



August 1, 2011

California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

RE: Response to comments received during the Draft Storm Water Management Plan (SWMP) public review period for the Carnegie State Vehicular Recreation Area (Carnegie SVRA) SWMP.

INTRODUCTION

Carnegie SVRA is actively undertaking storm water management projects and will continue to implement these efforts in coordination with the Central Valley Regional Water Quality Control Board (Water Board) and partnering state and federal agencies. We remain committed to improving the water quality throughout our park and meeting water quality objectives. Our SWMP has been developed to provide a structured framework in which we explain the existing conditions, issues and management objectives and then set forth specific projects, best management practices (BMPs) and water quality goals to be implemented to the maximum extent practicable (MEP). The SWMP is a framework that outlines specific BMPs and goals to be achieved within the 5 year timeframe of the Small Municipal Separate Storm Water Systems (MS4) program. We appreciate the opportunity to work with the Water Board, allied agencies and interested individuals in better formulating and implementing this SWMP.

OVERVIEW

In December 2009, Carnegie SVRA submitted a Report of Waste Discharge (RWD) to the Water Board pursuant to a court order from the Alameda County Superior Court stemming from a lawsuit filed by the California Sportfishing Protection Alliance (CSPA) and Public Employees for Environmental Responsibility (PEER). The Water Board determined the RWD program was not appropriate in this circumstance and requested that we continue to move forward with a SWMP which is what the park had been working on prior to the lawsuit. We filed the Notice of Intent and proposed SWMP with the Water Board on March 14, 2010 for both staff and public review.

RESPONSES TO COMMENTS

The following are the Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation (OHMVR) Division, Carnegie SVRA specific responses to the comments listed in the May 26, 2011 letter from Lozeau Drury LLP on behalf of CSPA and PEER to the California Regional Water Quality Control Board regarding a Request for Hearing and Comments on Draft Storm Water Management Plan for Carnegie SVRA. These were the only comments received during the public review period for the Carnegie SVRA SWMP.

Comment I. Applying the Small MS4 Permit to Pollution Discharges From the Carnegie SVRA Does Not Address the Department of Park and Recreation's Duty to Comply With All Water Quality Objectives Under Water Code Sections 13247 and 13146.

Paragraph 1 and 2: Carnegie SVRA, as a State department, in carrying out activities which may affect water quality, is complying and shall continue to comply with water quality control plans approved or adopted by the state board. Carnegie SVRA has completed the Notice of Intent and has submitted a SWMP in compliance with the requirements set forth by the California State Water Resources Control Board's Water Quality Order No. 2003-0005-DWQ, General Permit No. CAS000004, National Pollution Discharge and Elimination System Waste Discharge Requirements for Storm Water Dischargers from Small Municipal Separate Storm Water Systems.

Paragraph 3: In previous years, turbidity levels had been sampled through-out the SVRA and in some instances had exceeded the turbidity objective. A baseline natural turbidity level assessment will be completed during the implementation of our Monitoring Program (Please see Section 6.8).

Paragraph 4 and 5: In order to meet water quality objectives for surface waters and water quality standards for a variety of constituents, Carnegie SVRA is aggressively implementing a BMP based SWMP, which includes the protection of waters, a reduction of erosion and sediment generating features and activities, monitoring, assessment and an adaptive management framework. This will ensure we meet the goal of reducing the discharge of pollutants to the maximum extent practicable and have the data in hand to prove the plan and actions are successful.

Paragraph 6: The Corral Hollow Watershed Assessment (CHWA), which was initiated in 2004 and completed in 2007, determined that pollutants generated by various forms of erosion were entering Corral Hollow Creek. The intent of the CHWA was to assess water quality, determine constituents of concern, locate pollutant sources and provide recommendations for improving water quality through implementing project level BMPs and better informed management decisions. The SVRA managers realize water quality issues exist and have developed a BMP and monitoring program that will address these issues and improve the overall water quality. (Please see Section 6.8).

Paragraph 7: The SWMP clearly states on Pg. 1, paragraph 2 that “The OHMVRD has initiated an aggressive storm water management program at Carnegie SVRA in an effort to protect the park’s natural resources, improve water quality and to meet the requirements of the National Pollution Discharge Elimination System (NPDES) and the Clean Water Act (CWA). In order to achieve these water quality objectives, a number of projects and programs have been planned and/or are being implemented.” The paragraph goes on to state...”The findings from the watershed assessment were used to develop a number of recommendations designed to reduce erosion and sediment issues through innovative best management practices (BMPs) and an active adaptive management framework focused on meeting water quality objectives.” Meeting water quality objectives is clearly one of our stated goals.

Comment II. The Regional Board Cannot Approve DPR’s Proposed SWMP Unless the Board Deletes DPR’s Self-Serving Assertions That Corral Hollow Creek is not a Tributary to the San Joaquin River.

Corral Hollow Creek indeed flows to the San Joaquin River during large storm events. The SVRA is within the jurisdiction of the U.S. Army Corp of Engineers and has had a Jurisdictional Delineation on file to implement numerous projects since 2005, with the most recent approved delineation completed in 2009. This language has been clarified in the SWMP.

Comment III: In addition, the Regional Board Cannot Approve the SWMP Because of its Serious Lack of Critical Details, Omission of Adequate BMPs and Omission of Adequate Monitoring.

Specific BMPs, including actions by staff as well as construction and restoration projects are well detailed in the SWMP, along with very specific quantitative and qualitative measurable outcomes and monitoring. Section 6 – Minimum Control Measures, provides information on BMPs ranging from public education and interpretive materials to mapping, implementation and monitoring. Our BMP Manual is quite extensive and provides a compilation of BMPs from CASQA and CALTRANS, all with corresponding numbers and installation specs. The details of the BMPs we use can be found in these manuals which can be available for public review. These include thousands of innovative BMPs for maintenance, land restoration and storm water management projects, as well as industry standard construction BMPs and proven road and trail construction BMPs. We evaluate and monitor each project and use adaptive management tools to alter or replace a BMP as necessary. This ensures the effectiveness of each BMP used and ensures the BMP is providing the most appropriate storm water control measure to the maximum extent practicable. All of the above mentioned BMPs and manuals are available for public review.

Within the draft SWMP, we listed only a few of the most recent projects that provided clear examples of both our ability and commitment to implementing appropriate maintenance and storm water management projects. Projects are

listed in our Computer Asset Management Program (CAMP) database which allows us to track project activities, BMPs, staff hours, materials costs and associated links to other databases and programs. The other databases allow us to implement and track annual soils/trails monitoring and species/habitat monitoring under the OHMVR Division 2008 Soil Standard and Guidelines and the Habitat Monitoring System respectively (see Section 6.7).

Comment IIIA: Additional BMPs must be required to achieve the MEP standard and to meet water quality standards.

Paragraph 1: Carnegie SVRA is currently taking all steps necessary to minimize pollution discharges, including closing access to trails during rain events, rerouting, closing, and restoring voluntary trails, maintaining roads, trails and stormwater facilities and complying with all construction standards and permits.

Paragraph 2: Carnegie SVRA has always closed access to the hills during rain events. Although taken out of context in the comment letter, law enforcement staff has the responsibility to close these access gates at any time if they cannot safely access the roads or trails. This is often the case as the rain shadow within Corral Hollow canyon can produce significant precipitation in one area of the canyon while another area nearby remains dry. Precipitation readings are taken from the rain gauge located at the Ranger Station, as well as referenced to data from the LLNL Site 300 weather station north of the SVRA.

The access gates remain closed until 24 hours of dry conditions have elapsed. The SWMP has been updated to clarify this information. Please see page 62. A quantitative cumulative precipitation measurement is used to trigger park closures. If any of these thresholds are realized, then the park hills will be closed. Using hydrological models and historical conditions, the following thresholds were determined as points where the soil becomes saturated and sheet flow occurs.

- 12 hrs: >0.30"
- 24 hrs: >0.50"
- 48 hrs: >0.65"

Paragraph 3: Please see pages 55-58. Starting in 2004, Carnegie SVRA implemented a proactive and aggressive Trails Program to designate, delineate and rehabilitate trails and habitat, in addition to providing public outreach and education efforts. Our activities have proven to be successful and we are continuing to meet the goals of our program.

Paragraph 4: The only liquids used in the park for dust suppression are water and one application of a dust suppressant (currently Dust Off) at the onset of summer. The water truck will spray water on the main park road, campground, and staging area at the main MX track when necessary to lessen the generation of dust from vehicle use and high winds.

Paragraph 5: Permits are already obtained for construction projects greater than 1 acre and the SVRA will continue to comply with all state and federal requirements. This information is clearly provided in the SWMP on pages 33-38.

Comment IIIB: Additional Details about numerous other components of the SWMP must be provided in order for the Regional Board and the public to evaluate the SWMP's effectiveness.

Paragraph 1: The BMPs we have provided in the SWMP are extremely detailed, with specific goals, implementation schedules and monitoring for effectiveness. With proper installation, good maintenance, monitoring and changing or repairing of BMPs on a consistent basis, all projects and activities will be successfully implemented to the maximum extent practicable and our annual report will showcase their proven effectiveness at reducing pollution from the SVRA.

Paragraph 2: Relative to the request for a detailed map, the base map is the park unit map (page 32), which clearly shows the locations of virtually all of the discharge features. It is available on our website and at the main park entrance. The further development of the illicit discharge map and associated site features is being completed in coordination with the Water Board to ensure we adequately and accurately select and monitor appropriate locations. The final map will use both aerial and topographic imagery to properly display these sites and provide specific feature details. As noted in our draft SWMP (pages 27-28, 31), the final development of this map would be completed immediately, well within the first year of the five year program. A separate and well established map of the trails, resource management areas and habitats is annually updated and is already available in our Habitat Monitoring System reports.

Paragraph 3 and 4: The sediment basin upgrades and road re-design projects are a critical piece in the management of storm water. Specific information regarding basin sizing, storm event capacity and existing and predicted sediment generation is readily available in existing documents and consultant analysis (CHWA and Fall Creek data) which were used to model and engineer the new designs. Turbidity monitoring for the assessment of BMP performance will be used. This MEP BMP approach will show how effective the BMPs are and what changes or upgrades are necessary to ensure a reduction in sediment.

Paragraph 5 and 6: Since 2007, annual monitoring of our soils and trails shows a marked decrease in trail density from unauthorized trails. This is due in part to our resource management area (RMA) designations and aggressive trail reroute and restoration activities. A few projects, such as the SRI Loop project and Kiln Canyon project noted in the draft SWMP, provide information on how we proactively select an area for rehabilitation, ensure the area is fenced, plan project activities and implement the project, including signage, public outreach, monitoring and enforcement. Prior to re-opening the area, we provide guided tours to educate visitors on why the trail system must be sustainable, why the trail is located where it

is, the importance of adjacent vegetation and habitat, and the importance of staying on the trail to protect both water quality and habitat. Once the area is re-opened, it is monitored for any damage or off-trail riding. If an area is used improperly and off-trail riding occurs, the area is closed and trailside repair activities are implemented. The SVRA has been implementing these types of projects since 2004 and has a plan in place for the entire park.

Additionally, road and trail construction and maintenance activities always includes the siting and installing of water bars, rolling dips, cross drains, etc. which are used to break hydrological connections and ensure the sustainability of every road and trail. These are typical industry standards and are implemented with every project. The SWMP provides explicit information regarding our Trails Program and Monitoring. Please see pages 47-69.

Paragraph 7: Regarding staffing details, State Park Peace Officers provide emergency medical response, law enforcement and patrol of the entire park unit, including trails and closed areas, 7 days a week. Enforcement activities, including verbal contacts and citations, are logged. Maintenance staff also work 7 days a week and provide litter removal, housekeeping, road, trail and facility construction, and equipment maintenance and repair. Our full time natural resource staff implements soil and habitat monitoring, as well as permit oversight and compliance. Our full time interpretive staff provides education and hands on outreach activities both in the park unit and at local school districts. OHMVR Division archeologists assist with all historic and cultural projects and planning. Carnegie SVRA has over 35 full time and seasonal staff. An organizational chart is available if needed.

Comment IIIC: Additional monitoring must be required, as well as additional details of the monitoring plan, in order for the Board to be able to confirm the effectiveness and compliance with standards.

Paragraphs 1-5: Additional detailed information regarding the monitoring program, including monitoring locations, turbidity readings, meeting turbidity objectives, calculating sediment yields, gathering baseline data, obtaining accurate rainfall data to estimate flows and determine monitoring activities and evaluating soil conditions as they relate to erosion and sediment discharges can be found in Section 6.8 BMP Monitoring Program (pages 66-69).

Comment IIID: The SWMPs proposed time schedules are unnecessarily long and laden with contingencies.

The actions and BMPs provided in this SWMP were developed and are being implemented in accordance with the Development and Implementation of SWMP under the NPDES General Permit Requirements for Small MS4s. As noted in the Carnegie SVRA SWMP, many BMPs have already been successfully implemented and pollutant discharges are decreasing. These activities will continue to be implemented per the SWMP to meet water quality objectives. Projects that require

engineering design, state and federal permits and capital outlay funding are underway, but do require 3-5 years for full implementation. We fully anticipate meeting the implementation schedule for all activities and feel the timeframe is completely appropriate given the scope and goals of the SWMP.

Comment III E: The SWMP's efforts to deflect blame on others is not supported by the available monitoring data and should be ordered removed by the Regional Board.

Paragraph 1: In regards to comments received related to deflecting blame on others, as stated above and reinforced by the comments within the comment letter, a true baseline of water quality monitoring data does not exist for the SVRA or the entire length of Corral Hollow Creek. Data does exist for the Tesla Mine area, Bakers Ravine, and portions of the SVRA. Although the comment stipulates that all sources emanating from areas outside the SVRA are innocuous, we disagree and feel the only responsible action will be to gather all baseline data which will allow staff to better assess, understand, and manage storm water activity.

Paragraph 2: A portion of our property west of the SVRA is open to very limited term grazing, which provides fuel reduction and allows historic ranching to continue. These lands are monitored and have never shown over foraging or bare soil. Cattle are restricted from most areas of the creek; however, this is not the case throughout the entire watershed. On lands adjacent to, above and below the SVRA, including lands owned by large cattle operators, these restrictions are not in place.

Paragraph 3 and 4: We also realize that previous mining activities on our park lands have provided us with unique water quality challenges. Other sources, both inside and outside of the SVRA, some of historic nature and some from mass transit on nearby roads; play a role in affecting water quality. We are working collaboratively with the County, LLNL, and various state and federal agencies. We foresee no issues in jointly assessing and amending any water quality issues shared with these agencies, in addition to taking full responsibility for our activities and actions within the watershed.

Conclusion:

Carnegie SVRA has already begun to implement numerous water quality related projects and will continue to work with the Water Boards to improve water quality and meet water quality objectives. This SWMP under the small non-traditional MS4 program provides a proactive and productive mechanism for Carnegie SVRA to successfully plan and implement actions that improve water quality in a realistic timeframe. Many requirements of the SWMP program are successfully underway, including the creation of extensive public education and outreach materials related to water quality, installation of effective erosion and sediment control features, redesign, rehabilitation and adaptive management of roads, trails and habitat, proactive facilities maintenance and housekeeping activities and development of a water quality monitoring plan. This SWMP will help us achieve the water quality goals and objectives shared by our park, our staff, our visitors and our partners.

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cc: Guy Chetelat, CVRWQCB
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Enclosures: BMP Manual
Carnegie SVRA 2009 HMS Report