2-91). Other sources, including Chico Planner B. Vieg at a 6/13/07 public meeting, have stated that the TPL purchase was 40 acres, not 38 acres. Please confirm acreage both here and on page 2-91. Also, the Forestry Station acquisition is described here as 29 acres and on page 2-91 as 37 acres.
6. In the second paragraph, the Rod & Gun Club should be added as a park facility. Also, the Bidwell Bowl area (both sides of the creek) which presumably was part of the original 1905 grant and is still managed by the Bidwell Park and Playground Commission and Park Division for improvements, maintenance & reservations should be considered to be part of Bidwell Park, both here and in other sections of the document that list specific park locations.
7. In the third paragraph, “Checker bloom” should be “Checkerbloom”

Historic Content: Section 2.3.3.4, pg 2-90, paragraphs 1-3

Please refer to the list of references at the end of these comments. Information pertaining to these questions can be found in these publicly available sources, FOBP website at www.friendsofbidwellpark.org (history) and attachments.

1. Why is this section completely void of any historical content pertaining to, and of Bidwell Park? There is no referral to the original Deed (Appendix A), there is no reference to the reason Annie Bidwell donated the Park to the City of Chico, there is no reference to any of the editorials from that very significant event in California’s history.
2. What was the relationship between the Bidwell’s, their beloved “Vallombrosa” and the citizens of Chico? These relationships formed the context for “The Gift”.
3. What was the sentiment and intent of their donation? This donation was an unprecedented event in California history and a great celebration for the citizens of Chico. The Bidwell’s donation was also the center of great hoopla recently with Rick Keene, Wally Herger and others celebrating and giving thanks and praise at the 100-year anniversary in 2005.
4. Were there concerns about the quality of the natural setting, potential future land-uses, activities or concerns about government that motivated the Bidwell’s donation?
5. What is the history of land-uses before and after the donation?

6. Why mention the “Wilkes Expedition” of 1841 but not the Bidwell-Bartleson Party of 1841? It seems more pertinent to the history of Bidwell Park to discuss how John Bidwell came to California, and why.
7. Why are there no description of the location and acreages of the two original Land Grants bought by John Bidwell (Rancho del Arroyo Chico, 26,000 acre land grant acquired in 1849 and 1850, State Historic Landmark #329)? It was two separate purchases.
8. Why is there no mention of Bidwell Park being a valuable remnant of this historical original Land Grant?
9. Why is there no mention of John Bidwell’s and Chico’s prominent role in agricultural innovation, early California and United States government and history? It seems that given the detail paid to the “larger historical California landscape” (e.g., Spaniards and Hudson’s Bay Trappers), equal or better detail could be expected for the actual subjects of study.
10. In paragraph 3, change “Rancho Arroyo Chico” to its correct name, “Rancho del Arroyo Chico” in 2 places.
11. Who were some of the other important historic persons known to visit the park (e.g., Joseph Hooker, William Le Conte, John Muir, William Brewer, Susan B. Anthony (at dedication), Errol Flynn, and likely others)?

Historic Content; Section 2.3.3.4, pg 2-90, paragraph 5
Humboldt Road

1. Why is there not a more detailed description of this important California historical feature? Although it was conceived and partially funded by John Bidwell, the section built through Bidwell Park was likely built on a major original Native American trail and was likely built by members of the local Mechoopda Indian Tribe.
2. Shouldn’t this section quantify how much of the historic Humboldt Road is actually located within Bidwell Park, where it is, and describe its current condition? How much of it is preserved elsewhere for the public to view? We think that the only other section is along modern Humboldt Road and is threatened by development. What is the context of this smaller park-segment relative to the larger resource and threat?

Historic Content: Section 2.3.3.4, pg 2-90, paragraph 6, pg 2-91, 1st paragraph
Big Chico Creek Lumber Flume

1. Shouldn't this section quantify how much of the historic Big Chico Creek Lumber Flume existed in Bidwell Park and where it was located? Are there associated historical sites associated with the construction of this flume through Big Chico Creek Canyon (old camps and dump sites)?

Omissions from Historic Content: Section 2.3.3.4, pg 2-90 and 2-91

Experimental Forestry Station, (Historical Landmark #840-2) and former Hooker Oak Tree, (Historical Landmark #313)

1. This section fails to discuss the historical content and current condition of two California Historical Landmarks located within Bidwell Park: the Chico Forestry Station and Nursery (established 1888, one of the first two in the nation, Historical Landmark #840-2) and the site of the historical Hooker Oak Tree (Historical Landmark #313).

Historic Water Flume

1. The historic water flume parallels the Lower Trail and Yahi Trail throughout much of its length from Diversion Dam to Horseshoe Lake. Again, shouldn't this section quantify how much of the historic flume is present within Bidwell Park, where it is, and describe its current condition? Describing it as a "diversion dam and ditch" in Section 2.3.3.5 ignores the concrete and rock walls and floor along portions of the flume, the diversion gates, and the numerous rock bridges, many of which have the 1939 construction date embedded in the concrete. There have been significant recent impacts made to this flume with a sledge-hammer as part of unsupervised trail maintenance activities. There is also ongoing wear-and-tear associated with normal trail use and importantly, unauthorized mountain-bikers (the Yahi Trail is closed to mountain-bikers).

Corrections to Historic Content, Section 2.3.3.5, page 2-91

1. In first paragraph, correct "Bidwells'" to "Bidwell's" (It was owned by only 1 person).
2. The 1905 donation was 1902 acres, not 1092 acres.
3. Please identify the road that's described as the "alternative canyon road." Is it South Park Dr? Upper Park Drive? Please make this additional correction to the next sentence: "North Park Drive was renamed Petersen Memorial Drive in 1951." Also, the inclusion of the diversion dam and "ditch" within this same paragraph doesn't make sense—there's no road associated with the dam and flume.
4. "A small-bore range..." "located just north of the gate in Upper Park"—there are 3 Upper Park gates. To which does this refer?

5. "The addition of 9 more holes occurred in 1954-57." These new holes were on the south side of the creek so presumably a bridge was also constructed at that time.
6. "Live Oak Grove..." implies that this midget-car racing activity still occurs at this site. Permission was rescinded in 1966 (Boze, 2005)

Corrections to Historic Content, Section 2.3.3.5, page 2-92

1. The Forestry Station tract was 29 acres, not 37.
2. "Walnut trees located on the 24 (not 20) acres owned by the Kennedys..." This sentence implies that the Kennedys still owned this acreage in 1953. They didn't. Please correct the sentence.
3. "A dam forming the 4th Street..."—Anyone who has visited Lower Bidwell Park knows that the creek and its dam is much closer to Vallombrosa Way than to 4th St. It is never described in current park informational brochures as being the 4th St. dam. Generally, it is referred to as the One Mile Dam or Sycamore Pool Dam. If historically, it was referred to as the 4th St dam, then a sentence should be added to make it clear that you are referring to the current dam.
4. The one sentence that describes the current condition of these historic projects and sites is totally inadequate in the context of currently planned and future park projects that will have possible impacts on these sites. In addition, other post-settlement historic features that should have been included were not. For additional information, please see the "Possible Historic Features" table that we've appended at the end of these comments.
5. What is the history of land-use conflicts-resolution? For example, citizens of Chico pressured the City to prohibit off-road Four-Wheel Drive use. Local Jeep dealers actually used to encourage customers to test-drive the vehicles in Upper Park before purchase (W. Dempsey per. comm.). Why were the Skeet and Outdoor Rifle Ranges, soapbox car races, Horseshoe Lake water skiing, parachute jumping, and midget car tracks activities ended? This is especially pertinent because the Management Plan is supposed to address potential land-use conflicts, of which there is a long historic list. And now, many citizens (hikers, bikers, educators, consultants, scientists) justifiably perceive that the proposed Disc Golf Courses is yet another significant land-use conflict on the historic list. How did the old management plan document this?

Comments regarding EIR

Impacts to Cultural Resources; Section E4.3.4

Historic Humboldt Road; pages E4-93 to E4-95

1. The EIR discusses unavoidable impacts of 500 to 700 feet of the historic road because it would be covered over by the parking lot for the Disc Golf/Trailhead Plan. It fails to discuss the direct, indirect and cumulative impacts to remaining 1200 to 1400 feet of the road within the project area. The current bootleg short course and proposed short course map clearly shows the fairways crossing over the road in several areas.
2. Shouldn't the EIR discuss the impacts (and foreseeable impacts due to a currently proposed residential development) that would impact a very large section of the road closer to Chico, therefore making the impacts to the road section in Bidwell Park more significant?
3. Why is covering over 500 to 700 feet of the Humboldt Road and placing fairways through the remaining 1200 to 1400 feet considered "not significant" to historical resources?
4. Why is covering over 500 to 700 feet of the Humboldt Road and placing fairways through the remaining 1200 to 1400 feet considered "not significant" with regards to aesthetics? This is a very clearly defined area of the historic road in a very scenic area. To FOBP, the aesthetic impacts would be very significant.

Omissions from Impacts to Cultural Resources; Section E4.3.4

Historic Water Flume

Since this historic water flume parallels the Lower Trail and Yahi Trail throughout much of its length from Diversion Dam to Horseshoe Lake, it seems that the potential for impacts should be discussed. Because it is associated with trails, portions of this historical resource have been damaged from volunteers working for the City to "improve drainage" and from wear and tear from hikers, equestrians and mountain bikers. We see no mention in the EIR of how the trail plan addresses this historic resource and how the plan avoids or minimizes these impacts. Trails Plan; page E4-93.

Other Trail Plan Impacts

Also, since, as is stated in paragraph 1, a systematic cultural inventory has not been made of the park, it's equally likely that the construction of new trails or realignment of existing trails would negatively impact cultural resources as the closures would "result in beneficial effects on historic and archaeological resources."

Omissions from Impacts to Cultural Resources: Section E4.3.4
Experimental Forestry Station

Since the Experimental Forestry Station Historic Landmark features could potentially be impacted by the Cedar Grove plan, it should be discussed in this section. There is no mention in the EIR of how the Cedar Grove Plan addresses this historic resource and how the plan avoids or minimizes these impacts. At the very least, an assessment should be made of the historic Experimental Forestry Station plantings to determine their current condition and whether they would be impacted by the project.

Possible Historic Features in Bidwell Park

(These features may not necessarily require preservation, but FOBP believes that public discussions should take place before any of them are altered or removed.)

Site Name	Estimated Construction Date	History/Condition
Park Acquisitions/Losses		
Original gift of 1902 acres from Annie Bidwell	1905	From Warner Ave. to east end of park
Additional gift of 301 acres from Annie Bidwell	1911	Northeast corner of the park
Forestry Station 29-acre purchase from University of Calif.	1922	Area by Cedar Grove & Chico Creek Nature Center
Kennedy Tract 24-acre bequest	1934	Site of walnut orchard, now reverting to oak woodland
40-acre purchase from TPL (who acquired it from BLM)	1993	Site of unofficial disc golf courses
1417-acre purchase on south side from E. Simmons & D. Drake	1995	
CSU, Chico acquires park land between Warner & Arcadian Avenues	1955	
West of Lower Park		
Bidwell Bowl	1938	Built by WPA, still in use
Annie's Glen	1950s	Created when Pine St. Bridge was built
Camellia Way Park	1958	Still in use
Lower Park		
Entrance gates at E. 4 th St	1934, Monday pm Bridge	Still in use

and Cypress, including pillars & lights	Club	
Horseshoe pits		Still in use
Entrance gates at Vallombrosa Way, including pillars & lights		Still in use
Sycamore Pool Dam	1921	Still in use, has been replaced several times
Sycamore Pool bridge		Still in use
Sycamore Pool fish ladder	1957	Still in use
Sycamore Pool	1921-1925	Still in use, needs \$2M in repairs
Campfire Council Ring	1954	Still in use, needs repairs to mosaics
Caper Acres	Proposed in 1958 by Chico Women's Club, built 1970	Still in use
Sycamore ball fields	1930s, 1940s	Still in use
Bear's Lair by CCNC		Former site of Bidwell Park Zoo
Barn at Chico Creek Nature Center		Burned down Oct 2006
Chico Creek Nature Center	1980, site in use as park headquarters since 1921	
Cork oak trees	1904	Cork harvested several times in the 1940s, still growing
Old homestead site		Horticultural plantings still visible
Scout island		
Cedar Grove group picnic area	1954	Still in use
Flume south of South Park Dr. (looks like dirt mound)		Still exists between Centennial and Hwy 99
Deer pen	1951	No deer remaining, but still fenced area
Large fig tree in deer pen		
World of Trees	~1900?	Many specimen trees have died, cypress grove has oak root fungus, one of EIR's project areas *
Experimental Forestry Station	1888	Historic Landmark #840-2 *
Middle Park		
Hooker Oak tree	~1750	Trees fell down in 1977

Hooker Oak ball fields	1950s	Still in use
Five Mile dam & bridge	First dam constructed in 1859 by J. Bidwell, current dam built 1942-45 (Boze, 2004) or 1960's (draft EIR)	Still in use
Five Mile swimming area	1920s or earlier	Still in use, but not an official swimming area now
Five Mile changing facilities	First constructed in 1887 by J. Bidwell, replaced in 1922, replaced again in 19xx	
Sycamore Bypass	1962	Still in use
Bridge at golf course	1953? When golf course was expanded to olive orchard on south side?	Old bridge washed away in 1971, was replaced
Bidwell Park Golf Course	1920s	Major expansion in 1989
Summer camp at Hooker Oak Park (now called Camp Chi-da-ca)	1951	Still in use
Horse Arena	After 1953	Still in use
Hooker Oak park baseball fields	1950	
Upper Park (south side)		
12-15' high (?) rock retaining wall across from golf course		Still in good condition
Pistol range	1954	Removed in 2005
Olive orchard		Still there, although part of orchard was removed for golf course expansion
Sheep camp		Rock sheep pen still visible
Homestead near Bear Hole		John Copeland recalls visiting the buildings with his brothers during the 1920's
Wooden flume for transporting logs		Dismantled in 1xxx
Possible flumekeeper's cabin site		Hasn't been located yet
Humboldt Road in BLM acquisition	1864	Visible wagon tracks, proposed disc golf course parking lot would cover 500-700 ft of road
Ten Mile House Road		Still there, has had major repairs over the years

Cabin site at bottom of road		Cabin torn down in 200x
Man-made pond by cabin site		Still there
Fig & persimmon trees at cabin site		Still there
Old sheds and equipment near cabin site		Still there—have condition and contents been inventoried?
Upper Park (north side)		
Upper Park Road	~1911	
Easter Cross	~1951	Replaced several times
Soap box derby run	1958	Sections of asphalt still visible on hillside
Rocks with grinding holes	Pre-historic	North Rim trail near Blue Oak Trail
Horseshoe Lake	1930s	Still in use, one of EIR's project areas
Rod & Gun Club	1954	Still in use
Rifle range	1926	Removed in 2005
2 concrete bunkers	1931 for the one that's still there	One removed in 2005
Flume-Diversion Dam, flume walls, floor, rock bridges on north side of road	1930s-1939 date on several bridges	Built by WPA workers; Dam intact, most flume walls intact but in some disrepair, rock bridges intact
Flume-terra cotta pipe, standpipe by rifle range from another water flume	1957	Still visible
PG&E cable across BCC upstream of Day Camp		Concrete piers remaining
Archery range	1946	
Stone barbeque near former archery range		Still visible
Fish ladder by Salmon Hole	1958	Not totally functional, major upgrade planned
Sandstone wall graffiti	Pre-historic?	

References should include

Boze, M. Jeanne. 2004. Bidwell Park The Beginnings

Boze, M. Jeanne. 2005 Bidwell Park 2005 Centennial Timeline (attached)

Gillis M.J. and MF. Magliari. 2003. John Bidwell and California-The Life and Writings of a Pioneer. 1841-1900.

Moon, D. 2003 Chico- Life and Times of a City of Fortune

Mackay, Verda Chico History Minutes for KCHO, Northstate Public Broadcasting

Excerpt from the Chico Record

Tuesday, July 18, 1905

The lead story pertaining to the public meeting in which the City thanked Mrs. Bidwell for the gift to the City of the Park. The principal speaker, Jo D. Sproul, accepted the gift on the part of the City and closed his acceptance speech with the following language:

And now you say to us, that none shall take it from us; that when your temporal control shall cease, we and all the countless hosts that shall come after us, shall retain therein dominion and control forever; that this one spot shall be preserved to nature inviolate and through all time.

In love of you, in love and memory of him, we take this sacred trust to have and to hold inviolate so long as time may run.

Mrs. Bidwell responded as follows:

You need no assurance from me that your expression of appreciation of the gift just presented to you is appreciated. From the first years of my residence on Rancho Chico, a sadness has at times oppressed me as the thought has been borne on me that some day the beautiful, beloved, Chico Creek would be destroyed by the diversion of its waters and the slaughter of its trees. More recently my prayer has been that these fears be laid aside, and God who made the Creek and blest us with its custody be trusted to preserve when my power to do so shall have ceased; then it was given me to see a way by which it might be saved.

As much as you love Vallombrosa, Mazy Way, Wild Way, the Canyon and the Creek, the bonny birds, wild flowers and ferns, you can never appreciate or love them as we have loved and appreciated them. When Mr. Sproul had departed, after leaving with me the completed deed, and I looked upon my signature by which this property had been saved from destruction, and for the joy of the present and future generations, a sudden overpowering sense of what that name had been able to do excited in me a tender love for it, and sinking on my knees before it, I pressed my cheek upon it and thanked God that he had invested in that simple name, such blessed power

A panorama of the past moved before me, followed by one of the future when little children, young men and maidens, men and women of all ages; the sad, the discouraged, the happy, should enjoy this garden of God, because He had bestowed upon me the power and wisdom to preserve it.

It has not caused me a tear of heartache in the giving of it, but many a tear and sleepless night and heartaching night to breaking, have I given, dear friends, and the best years of my life, in efforts for the betterment and happiness of this community, for the protection of your homes, in God's sight at least, far more precious than the gift of this park precious as it is, and of which I believe you will prove yourselves worthy, teaching your children, also, to hold it in sacred trust. It is of sufficient value to you, to influence your choice of city officials, for if unworthy men be elected it will become a thorne and a torment.

I charge you, men and women, boys and girls, that you be faithful to this trust, remembering that God holds us accountable in the manner for which we use His gifts. I have chosen to secure this

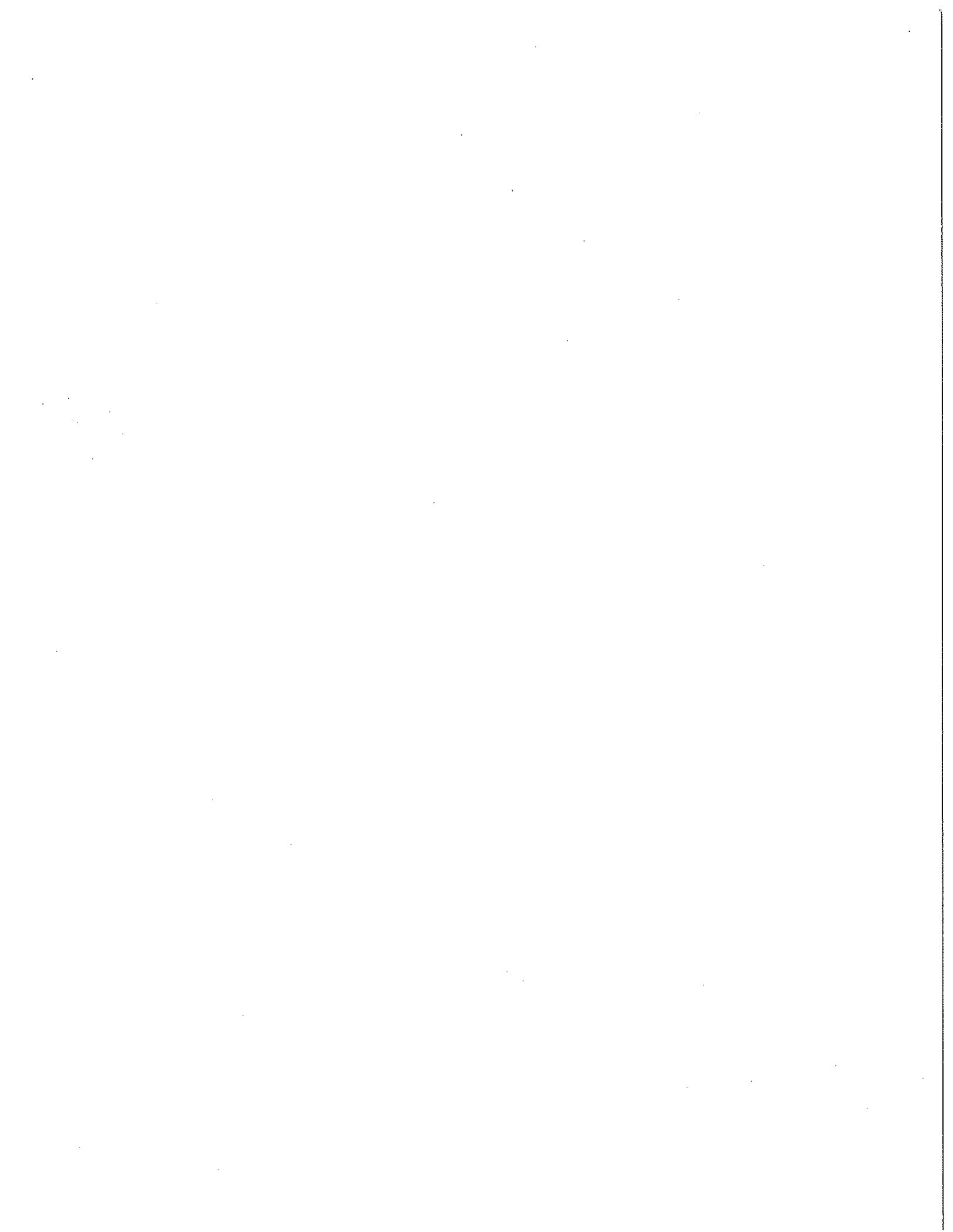
park to you during my life rather than by will, knowing how often wills are broken. I have also thus voluntarily put it out of my power to sell it should financial stress come upon me or age weaken my sense of its sacredness or of the blessing it may be for all time.

Bidwell Park Offer Accepted By Chico

This is a quote from the Chico Daily Record, Thursday, July 20, 1905, from the resolution passed by the Board of Trustees of the City of Chico, accepting the Bidwell Park from Mrs. Bidwell.

"Resolved, that it is the sense of this Board of Trustees of the City of Chico, that the people of Chico owe a debt of appreciation and gratitude to Mrs. Annie E. K. Bidwell and her late husband, John Bidwell, greater than it is possible for us to express; that, on behalf of all the people of Chico, we hereby in adjourned regular session assembled, extend to Mrs. Annie E. K. Bidwell the deepest and sincerest appreciation and gratitude of all the people of Chico for her magnificent gift. And we hereby pledge to her the lasting loyalty and love of all the people of our City, and be it further

Resolved, that in accepting this great gift from Mrs. Annie E. K. Bidwell, we feel that it is given as a token from herself and late husband, John Bidwell, as expressed in her conveyance of the same, of their love and affection, and that that grand work of God may be preserved to his glory and the happiness and pleasure of the people of said City for all time!; and we recognize the sacred and binding obligation resting upon us and our successors in office for all time to sacredly observe the conditions and restrictions of the grant-- made as they were for the protection, preservation and perpetuation in all its beauty of this grand gift to our city. And we hereby pledge to our noble benefactress our sacred regard for her wishes and the firm resolve that they will be fulfilled."



Chico Daily Record Editorial

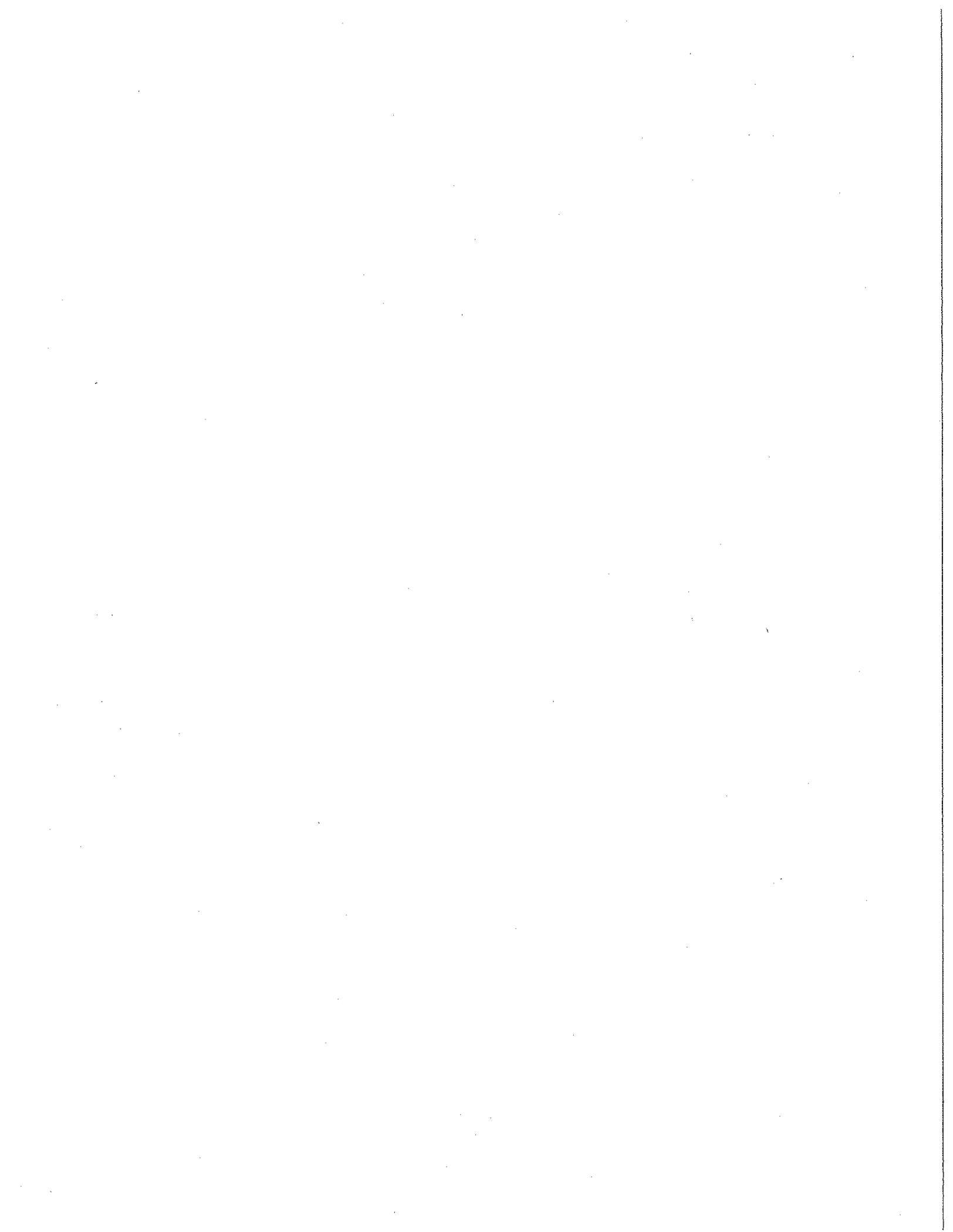
Saturday, July 1, 1905

With but one thought uppermost in her mind, that of preserving for the benefit and enjoyment of the people of Chico and whoever also may come here, the most beautiful natural scenery of Bidwell Rancho, Mrs. Annie E. K. Bidwell will within a few days deed 1900 acres of land to this City for a public park. The full meaning of that gift is not measured in acres or units of value nor has Mrs. Bidwell, in determining how much of her estate should be given to this cause, considered the value of the land involved.

The land embodied in this proposed property has been a part of the Bidwell estate since the early days, is a part of the original grant, and some of it is as fertile as the valley of the Nile. The sentiment that prompted General and Mrs. Bidwell to preserve the natural beauty of this immense tract along Chico Creek; to spend thousands of dollars in the protection of the young oaks and vines and the building of roadways and pathways over the hundreds of acres, which others would have cleared and farmed for profit, is the same sentiment that prompts Mrs. Bidwell to welcome the time when she can execute a deed to this property to the City of Chico and feel assured that this beautiful hand work of nature will be preserved for the enjoyment and betterment of humanity,

In offering this magnificent park to Chico no selfish condition has been suggested nor any restriction named that should not properly be enforced by any city maintaining such a park....

Mrs. Bidwell's one idea, to preserve this beautiful natural park for the benefit it will work to humanity, believing that such grand scenery embodying as it does valley and mountains, creek and canyon, trees and vines, cannot but tend to make people more appreciative of nature and therefore better men and women. Given in such a spirit of unselfishness, even a gift of such immense value is not to be prized for its intrinsic worth, but for its beauty and the grand spirit in which given.



EXCERPTS FROM BOOK ENTITLED, "JOHN BIDWELL, PRINCE OF CALIFORNIA
PIONEERS" By: Rockwell D. Hunt Printed 1942

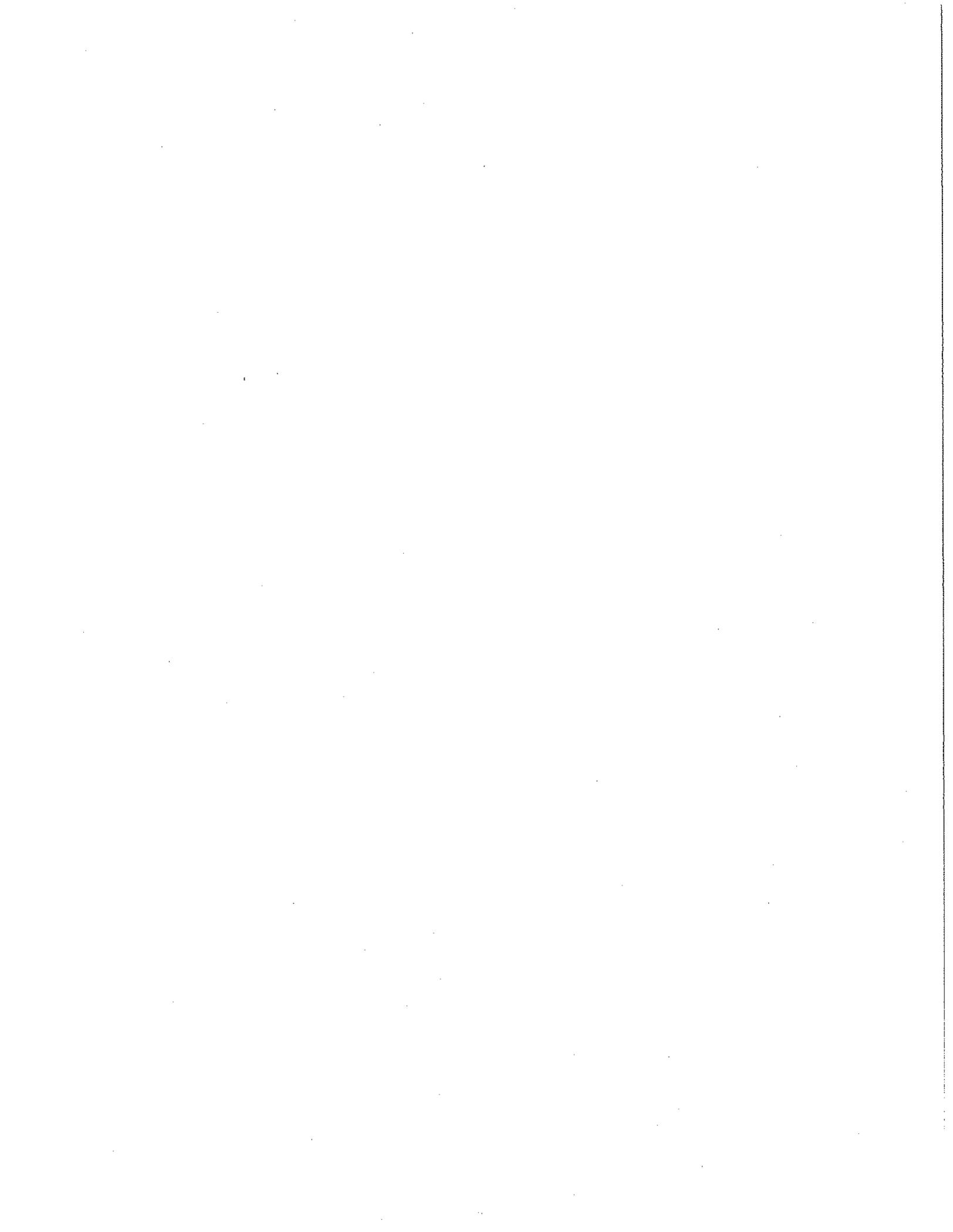
Chapter: Rancho del Arroyo Chico Pages 237-250

In the spring of 1843 the present site of Chico was discovered by William Dickey and Edward A. Farwell. They named Chico Creek. The area was 5 sq. Spanish Leagues on each side of the creek. Farwell chose the land on the South side, while Dickey took the Leagues on the North. Land grants were given to American settlers who took the oath of Mexican citizenship from then Mexican Governor General Micheltoarena who was located in Monterey, California.

1848 and 1849

Dickey mined with John Bidwell on Feather River. Dickey's land was purchased by George McKinstry, Jr. On July 6, 1849 deed was given by McKinstry to Bidwell conveying 1/2 of the total 5 Leagues. Bidwell paid \$1,785. On December 7, 1850 George McKinstry, Jr. conveyed his 1/2 interest to Justus McKinstry. On February 25, 1851 Justus McKinstry conveyed the same interest to John Bidwell for \$9,000.

On May 31, 1852 William Dickey conveyed to John Bidwell a deed quitclaiming his 5 sq. Spanish Leagues known as Rancho del Arroyo Chico. It consisted of more than 22,000 acres. Subsequent purchases brought total to almost 26,000 acres.



VERDA MACKAY
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COPY FOR KCHO NORTHSTATE PUBLIC RADIO A
MINUTE OF CHICO HISTORY by VERDA MACKAY

This is Verda Mackay with a minute of Chico history.....

In 1841, when he was twenty-one, Chico city founder John Bidwell joined the first group of American settlers to travel overland to California. The 69 emigrants were known as the Bidwell-Bartleson Party. Although they were ready to leave the rendezvous in Missouri that May, no one knew where to go, not even the trail captain. For six months they trekked from Western Missouri over the Sierra-Nevada mountain range, and arrived in the San Joaquin Valley on November 4, 1841.

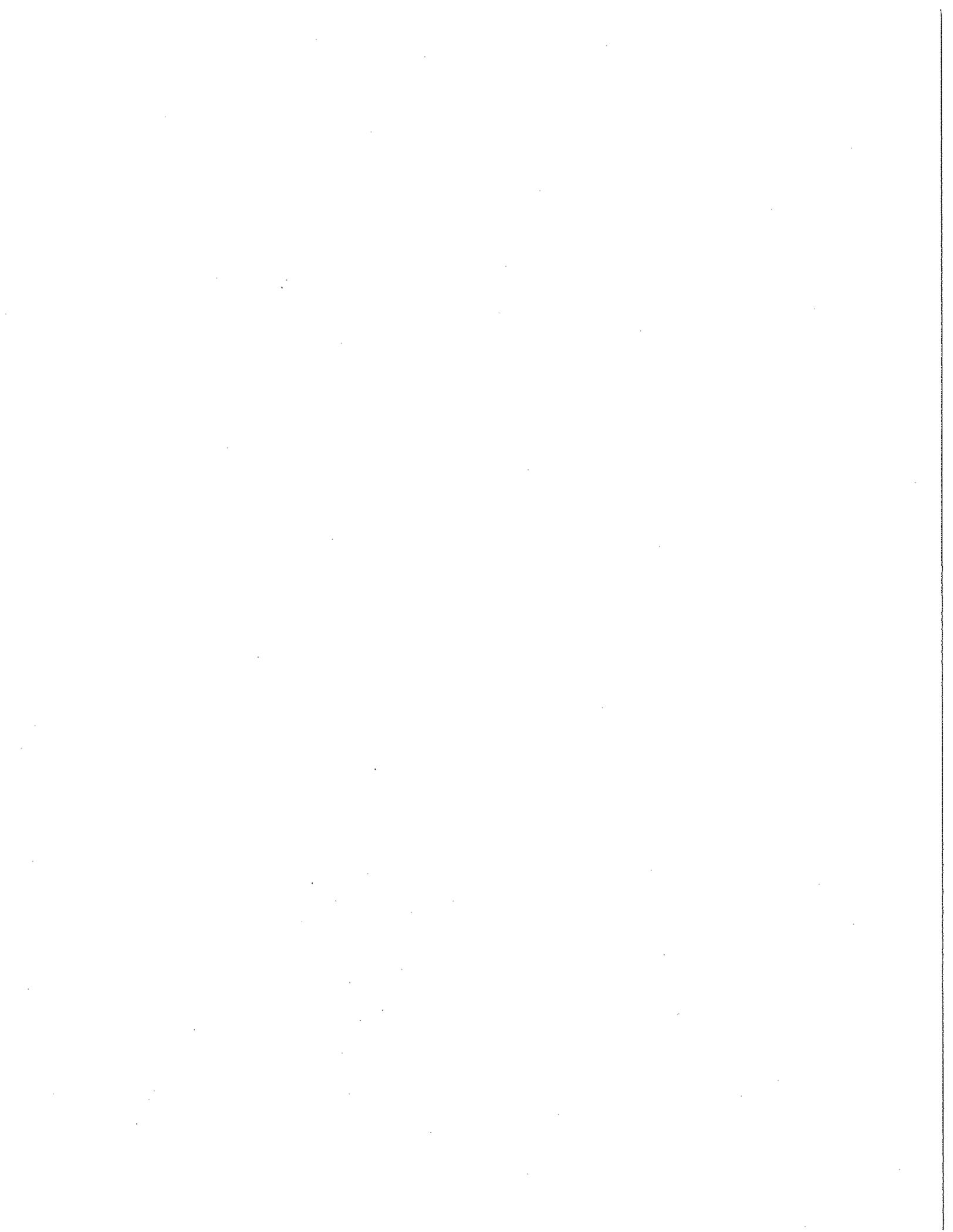
Bidwell wrote in his journal, "When you travel all day without water and food, you are hungry, and perhaps have to go half a mile for something to make a fire with. And when we could not find anything else, we had to pick up buffalo chips. If there is anything bad in a man's character, he will show it then. They used to say, that even a preacher could not cross the plains without swearing."

That's a Chico history minute..... I'm Verda Mackay.

Reference: California Territorial Quarterly No. 53 - spring 2003
"First Emigrants on the California Trail" by Michael J. Gillis &
Michael F. Magliari

*Note: "The weary members of the Bidwell-Bartleson party stumbled their way at last into the San Joaquin Valley. Five days later, On November 4, they reached John Marsh's rancho, located fifteen miles inland from San Francisco Bay at the foot of Mt. Diablo.

Despite the name "Bidwell-Bartleson party," neither Bidwell nor Bartleson was ever really in charge of the pioneering expedition. Bartleson was an unpredictable character who could not be trusted and who rapidly lost the confidence of the group. For his part, the 22-year-old Bidwell was too young and inexperienced to be the party's leader. It was Benjamin Kelsey who emerged as the acknowledged, though unofficial, leader of the emigrants, thanks to his pathfinding skills.



THE HUMBOLDT ROAD

Helen Sommer Gage

(I used the above for reference in writing a Chico History Minute for KCHO, Northstate Public Broadcasting 3/28/06)

This is Verda Mackay with a minute of Chico history.....

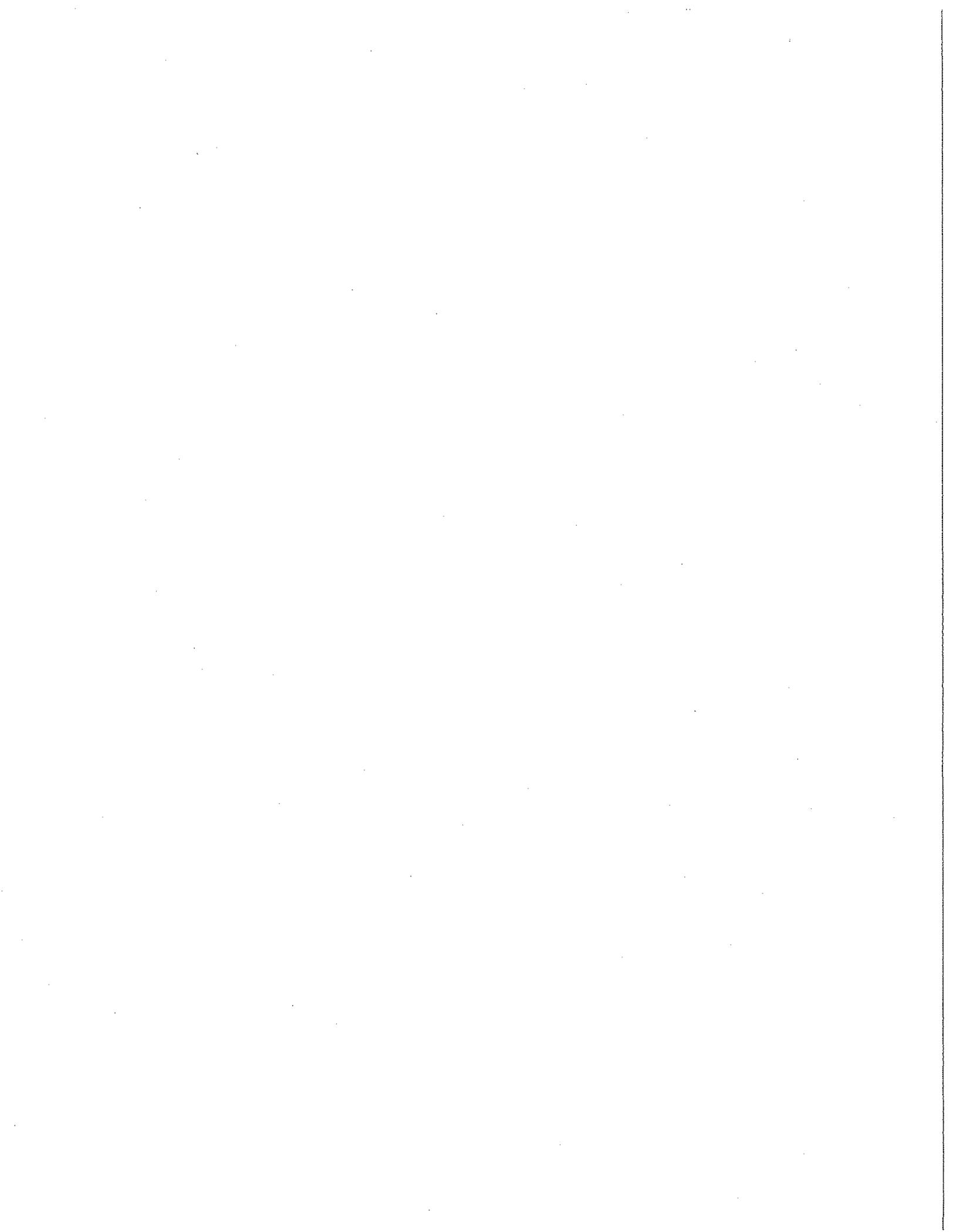
The Idaho mining boom in 1862 was the reason for a 94 mile road to be built from Chico to Susanville, and connect to a road to Boise. Big profits were made by towns along the way from miners and freight wagons using the road.

John Bidwell and three other Chico men obtained a franchise to build a toll road from Chico to Honey Lake, beyond Susanville. The company was incorporated in 1864 as the Chico and Humboldt Wagon Road Company.

By 1865, Humboldt Road was the most traveled and best route. The first stagecoach of a new company left Chico and arrived in Ruby City, Idaho in three days. Earlier stages took seven days to make the journey.

Newspapers heralded the event, "The first mail and express on the new schedule brought ripe apricots from Chico. We hope the next stage brings ripe peaches!"

That's a Chico history minute..... I'm Verda Mackay.



6/26/2007

To: Brendan Vieg
City of Chico
Planning Services Department
P.O. Box 3420
Chico, CA 95927

From: Friends of Bidwell Park (FOBP)
P.O. Box 3036
Chico, CA 95927-3036

Re: Comment on Draft Bidwell Park Master Management Plan and Environmental Impact Report

Editing comments and questions

Master Management Plan

Table of Contents ii 2.3.1

The Equestrian Center building should be included in this list of facilities.

1 Introduction page 1-2-Paragraph 4

The Rod & Gun Club is missing from this list. The Chico Equestrian Center is variously called horse arena, Chico Equestrian Association Arena, Equestrian Center and other similar names throughout this document. Naming for this facility should be standardized. It consists of a large riding arena, a small training arena and a building.

1.2 Master Management Plan Update Paragraph 4-In other places in the text of both documents, the BLM land is described as 40 acres not 38 (technically the land was purchased from Planning and Conservation League, which purchased land from BLM). Please be consistent.

2 Existing Conditions Exhibit 2.1.1-Should identify location of Camellia Way Park. Deer pen label should be closer to the actual deer pen location.

2.2.1 City of Chico General Plan & Zoning

"...nearly the entire is identified as an (RCA)." Please provide a map that shows specifically which parts of the park are RCAs and which are not. For those areas that are not RCA, indicate their designations.

2.3.3 Cultural Resources

Please explain why the entire park has not been surveyed for cultural resources.

2.3.6 Recreational Resources 2.3.6.2 Trails

Does the 80 miles of trails include only official trails or also unofficial trails and trails that are not shown on any of the MMP maps, such as the creekside trails in Lower Park

the north rim fenceline trail, the small trails in the Cedar Grove area and the trails through the disc golf course area? How was this trail distance calculated?

2.4.1 Buildings

Please make sure that the list of buildings, mentioned in many places in this document, contains the same buildings and follows the same naming convention, e.g. visitor/nature center in 2.4.1 versus 2.4.1.1 Chico Creek Nature Center.

2.4.1.3 Kiwanis Community Observatory

Construction of the outdoor seating area has been completed. Please note this and include construction date.

2.4.2.6 Disc Golf (unofficial)

Please provide written documentation regarding your statement that “Disc golf has occurred on the 40 (or is it 38 acres?-be consistent!) acres of ...” Is there anything in the City Council or BPPC minutes or staff reports at the time the land was purchased to document this use? What other uses were taking place on this property at that time and at what intensity of use?

Exhibit 2.4.3-1b

There is also a parking lot at the Equestrian Center

Table 2.4.4.2-1 Middle Park Parking Capacity

The Equestrian Center parking lot has been left out of this table.

2.4.4.3 Access to Upper Park

There’s an additional access point for Upper Park that’s frequently used by hikers and bikers who do a car shuttle, namely the small parking lot where Centennial Ave becomes Chico Canyon Road.

2.4.4.4 Access off SR 32—Ten Mile House Road

The correct name of the property owner to the north is CSU, Chico Research Foundation.

2.5.2 Maintenance Staff

Please update the maintenance staff and Rangers numbers to current levels. Please add the volunteer coordinator position.

2.7 Planning Influences Park Interest Groups (page 2-117, 2-118)

The local organization is Altacal Audubon Society, not Audubon Society. Big Chico Creek Ecological Reserve is listed twice. It’s California Native Plant Society, not Plants and Kiwanis Chico Community Observatory (according to their web site). Ensemble Theatre of Chico and Shakespeare in the Park are the same organization (and, by the way, they’re no longer using Bidwell Park). Chico Mountain Bikers should be added (they both ride and provide trail maintenance in the park). It’s Sierra Club Yahi Group.

3.5.3.2 Biological Resources (page 3-17)

Implementation Strategies and Guidelines 1.NC-1 If “High priority shall be given to protecting sensitive habitats such as vernal pools, wet meadows, ...” then why aren’t weren’t these areas mapped as part of the MMP/EIR? If “high priority” allows the destruction of 4 vernal pools in the disc golf project, then it’s a meaningless term.

Plants Objectives: O.P-3 (page 3-17)

“Protect shallow Park soils from incompatible recreation activities, especially where the soils support sensitive plant populations.” The disc golf area has both shallow soils and sensitive plant populations. Does this objective only apply to other parts of Bidwell Park?

3.5.3.6 Recreational Resources Goal RecR-2 (page 3-27) Non-intensive Uses

“For the purposes of the BPMMP, non-intensive uses are defined as uses that generally do not result in substantial disturbance or removal of natural (e.g., plants, wildlife, soils, hydrology), cultural, visual, aesthetic or other resources individually or cumulatively. Examples of non-intensive uses include trails in most areas, well-designed trails in sensitive areas, swimming in natural creek settings, nature observation, and limited amounts of off-trail foot traffic in non-sensitive areas.”

Please explain how an activity like disc golf is non-intensive, especially since it doesn’t meet any of these criteria.

3.5.4.5 Circulation and Access Points Implementation Strategies and Guidelines LAP-4 (page 3.37)

“Annie’s Glen should be connected...” This project has been approved by the City Council, is in the 08/09 city budget, and has identified funding sources. What more that this does it take to get a “shall’ not a “should” designation?

Appendix E Trails Plan (page 1)

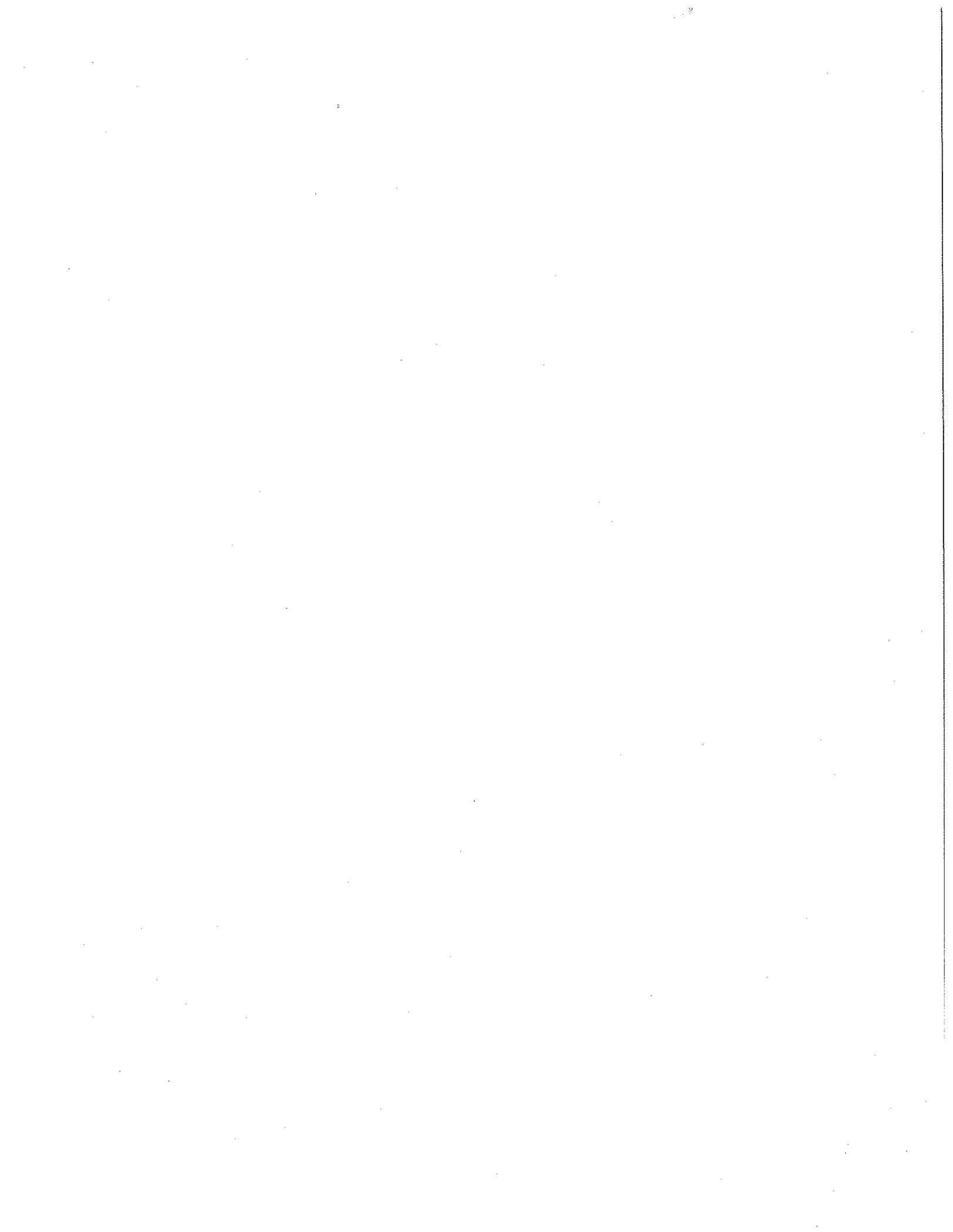
Please correct acreage information in first paragraph. Bidwell Park is not the largest park per capita. See http://www.tpl.org/content_documents/ccpe_100LargestCityParks.pdf.

EIR**Steep Slopes (page E4-109)**

“both official and unmitigated” Shouldn’t this be “official and unofficial”?

Former Military Practice Range (page E4-109)

In the last paragraph, it’s called Easter Cross, not Easter Day cross.



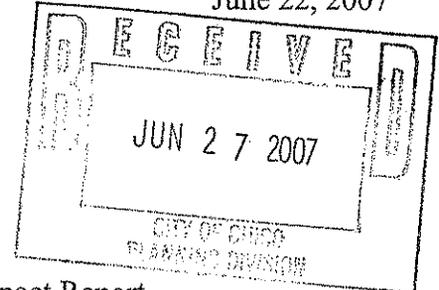
Northeast Center of the
California Historical Resources
Information System

BUTTE
GLENN
LASSEN
MODOC
PLUMAS
SHASTA

SIERRA
SISKIYOU
SUTTER
TEHAMA
TRINITY

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neinfoctr@csuchico.edu

June 22, 2007



Mr. Brendan Vieg
City of Chico Planning Services Department
P.O. Box 3420
Chico, CA 95927

Re: Bidwell Park Master Management Plan Environmental Impact Report

Dear Mr. Vieg,

Several weeks ago, I was contacted by Susan Mason (Friends of Bidwell Park) regarding concerns that the Bidwell Park Master Management Plan Environmental Impact Report (BPMMP EIR) did not adequately address cultural and historical resources known to be located within the Park. After reviewing the BPMMP EIR, I am taking this opportunity to provide comments and recommendations.

First, I would like to comment that the BPMMP and EIR were well-written, thorough, and nicely presented in a very professional, good-looking report. I agree with most of EDAW's conclusions. In the Draft Bidwell Park Master Management Plan Update, EDAW has stated that:

"...few systematic cultural resource investigations have been conducted within Park boundaries. Topography, vegetation, and water sources have all contributed to the heavy use throughout prehistoric, early historic and contemporary times. Given such a landscape, it is almost certain that additional undocumented archaeological sites, features, and artifacts are present within the Park. As such, encountering such resources during ongoing and future development and utilization of the Park need to be addressed if these resources are to be preserved for future generations..."
(Draft BPMMP Update p.2-80).

EDAW further stated that:

"Cultural resource protection was identified as a planning issue that was not adequately addressed in past planning efforts. While some work toward inventorying and adequate management of cultural resources has been done in the past, a complete cultural resources inventory as well as the development of a Cultural Resources Management Plan have been identified as needed tools for the sound management of the Park's many historic, ethnographic, and prehistoric resources..."(Draft BPMMP Update p.2-12).

We concur with these statements, and highlight the following points: (1) lack of systematic, comprehensive cultural resource surveys within the Park; (2) high sensitivity of much of the Park in terms of the potential for prehistoric and historic cultural resources; (3) the problem of ongoing impacts to archaeological sites associated with Park use as well as Park maintenance and improvement projects; and (4) the need for a **complete** archaeological survey of the Park in conjunction with implementation of a Cultural Resources Management Plan. We are concerned with the fragile nature of prehistoric archaeological deposits as well as ongoing impacts to historic archaeological resources such as rock walls, historic fence lines, and flumes located within the Park.

As EDAW has outlined, 32 sites have been recorded within the park; of these "...*direct or indirect degradation resulting from existing trails, roads, or increased access by the recreating public has been documented at 11 of the 32 sites in the Park...*" (EDAW E4-87). In order to avoid these ongoing impacts to cultural/historical sites, we recommend that the City of Chico hire a professional archaeologist (historical resources consultant or consulting firm) to assess previous work within the Park and conduct a complete archaeological survey of the Park. Through research, compilation of information from past work, and the field survey, a management plan for cultural resources should be generated. The management plan should outline site protection, avoidance, monitoring, evaluation and other treatment measures, a public interpretation program for cultural resources, and a burial treatment plan. As well as meeting the standard qualifications, we recommend that the consultant/consulting firm hired for this project demonstrate expertise in history as well as prehistory and the ability to consult with the Mechoopda and other tribes on an ongoing basis.

Our specific concern regarding the BPMMP EIR is in regards to EDAW's recommendations concerning the Disc Golf/Trailhead Area Concept Plan as it would affect CA-BUT-892H, the historic Humboldt Wagon Road. As stated by EDAW, "...*The wagon road has been determined to be eligible for listing in the NRHP and, as such, also qualifies as a historical resource under State CEQA Guidelines and is therefore eligible for inclusion in the CRHR...*" (Draft BPMMP Update: p.E4-93). They further describe:

"Construction of the proposed parking lot and associated facilities as outlined in the concept plans would directly affect a segment of the Humboldt Wagon Road, approximately 700 feet in length under Alternative A, a segment approximately 500 feet in length under Alternative B. The entire length of the recorded segment of the wagon road is approximately 1,900 feet, therefore direct impacts would compromise 26 to 37 percent of the route in this area. Based upon the intrusion of the associated facilities, the proposed Disc Golf/Trailhead has the potential to indirectly impact (or adversely change) the setting of other portions of the wagon road...." (Draft BPMMP Update: p.E4-94).

However, under Mitigation Measure CUL-1, they assert that:

"...this segment of the road appears significant based upon the associated archaeological deposit (NRHP Criterion D/CRHR Criterion 4), which will not be impacted by construction, and the association of the wagon road with John Bidwell.

As currently designed, neither Alternative A nor Alternative B will result in destruction or alteration of the surrounding of the archaeological deposit, and impact only a percentage of the route associated with the original person responsible for its construction, John Bidwell [emphasis mine]. The surrounding environment of this segment of the route has been previously impacted by construction of a more recent dirt road that parallels the contemporary route of Highway 32, such that the immediate surroundings have been altered from what was present during the historic period. Therefore, because neither alternative would impact the archaeological deposit or substantially impair the significance of the resource as it relates to its association with a person of historic importance..., both alternatives would result in less-than-substantial adverse changes in the significance of this resource...”(EDAW p.E4-95).

In this section, EDAW also indicates that mitigation resulting from the direct impacts associated with the Disc Golf/Trailhead Area Concept Plan would take the form of interpretive signage presenting an historic overview and the historic importance of Humboldt Road. **We strongly disagree with EDAW’s assertion that paving-over of a 500+ foot segment of the original track of Humboldt Wagon Road would not impair the significance of the resource.** In actuality, it is precisely the wagon ruts and remaining track of the wagon road that are considered one of the major contributing elements that make Old Humboldt Road eligible for listing on the National Register. The extant ruts, swales, and rock wall retaining features are virtually all that is left of Humboldt Road anywhere along its length. Both Jensen (1998) and Vaughan (1996) have recorded wagon wheel ruts, swales, and rock retaining walls which they considered significant features of CA-BUT-892H.

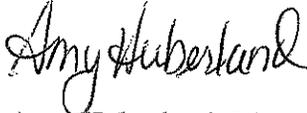
In 1985, Dr. Eric Ritter, Redding BLM Archaeologist, recorded the section of Humboldt Road currently slated for review as part of the Disc Golf Course project. At the time, he stated that the integrity of the road was “fair to good” while the artifacts (archaeological deposit) were “in poor condition.” We would assert that while the archaeological deposit certainly contains important information relating to use of the Humboldt Road, it is the road itself, and its association with John Bidwell and the history of the development of Chico and surrounding areas, that creates significance. EDAW has suggested that the presence of a dirt road near the Old Humboldt Road affects the immediate surroundings to the extent that the Old Humboldt Road’s significance has been compromised. This is inaccurate. While the environment may have changed slightly from John Bidwell’s time, in this location, it has not changed substantially.

As development continues in Chico and the surrounding areas, important resources such as the Humboldt Wagon Road continue to be negatively affected. A good deal of the road has been paved over or otherwise lost through time due to development or other causes. The remaining ruts, swales, rock walls, and associated archaeological deposits, sparse and fragmented though they are, represent all that remains of this important resource. It is the responsibility of the City of Chico to protect what is left of this important resource for the people of this area and generations to come. While signage and interpretation of this historic resource may be appropriate for other reasons, the City

should not approve these as a Mitigation Measure for impacts to this segment of Humboldt Road. Instead, impacts to or destruction of any intact sections of the road, associated construction features, or associated archaeological deposits should be completely avoided. In addition, the cumulative effects of this and other projects (e.g., Oak Valley Subdivision) on linear resources such as the Humboldt Wagon Road need to be considered. It is the responsibility of the lead agency to ensure that the integrity and significance of this and other similar resources are not compromised by the implementation of various development projects over time.

We appreciate your concern in preserving California's cultural heritage. If you have any questions regarding these recommendations, please feel free to contact me at the NEIC.

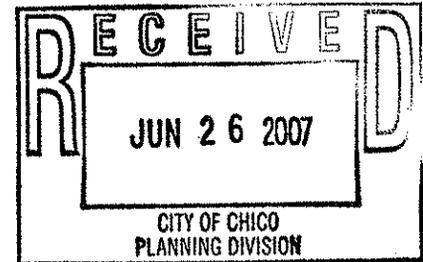
Sincerely,

A handwritten signature in cursive script that reads "Amy Huberland".

Amy Huberland, M.A.
Assistant Coordinator

Cc: Wayne Donaldson, SHPO
Susan Mason, Friends of Bidwell Park
Arlene Ward, Mechoopda Indian Tribe

Brendan Vieg
City of Chico
Planning Services Department
P.O. Box 3420
Chico, CA 95927



Hi Brendan,

I wanted to make some general comments on the EIR.

Cedar Grove Plan - Regarding the suggestion that the Nature Center lot may be paved, I should state that we do not see this as necessary. From a fire standpoint, it has been established (unfortunately too many times) that there is adequate room for truck turnaround. Also established by testing prior to the groundbreaking of the our new facility is the structural integrity of the driveway. This was done to allay concerns of the FD that there could be softening of the grounds in the event that fire trucks dump volumes of water on the driveway surface. Dust, if that is even a consideration in the paving of the lot, is not of significant consequence from our standpoint. Park staff feels paving can be a benefit from a maintenance standpoint. While this is logical, I hope an alternative can be pursued to help us in our efforts to maintain as natural a state as possible for our learning center.

In general the above comments apply to Cedar Grove, but I realize that planned use for that area is different. Those uses, however, should be more defined before we act on paving the area as should the impact of East 8th Street modifications. Also, both the CCNC and Cedar Grove's role as habitat/corridor for deer is more significant than ever as the developments on East 8th and on Forest Avenue have greatly impacted wildlife habits in our area. This should be weighed in any consideration of tree and vegetation removal. Any expansion of the parking lot toward the creek would be of concern as well. Spillover area for parking seems to be appropriate and of course is used that way now. The road currently under construction for travel from Cedar Grove to our new facility and into the existing Nature Center is a road base material similar to what exists now in Cedar Grove. Paving the overflow lot adjacent to this road would be inconsistent with that.

Disc Golf

It is important to get people out into the Park to enjoy it through various types of recreational activity. This aids in gaining appreciation for the Park's splendor and hopefully encourages better stewardship of its natural systems, which are impacted more each day. This is consistent with our mission to increase awareness and understanding of the Park in order to encourage more responsible Park use.

The illegal use of the disc golf area prior to the Park Commission's conceptual approval of it, which was contingent upon environmental review, and the continued environmental damage to a this previous low-impact use area is very inconsistent with what we teach is responsible use of the Park: stay on the trails; learn more about the sensitivity/complexity of the park's plants and animals so as to become better stewards of nature; leave the Park as you found it. These are simple messages that drive our mission at the Center and ones that the policy makers should consistently offer to kids and adults alike. Although Park staff has encouraged DG users to reduce impact on the Resource Conservation Area, where the course is currently situated until the Commission determines whether disc golf is a wise use of that area, the damage continues. While spokespersons for users claim in the local press to

have been stifled in their efforts to "improve" the area by the Commission and Park staff, they have made little effort to stop destructive activities, including the formation of unauthorized trails. The cessation of this activity should precede any "improvement." I am confused as to why disc golf at this site is even allowed to continue as use of the site is debated.

The issue of safety has also gone unaddressed on what is essentially a freeway without infrastructure that allows for safe entrance and exits onto the roadway. This is not a kid-friendly location. Conversely, the proposed CARD disc golf course in Middle Park is far superior in this regard. CARD's proposal should be the only disc golf course considered within Bidwell Park if we are to keep development and high-impact use out of Upper Park.

The EIR, as I read it, limits discussion as to the type and breadth of the disc golf course in Upper Park as if it is accepted already. This stance is unfortunate and lacks vision. Options outside the Park can and should be more thoroughly explored. This should have been done at a much earlier stage, in my opinion, though the city has done little to insist on this flexibility. This does not mean it still cannot be done. CARD is already planning to submit grants to fund the course in Middle Park, something that users of the Upper Park course have not even considered seriously in my observation. I see the preference of CARD-only course as an easy Park/fiscal management decision, even as it may be a more politically difficult one.

Remember that past Councils and the original BPMMP planners intended for Upper Park to be used in a low-impact way to preserve its natural beauty and health. This does not preclude the use of the area for certain forms of recreation. However, Disc Golf, as popular as it is, is not an appropriate activity in Upper Park. As such, we should now pursue the restoration alternative for the disc golf area area, disallowing further use of it for disc golf and restoring it, to the extent possible, to the state it was in prior to its use as a course.

Horseshoe Lake

I will confine comments on the HL plan to the need for improvements to parking lot E so that buses can turn around there. We use this area extensively as a drop-off for schools participating in CCNC programs.

Trails Plan

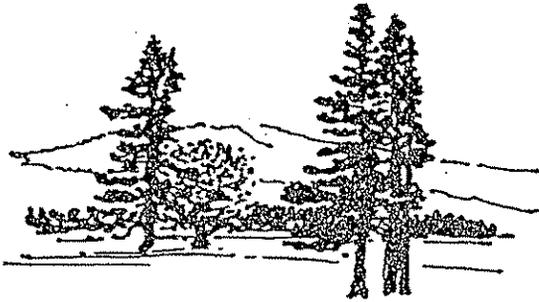
My only comment at this point is that we should prioritize the restoration of unauthorized trails.

Thank You for your efforts thus far,

Sincerely,



Tom Haithcock
Executive Director
CCNC
891-4671



Sierra Club Yahi Group

Sierra Club, Yahi Group
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Chico, California 95927
www.motherlode.sierraclub.org/yahi

Grace M. Marvin, Chair
Home: 1621 N. Cherry Street
Chico, CA 95926-3141
G-Marvin@sbcglobal.net
June 26, 2007

Mr. Brendan Vieg
c/o City of Chico Planning Services Department
P.O. 3420
Chico, CA 95927
Bvieg@ci.chico.ca.us

Dear Mr. Vieg:

The Sierra Club-Yahi Group, which represents a five-county membership, submits the following comments on the Bidwell Park Master Management Plan Draft EIR regarding the proposed disc golf course.

The course would have significant negative impacts on the environment. While a parking lot could effect water run-off and result in unforeseen erosion problems, almost certainly it would encourage more vehicular traffic creating more pollution, traffic and safety issues. Additionally, sanitation will also be an issue. Restroom and trash collection facilities will be needed and have to be maintained to guard against the scattering of human waste in the area.

Permanent tees and holes are being proposed. This does not solve the problem of the scattershot destruction of the area. There would also need to be permanent "fairways" to minimize the impacts on flora and fauna. However, it's unrealistic not to expect that shots will often land in the "rough" or that a golfer will position him/herself off the "fairway" to get the best angle to make a hole. The freewheeling nature of the game is part of its appeal. However, the problems - compaction and erosion - that were created when mountain bikers did not have permanent, mandatory trails will be duplicated.

Except that the golfers want to enjoy the beauty of the area, there is no reason why the course must be sited there. Why not consider requiring current and/or future developments to set aside land for a disc course? If the course were more centrally

located in the city, then there would be reduced transportation costs, less of an impact on air quality, and an increased likelihood that more people would use the course.

The disc golf course cannot be characterized as the highest and best use of the land. Upper Park is intended for low-impact use, not something as developed and intensely used as the site has become. There are no mitigation efforts practically available and enforceable that are sufficient to offset the impacts to the environment. In order to protect future options for all potential users of the park, the disc golf course should be denied.

In summary, the Executive Committee of the Sierra Club-Yahi Group specifically endorses keeping Upper Park wild. Personal inspection and concerns about damage to trees prompted the Executive Committee to re-consider the role of Upper Park in our community. We have reviewed the club's 2003 support of disc golf in Upper Park and believe that subsequent disc golf impacts and studies about disc golf in Upper Park require a change in our position. We believe that Upper Park should be kept as wild as possible, with the exception that the public should have access to Upper Park through well-maintained and signed trails. Preserving the park in this manner means that there should be no "developed recreation" such as disc golf in Upper Park. Instead, we urge that other parts of the Chico community be considered as a location for such activities, accompanied, of course, by conscientious environmental reviews.

Thank you for your consideration.

Sincerely,
Laura Grossman
Vice-Chair of the Sierra Club-Yahi Group

Grace Marvin
Chair of the Sierra Club – Yahi Group

Comments submitted by Altacal Audubon Society regarding
concerns about the BPMMP Draft EIR

Disc golf

1. Future health of the Blue Oak forest depends on its ability to recruit new saplings, sometimes outside of the existing drip line. Based on construction and daily projected uses of the site, *what are the impacts to future sapling recruits that start outside of the existing drip line(in fairways)?*(E4-76)
2. The large cliff face adjacent to the disc golf course has, for centuries, been a prime nesting habitat for Golden Eagle, Peregrine Falcon, Prairie Falcon, Red-tailed Hawk, and other raptors. Dawn Garcia (local bird researcher) states “Stray discs, and particularly retrieval of discs down this face (which I personally have seen), can negatively impact nesting raptors by causing them to abandon nesting activities.” *Given the estimated amount of rounds of play per year, what is the probability that a stray disc could strike near a nesting site on this cliff face? How much of this type of disturbance would negatively impact a nesting raptor?*
3. All of the disc golf options, including the restoration alternative, call for avoiding certain areas that have already received an excess of soil erosion/compaction . *How long is it expected to take for soil to naturally regenerate on its own in these areas? Years? Decades? Centuries?*(E4-103,4)
4. Much is mentioned about the golf *tee* mitigation measures, but little is said about the impacts to soil around the *pins*. The nature of the play makes trail construction less defined in these areas, with less ability to funnel activities to narrow areas. *What is the estimated square yardage of soil impact around the pin areas? What is the total square*

yardage of area to be mitigated by installation of a 6' layer of wood chips?

5. The roughness of the terrain would make access by construction and maintenance vehicles difficult or impossible, necessitating service roads on the site. To assess the true impacts of the disc golf facility, information on service and construction vehicles is crucial. *What type of equipment is being proposed for use during construction? Skid-steered tractors? Front loaders? 4wd light trucks? Concrete mixer trucks? What associated impacts to soil and plants would each of these have?*
6. *What type of equipment is proposed for use in the maintenance of the course (installation of woodchips, watering of potential oak sapling re-plantings, weed clearing around re-plantings, etc.)?*
7. *What route will service/construction vehicles use, and what are the impacts of this activity on these routes?*
8. *If site alteration is needed to accommodate service/construction vehicles (service roads), have these impacts been accounted for in the EIR? Can the EIR, or BPMMP, sufficiently determine that service roads are not needed?*
9. *What is the embedment depth of the poles used to support the target pins, and what are the potential permanent impacts to the site by creating these holes? If holes are to be dug into Tuscan bedrock, what type of heavy equipment is needed to dig these holes?*

Cedar Grove

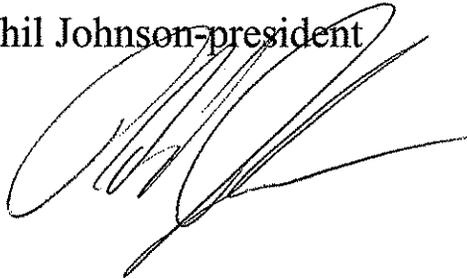
1. *What increase in heat will be generated from adding pavement to the Cedar Grove/Nature Center parking area?*
2. *Expanses of blacktop paving can be considered visually degrading in a naturalized park setting. Has this type of visual degradation been weighed against the impacts of "dust"? (E4-11)*

3. *Are there other alternatives to “demarcation of parking spots” other than blacktop/painted lines that are considered for this EIR? (E4-11)*
4. *Have permeable parking surfaces been considered?*

Horseshoe Lake

The natural character of the northern slope of land leading down into Horseshoe Lake is open grassland. Lake edges generally have lower growing tule/willow vegetation. Adding tall trees can change the natural setting and block the view of the grassland and ridge line. *Has the height of the proposed trees on the north side been factored into the potential impacts to visual character and natural setting?*

Phil Johnson-president

A handwritten signature in black ink, appearing to be 'Phil Johnson', written over the typed name.

