



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[wildlife.ca.gov](http://wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



December 18, 2023

Katie Metraux  
Project Manager  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
Post Office Box 942896  
Sacramento, CA 92496  
Via email to: [info@PlanHungryValley.com](mailto:info@PlanHungryValley.com)

**SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE HUNGRY VALLEY STATE VEHICULAR RECREATION AREA GENERAL PLAN UPDATE, SCH #2023110034**

Dear Katie Metraux:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from California Department of Parks and Recreation (State Parks) for the Hungry Valley State Vehicular Recreation Area General Plan Update (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory

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authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division

**Objective:** The objective of the Project is to establish the long-range purpose and vision for Hungry Valley State Vehicular Recreation Area (SVRA) and update the current General Plan, which was adopted in 1981. Hungry Valley SVRA includes six land use areas with different characteristics, activities or allowable uses, resources, and related management mandates. The proposed General Plan Update would maintain the existing land use designations while modifying allowable off-highway vehicle (OHV) recreation boundaries of select areas. State Parks would manage natural, cultural, and physical resources to protect the resources’ integrity in alignment with the goals and guidelines established in the proposed General Plan Update.

Discrete improvements throughout Hungry Valley SVRA are envisioned with the proposed General Plan Update. These improvements include an additional vehicular access entry, new community event area, and new recreational vehicle (RV) campground with full hookups in the Condor Mesa Area along Frazier Mountain Park Road; a new visitor center, reservable group campground, skills track, and staging area near Smith Forks Campground; a designated unmanned aerial vehicle area within the Quail Canyon Special Event Area; a new kid’s track near the Edison Canyon Campground; and formalization of existing trail connections, construction of new trail connections, and paving or repaving of Gold Hill, Hungry Valley, and Quail Canyon roads.

**Location:** The Hungry Valley SVRA is located in Los Angeles, Kern, and Ventura counties near the communities of Gorman and Lebec, adjacent to Interstate 5 at Tejon Pass. Lands of the Los Padres National Forest are to the west and the Angeles National Forest is to the south and east.

**Background:** Hungry Valley SVRA was acquired by the state with money from the Off-Highway-Vehicle Fund and has been in operation as an officially recognized SVRA since approximately 1980. Prior to its acquisition by the state, most of the land was privately owned, and control of unlawful riding was difficult. When the state purchased SVRA lands in 1978, OHV activity was heavy in the upper end of Hungry Valley proper, and moderate in the hills overlooking Gorman and on the southern border of the unit.

**Biological Setting:** Hungry Valley SVRA encompasses approximately 19,625 acres of land dominated by a desert environment. Major vegetation communities include chaparral, pinyon-juniper woodland, native and non-native grasslands, riparian, juniper-yucca open woodland, oak woodland, and rabbitbrush-sagebrush shrubland.

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Hungry Valley SVRA currently includes a unique six-square-mile area along the northern boundary that is covered by native valley grasslands. A management plan formulated in 1981 created the Hungry Valley Native Grasslands Management Area. The recently acquired 845-acre Condor Mesa Area is proposed for inclusion in the Native Grasslands Management Area and would be managed accordingly. With the inclusion of this new area, the Native Grasslands Management Area would increase to almost eight square miles in size. Camping is not permitted in the Native Grasslands Management Area except in the proposed RV campground in the Condor Mesa Area along Frazier Mountain Park Road.

Most of the grassland community on the floor of Hungry Valley is dominated by exotic grasses, including soft chess, cheatgrass, blue grass, and foxtail.

Hungry Valley SVRA also contains a 60-acre Oak Woodland Natural Preserve, which protects an oak woodland habitat and natural seep that provides water for immense valley oaks, with an understory of native grasses. This extremely rare and unique habitat is closed permanently to motorized recreation.

Hungry Valley SVRA has the potential to support various sensitive species, including Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered), arroyo toad (*Anaxyrus californicus*; Endangered Species Act (ESA)-listed endangered, California Species of Special Concern (SSC)), blunt-nosed leopard lizard (*Gambelia sila*; ESA- and CESA-listed endangered, State Fully Protected Species), California glossy snake (*Arizona elegans occidentalis*; SSC), California legless lizard (*Anniella stebbinsi*; SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC), loggerhead shrike (*Lanius ludovicianus*; SSC), burrowing owl (*Athene cunicularia*; SSC), grasshopper sparrow (*Ammodramus savannarum*; SSC), coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened, SSC), tricolored blackbird (*Agelaius tricolor*; CESA-listed threatened), American badger (*Taxidea taxus*; SSC), southern grasshopper mouse (*Onychomys torridus ramona*; SSC), Tehachapi pocket mouse (*Perognathus alticola inexpectatus*; SSC), Townsend's big-eared bat (*Corynorhinus townsendii*; SSC), and pallid bat (*Antrozous pallidus*; SSC).

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist State Parks in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

- 1) **Crotch's Bumble Bee:** Recently, the California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. CDFW considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. There is potential for Crotch's bumble bee to occur within the SVRA. Crotch's bumble bees primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses,

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under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al., 2014; Hatfield et al., 2018). Overwintering sites utilized by Crotch's bumble bee queens include soft, disturbed soil (Goulson, 2010), or under leaf litter or other debris (Williams et al., 2014).

CDFW recommends that a qualified entomologist familiar with the species' behavior and life history conduct surveys within one year prior to vegetation removal and/or ground disturbance to determine the presence/absence of Crotch's bumble bee. CDFW has published a Survey Considerations document for CESA Candidate Bumble Bees, which can be found at the following link: <https://wildlife.ca.gov/Conservation/CESA>. This document describes factors such as evaluating potential for presence, habitat assessment, and survey methods.

- 2) **Project Description and Alternatives:** To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, wildlife, and natural habitats, we recommend the following information be included in the EIR:
  - a. The document should contain a complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas.
  - b. A range of feasible alternatives should be included to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.
- 3) **Historical Context:** State Parks has been managing Hungry Valley as a SVRA for over 40 years under the guidance of various management plans and programs, including those for soil conservation, wildlife habitat protection, the Native Grasslands Management Area, and invasive plant control. The document should include a discussion of the history of the property, including a comparison of the current condition to that in existence when the original General Plan was adopted in 1981. The document should include the most recent updates to any management plans, as well as a discussion of known management challenges and successful solutions encountered over the years. The document should include a discussion of methods used for control of Dalmatian toadflax (*Linaria dalmatica*), including the use of weevils as biocontrol.
- 4) **Siting of Facilities and Trails:** The document should include a discussion of the criteria used to select the locations of new facilities, and best management practices for trail siting and design. The discussion should, in particular, address the considerations for natural resources used in the decision making process. Comprehensive biological surveys should be conducted at each proposed facility and trail site, and the survey results should be included in the document.

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- 5) **Lighting Design:** Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms and lunar and seasonal cycles (Barrientos et al 2023). Methods for minimizing adverse effects of artificial night lighting include lighting only where light is necessary, turning lights off when they are not in use (e.g., motion detector), only using as much light as is needed, directing the light only where it is needed, and using the lowest possible correlated color temperature for the goal of the lighting.

CDFW recommends State Parks prepare a lighting plan that discusses the criteria used in selecting the various types of lighting fixtures, a schedule detailing the hours the various lights will be on, and steps taken by State Parks to minimize adverse effects. If State Parks has developed best management practices for lighting design, those protocols should be discussed in the EIR. If protocols do not yet exist, CDFW recommends State Parks consider adapting the guidance provided in the Bureau of Land Management's Night Sky and Dark Environments: Best Management Practices for Artificial Light at Night on BLM-Managed Lands Technical Note 457 (Sullivan et al., 2023), or other examples of best management practices such as can be found on DarkSky International's website (<https://darksky.org/>).

- 6) **Biological Resource Inventory:** The document should provide a complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire Project site, undertaken at the appropriate time of year. Particular detail should be provided for areas proposed for a change in use or construction activities, and for the newly acquired Condor Mesa Area. The EIR should include the following information.
- a. CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
  - b. A thorough, recent floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). CDFW recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
  - c. A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. CDFW's California Natural Diversity Data

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Base in Sacramento should be contacted at <https://www.wildlife.ca.gov/Data/BIOS> to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

- d. An inventory of rare, threatened, endangered, and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service.
- 7) **Biological Impacts:** To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the EIR.
- a. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, recreational uses, and drainage. Mitigation measures proposed to alleviate such impacts should be included.
  - b. A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands.
- 8) **Mitigation for Project-related Biological Impacts:** The EIR should include mitigation measures for Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, compensatory mitigation should be discussed in detail.
- 9) **Incidental Take Authorization:** Take of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.) is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085).

If the Project, Project construction, or any Project-related activity during the life of the Project will result in take of any such species, CDFW recommends that State Parks seek appropriate take authorization prior to implementing the Project. Appropriate authorization may include an incidental take permit (ITP), a consistency determination, or other options (Fish & G. Code §§ 2080.1, 2081, subds. (b), (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP. CDFW may be required to prepare a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to



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CESA-listed species and specifies a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

**10) Wetlands, Streams, and Riparian Areas:** It is the policy of CDFW to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be “no net loss” of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the EIR and must compensate for the loss of function and value of a wildlife corridor.

CDFW has regulatory authority over activities in streams and/or lakes that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of a LSAA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW as a Responsible Agency under CEQA may consider State Parks’ Environmental Impact Report for the Project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to any stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Instructions for submittal are available online at <https://wildlife.ca.gov/Data/CNDDDB>. Additionally, information on special status native plant populations and sensitive natural communities should be submitted to CDFW’s Vegetation Classification and Mapping Program. Instructions for submittal are available online at <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>.

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## ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist State Parks in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kelly Fisher, Environmental Scientist, (858) 354-5083 or [Kelly.Fisher@wildlife.ca.gov](mailto:Kelly.Fisher@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW  
Jennifer Turner, San Diego – [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)  
Lawrence (Larry) Bonner, San Luis Obispo – [Lawrence.Bonner@wildlife.ca.gov](mailto:Lawrence.Bonner@wildlife.ca.gov)  
Krista Tomlinson, Fresno – [Krista.Tomlinson@wildlife.ca.gov](mailto:Krista.Tomlinson@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)

OPR  
State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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