

UNIT 125

MACARTHUR-BURNEY FALLS MEMORIAL STATE PARK

**GENERAL PLAN
(CEQA review only)**

June 1977

McARTHUR-BURNEY



FALLS MEMORIAL STATE PARK

GENERAL PLAN

CEQA Comments and Responses

June, 1997

McArthur-Burney Falls Memorial State Park General Plan

June 1997

APPENDIX J

**Outside Comments to the
Preliminary General Plan, and
DPR Staff Responses to Those Comments**

A published General Plan for a unit of the California State Park System is deemed to be a project report for the purposes of the California Environmental Quality Act (CEQA) if the following two items have been prepared, published and made readily available:

1. A chapter or element in the plan itself describing the potential environmental impacts that would be caused by the implementation of the proposed general plan; and
2. The comments of other agencies and of the public, made in response to the preliminary general plan document; also, the department's staff's responses to those comments.

These two items do not have to be located in the same document.

In the case of the June 1997 *McArthur-Burney Falls Memorial State Park General Plan*, the first item described above has been published as a part of the general plan document itself. It appears as that plan's Environmental Impact Element, found on pages 131 – 137 of the plan.

The second item listed above is this 42-page booklet. It contains the CEQA-generated review comments made in response to the preliminary general plan document. This review process is administered by the State Clearinghouse, located in the Governor's Office of Planning and Research. The State Clearinghouse number assigned to this general plan document was 97032015.

This booklet also contains the Department's staff's specific, written responses to the CEQA-generated review comments. This booklet, in effect, constitutes the actual Appendix J of the approved *McArthur-Burney Falls Memorial State Park General Plan*.

Copies of this booklet will be available at a number of Departmental locations, at appropriate field offices and at records depositories situated at its Sacramento headquarters.

RESPONSE TO COMMENTS

The Department of Parks and Recreation circulated the McArthur-Burney Falls Memorial State Park Preliminary General Plan to federal, state, and local agencies, and members of the public who requested copies. A Notice of Availability was published in the "Record Searchlight," "Mountain Echo," and "Intermountain News." Copies for public review were made available at the Shasta County Library in Redding, the Eastern Shasta County Library in Burney, the Northern Buttes District Office in Oroville, and at McArthur-Burney Falls Memorial State Park Office. Comments were received from agencies and individuals. Copies of the preliminary general plan were sent to:

- Federal Energy Regulatory Commission
- National Park Service
- U.S. Fish and Wildlife Service
- U.S. Forest Service - Lassen National Forest
- California Department of Fish and Game
- California Department of Forestry and Fire Protection
- California Department of Conservation
- California Department of Transportation
- California Department of Parks and Recreation/Office of Historic Preservation
- California Department of Housing and Development
- State Lands Commission
- Native American Heritage Commission
- Central Valley Regional Water Quality Control Board
- Resources Agency
- Shasta County Board of Supervisors
- Shasta County Recreation and Fish and Game Commission
- Shasta County Sheriff's Department
- Shasta County Planning Commission
- Shasta County Public Works
- Fall River Valley Chamber of Commerce
- Pacific Gas and Electric Company
- Sierra Club
- Pit River Tribal Council
- Pit River Tribe/Cecilia Silvas
- Pacific Crest Trail Association
- Backcountry Horsemen's Association
- Intermountain Horsemen's Association
- McArthur-Burney Falls Interpretive Association
- Burney Falls Camp Store/Rita Zimmerman
- Independent Living Services of Northern California
- Kathleen Graham
- Judith Hamilton
- Steve O'Brien
- Jack Sanders
- Ken White

The preliminary general plan and the Comments and Response to Comments will constitute the Final Environmental Impact Report and will be presented to the State Park and Recreation Commission for their consideration and approval of the plan in conformance with California Code of Regulations Sections 15089 and 15132. A Final General Plan will be prepared following the Commission approval.

Below is a list of the commenting parties. The letters of comments follow and the comments are numbered. The corresponding numbered responses are found following the comment letters.

U.S. Forest Service
Department of Transportation
Department of Forestry and Fire Control
Pacific Gas and Electric Company
Fall River Valley Chamber of Commerce
Jack A. Sanders

RESPONSE TO COMMENTS

1. The Pit River Bald Eagle Management Plan recommends no increase in overnight camping facilities in essential bald eagle habitat at McArthur-Burney Falls Memorial State Park. However, the eagle management plan also specifically states that an increase in facilities at the state park are compatible with essential eagle habitat. Before making the proposals to add a group camp at the park, the General Plan Team conferred with a member of the Bald Eagle Management Task Force at the Department of Fish and Game. It was his finding that the increase of visitation envisioned with the group camp would pose no problems within the essential eagle habitat zones. The Department of Parks and Recreation does not propose to develop any new facilities in any of the three categories of bald eagle habitat identified in the management plan (i.e., essential, nesting, or expansion habitat). The locations of the proposed group campground and the bus parking areas for the state park are outside of these essential habitats. The proposed group campground is to be developed in phases. The department will initiate an on-going resource monitoring program to determine if possible impacts of increased camping exceed standards that will be set in the development of that program. This will include impacts to bald eagles and other natural features as deemed necessary at the time of program development. The Department of Fish and Game will be consulted. If standards are exceeded, action will be taken to bring the facility into compliance. With regard to additional bus parking, the department proposes to facilitate bus traffic to the state park by providing appropriate sites to park. The reality is that buses already come to the park, and the proposed parking areas will accommodate a need that exists now to improve automobile circulation and parking. It has been the department's experience that visitors arriving at the park on buses spend the majority of their time at the falls area, which is distant from the delineated essential bald eagle habitat. It is, therefore, determined that focused day use activity will not increase movement into essential habitat areas.

2. Consideration was given to alternative entrance sites; however, the proposed site provides the safest access to the park by vehicles, while not encroaching in essential bald eagle habitat and the sensitive meadow community. This proposed entrance is wholly compatible with proposals to relocate facilities in the falls area to provide a high-quality visitor experience at the park's prime resource, Burney Falls. The entrance and contact area are the most controlled public areas in a park. They are not destinations, but places the visitors pass through. It is not anticipated that the kinds of activities that will occur there will encourage movement of visitors into essential eagle habitat.

Beyond consultation with a Department Resource Ecologist, site-specific development of this proposed entrance will be subject to subsequent CEQA compliance, at which time the Department of Fish and Game, U.S. Fish and Wildlife Service, PG&E, and other interested parties may comment upon the site-specific project as it relates to wildlife issues.

3. The department's position regarding possible raises in the level of Lake Britton stems from the lease that the department has with PG&E for the property at McArthur-Burney Falls Memorial State Park. Language in the lease allows the company to raise the lake up to three feet during the term of the lease, which will end in the year 2013. The department recognizes that the company is no longer seeking to raise the lake one foot at this time. Nevertheless, the lease language must be taken into account in the state park's general plan because the permission for future raises still remains.

There is no reference to the one-foot rise for which PG&E was petitioning the Federal Energy Regulatory Commission on page 12 of the preliminary general plan. The reference on page 30 is to the allowable 1-3' rise, and cannot be changed, because of the reason explained in the preceding paragraph. In the final general plan, the two last sentences under "Consideration" for the Lake Day Use Area on page 84 will be dropped, thus removing the reference to the planned one-foot rise that PG&E is no longer pursuing.

4. Thank you for your clarification of PG&E's role regarding the hazard marking at Lake Britton. The second sentence of the first paragraph on page 125 under "Pacific Gas and Electric Company" will be removed. In the second paragraph, a new sentence, "The Department of Parks and Recreation's only management functions with respect to Lake Britton are to maintain the park's swim beach and the buoys in front of it." will be inserted between the first and second sentences.

5. The recommendations of the commentor and landowner, PG&E, are all accepted. "Inform" will be changed to "perform" on page 59. This sentence will be added to the first Directive on page 59: "If any of the sites on PG&E lands cannot be preserved or avoided in the future, a PG&E archaeologist will be consulted prior to implementation of any studies." The introductory paragraph and Directive on "Lakeshore Site" on page 59 will be deleted.

6. Thank you for your support. No response is necessary.

7. The language in the final general plan under "Appropriate Additions - U.S. Forest Permit Parcels" on page 101 of the preliminary general plan will reflect the concerns expressed in your comment. The last sentence of the paragraph will be amended to read, "The department is pursuing acquisition of these parcels from the Shasta-Trinity National Forest."

The list of issues on page 8 of the preliminary general plan had to do with the problems, mostly concerning park facilities, that we were unsure how to approach or how to resolve as we started the planning effort. Unlike those issues, our course of action was clear regarding the need for acquiring the National Forest parcels. In fact, the department has been actively pursuing this acquisition concurrently with the general plan work and will continue to do so until there is a resolution that is mutually satisfactory to our agencies. To properly convey the significance of this acquisition, it will be moved to the top of the list of Appropriate Additions on page 101.

8. The exact language on page 123 regarding use of the Pacific Crest Trail (PCT) Camp is "PCT hikers (emphasis added) have generally found the camp to be inconvenient, as it is about a mile from the park store, where they can obtain food caches and services. It is a similar distance from the campground showers." Regarding publicity, the camp appears on the park brochure and in the State Park Guide, as do the other park facilities, and is indicated to be an "environmental camp."

It is not unreasonable for the gate to this remote part of the state park to be locked. However, the lock was not put on the gate until about four years ago because of several severe problems that had occurred. Among these were the burning of a restroom by vandals, groups driving in and setting up camp without having paid their fee, and people illegally driving outside of the barriers on the property.

9. The Forest Service will of course be involved in any future discussions relating to the regional study the department will conduct regarding any changes to or relocation of the PCT Camp.

10. The discussion on alien plants is brief because they are quite limited in extent both within the park and on adjacent lands, and there are no foreseeable threats in the near future. Please be reassured that a much greater emphasis would be placed on alien plants if this were not the case.

Evaluation of eradication techniques and implementation of an appropriate alien species control program are determined by District staff, primarily by the Resource Ecologist, as a part of future resource management plans. A general plan is not required to develop that detail.

11. The directive will be rewritten in the Final General Plan as follows:

Directive: If individual landmark trees in areas of visitor concentration are recognized as threatened by insect activity, they may be individually treated with preventative spray to avert significant loss. These trees will continue to be under the constraints of the department's Tree Safety Program.

In areas outside of visitor concentration zones and park facilities (i.e., wildland areas), the killing of trees by native insects shall be recognized as a natural process, and killed trees shall not normally be felled or removed. Exceptions shall be permitted only in the case of : a) any tree that falls within the constraints of the department's Tree Safety Program; b) emergency situations; or c) approved resource management projects such as prescribed fire management and plant community restoration (note: an approved resource management plan should be completed prior to project work).

12. The department has an established tree safety program exclusive of the general planning process that is administered in headquarters and implemented by each district of the State Park System. Thank you for the article. We will add it to our resource materials.

13. Yes, the general plan proposes to retain the existing entrance for an emergency exit, as you support. The department recognizes the Department of Forestry and Fire Protection's concern for having circular vehicular routes available at the park for fire and other emergencies. The park staff's entrance/exit can now serve that purpose, though sight distances there are not as good as those at the existing entrance. In the future, using the new entrance in combination with the existing one will provide a superior circuit for emergency vehicles, while retaining the employee entrance/exit as still another option.

14. The department will contact the Department of Transportation when development plans are being prepared for the entrance road to conform with Caltrans standards.

15. A preliminary plan was presented to the public at the May 1996 public meeting. The California Environmental Quality Act (CEQA) review process is not a regulatory process; therefore, there is no CEQA approval. The entire general plan with the Environmental Impact Element constitutes the environmental impact report and is circulated for public review. If substantial changes were required in the general plan as a result of the public review, it would be necessary to recirculate the general plan. However, no such changes have been required in this public review. The preliminary general plan, with the comments and responses will be submitted to the State Park and Recreation Commission for its approval at a public hearing. If, for some reason, the Commission directed the department to make substantial changes, a subsequent public review would then be required.

16. The state park's weather records reviewed by the planning team were informative, but not officially referenced because there appeared to be gaps in the information. For general planning purposes, the meteorological information used is sufficient.

17. Thank you for the information regarding the aspen. The published literature does not include the locations you described. The planning team surveyed state park lands but did not investigate locations outside of the state park boundaries on the north shore of Lake Britton or downstream from the dam.

18. The final general plan will read as suggested.

19. The Entry Cabin Complex is another name from the historical record for Residence #1. This house has had various names during the decades since its construction, including the

Warden's Cabin and also the Custodian's Cabin (as it appears on the map on page 43), before the park designated it Residence #1. The complex consists of houses, a garage, and a former laundry (now a residence).

20. The first identified primitive campground constructed by the Warden appears in the upper left-hand quarter of the map on page 43. This was on land donated to the park by the Pacific Gas and Electric Company just east of Burney Creek in the general vicinity of today's Rim Campground. The map from which the map on page 43 was copied extends farther west of Burney Creek but does not indicate the campsites in the area to which you refer. None of the cultural resources staff who inventoried the land west of Burney Creek found any remnants of an earlier camp. Thank you for showing us the area of this camp west of Burney Creek.

21. This building was not a mess hall. It contains no internal evidence of overhead vents necessary for a kitchen. Further, the building has no drains, as either a bath house or mess hall would have required. Perhaps, with your help, we will be able finally to establish the original use of this building and others that you mention in your comments. These changes will not affect decisions in the general plan but will improve the park's inventory documentation.

22. The first foundation mentioned in paragraph 4 on page 44 of the preliminary general plan could have been a dry earth latrine. Board and batten siding and screen doors you describe would have been consistent with construction typical of the 1930's. Excavation could prove whether or not this is so.

23.. Thank you for drawing this foundation to our attention. It will be an addition to the inventory. It was not located during the survey.

24. Foundation #2 is a concrete pad, reenforced with railroad iron, that was used for maintaining and repair of heavy caterpillar tractors by the California Department of Forestry (CDF) during the 1960s. Foundation #3, while similar to CCC-era construction, was built in the early 1960s, also by CDF. These two foundations, plus water pipe and faucets, are the only visible elements of a CDF inmate fire protection mobile unit. CDF leased seven acres east of the old garage (a CCC-era building now used to store wood) from 1962-1967.

25. It is the goal of the department to maintain native species diversity in units of the State Park System, as well as to provide high quality outdoor recreation. While some hatchery-reared fish are native to the Burney area, their genetic make-up is altered by several generations of captivity. Introducing these fish into populations of wild stocks dilutes the wild fish's gene pool, making them more susceptible to disease and parasites. Further, introduced non-native fish compete for food and habitat with native species, and prey upon smaller individuals. It is the opinion of the department that a quality sport fishery can be achieved in the absence of hatchery-reared fish.

26. It is true that there have been many repairs and modifications to the stone falls overlook. However, the foundation remains and is the original work of the CCC. The directive on page 61 of the preliminary general plan is not specific as to exactly which parts of this structure were constructed by the CCC, but merely sets standards for the future treatment of all CCC-built structures at the park.

27. Please refer to the paragraph describing the temporary interpretive center on page 82 of the preliminary general plan. The last sentence in this paragraph contains permissive language for a parking lot for seniors and visitors with disabilities close to what will be the temporary interpretive center (the current concession building). This will be considerably nearer to Upper Burney Creek than the proposed main parking lots in the reconfigured day use area.

28. Thank you for bringing this misplaced "X" to our attention. This project should have appeared in column 2 of our suggested phasing.

29. Proposals in general plans as a rule do not address details of park operations or management that would be more appropriately appear in an operations plan. However, materials storage is a legitimate land use in the CCC Area, and therefore deserves mention. Because the CCC Area is not available for public use at this time, it is actually the best location in the state park for storage of such materials. Regarding the kinds of materials found there, some are being stored until they can be removed for disposal.

30. The reference to this overflow parking area will be removed in the final general plan. The sentence will be changed to read, "Many campsites often contain more than two vehicles." in the final general plan.

31. You are correct. This has been too simply stated. In the final general plan, the words "no public use" on page 92 of the preliminary general plan will be replaced with "a low level of public use on informal trails accessing Lake Britton for fishing."

32. The species lists appearing in Appendix C are a compilation of species from various sources. While some sources address species on a regional basis, others, such as park unit files and resource inventorying efforts associated with the development of the general plan address species that were observed in the park. Appendix E identifies significant species that are likely to occur in the state park. It is acknowledged that there are still several gaps in our understanding of the species composition of McArthur-Burney Falls Memorial State Park and that further studies are needed. However, the Resource Inventory for the state park is an "open document", which provides for the inclusion of new information as it is received. Also, the directive addressing Special Species (pages 53-54) mentions further work that is needed regarding special species occurrences, their locations, and important life requisites at the state park.

Pacific Gas and Electric Company,

245 Market Street, Room 1103-N11C
San Francisco, CA 94105

Terry Mortford
Manager

Mailing Address

Mail Code N11C
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San Francisco, CA 94177
415/973-4603
Fax 415/973-5323

April 18, 1997



Department of Parks and Recreation
Northern Service Center
1725 - 23 rd Street
Sacramento, CA 95816
ATTN: Rob Ueltzen, EIR Coordinator

Dear Mr. Ueltzen:

We have reviewed the McArthur-Burney Falls Memorial State Park Preliminary General Plan (Preliminary General Plan) dated January 1997. Overall, we find it a well prepared and comprehensive plan. However, there are three areas which raise serious concerns. They are: 1) Bald Eagle Protection, 2) Lake Britton, and 3) Archaeological Sites.

Bald Eagle Protection

The Preliminary General Plan appropriately considers the recommendations of the Pit River Interagency Bald Eagle Management Plan (1986) throughout much of the document. The Bald Eagle Management Plan specifically recommends no increase in public use in the State Park, as well as most other recreational facilities around Lake Britton. PG&E's Exhibit R for the Pit 3, 4, and 5 Project specifically followed the guidelines of the Bald Eagle Management Plan. We note that the Preliminary General Plan is recommending a new group camping area and an increase in State Park camping PAOT from 1,398 to 1,604 (14.7% increase), primarily as a result of the new group camp. We also note increased day use PAOT as a result of additional bus parking at the Falls. We believe these increases are inconsistent with the recommendations of the Bald Eagle Management Plan. We also note in the alternatives section that the accommodation of group camping within the existing 128 campsites was not discussed and apparently not considered. We believe that the need for group camping within the state park should be met within the existing capacity of the park. Consequently, we object to the proposal to increase camping in the state park.

The relocation of the Park entrance and contact facilities will move it significantly closer to the South Shore bald eagle nesting territory on Lake Britton. While this facility is outside of the designated essential habitat for bald eagles it will concentrate activity only about ½ mile from the actual nest site. Topographic buffers will probably mitigate the effects of this disturbance, but further consideration should be given to alternatives for the park entrance and contact station, which are further removed from this bald eagle nesting territory. If the new park entrance and contact area is maintained in the proposed location, wildlife biologists should be consulted during construction of the Highway 89 park entrance to minimize impacts to nesting bald eagles.

Mr. Ueltzen
April 18, 1996
Page 2

Lake Britton

3

Lake Level -- The Preliminary General Plan, makes several references to PG&E's plan to conduct a test to raise the level of Lake Britton by one foot, on pages 12, 30, and 84. On December 5, 1996, PG&E informed the Federal Energy Regulatory Commission that the project economics did not make the raising of Lake Britton feasible (letter attached). The California Department of Parks and Recreation was also informed of our decision.

4

Public Safety -- PG&E is required to provide safety measures for hazards associated with project features, such as providing a boat barrier near Pit 3 Dam. PG&E is not responsible for marking underwater hazards on the lake as the Preliminary General Plan states on page 125. This responsibility for enforcement and insurance for all buoy placement and condition rests with the County Sheriff's Department. Consequently, the Preliminary General Plan's references to underway hazard marking on page 125 should be removed.

Archaeological Sites

5

In the section on the treatment of archaeological sites, the last sentence in the first directive on page 59 reads, "PG&E's archaeological research designs for Lake Britton will be used to inform all necessary studies in the park". The word "inform" should be replaced with "perform". The directive should also state that if any of the sites cannot be preserved or avoided in the future, and are on PG&E lands, a PG&E archaeologist will be consulted prior to implementation of any studies.

The third directive on page 59 discusses recovering a sample of artifacts on SHA-418. This site, as noted in the Preliminary General Plan, is located on PG&E lands. Subsurface testing or artifact collecting on PG&E property is prohibited. It is PG&E's philosophy not to permit any subsurface testing or artifact collection unless absolutely necessary and unavoidable.

If you have any questions, please call Angela Risdon at 415 973-6915.

Sincerely,

Terisa DeBono Sr

John Sandhofner
Hydro Superintendent

Attachment

Mr. Ueltzen
April 18, 1996
Page 3

Mr. Steve Hocking
Federal Energy Regulatory Commission
Mail Code: HL-20.4
888 First Street, N.E.
Washington, DC 20426

Mr Leonard Atencio
Forest Supervisor
Lassen National Forest
55 South Sacramento Street
Susanville, CA 96130

Mr. Joel E. Medlin, Field Supervisor
U.S. Fish and Wildlife Service
2800 Cottage Way, Room E-1803
Sacramento, CA 95825

Attachment

Ms. Claudia Nissley
Chief, Western Office of Project Review
Advisory Council on Historic Preservation
730 Simms Street, Room 401
Golden, CO 80401

Ms. Cherylyn Widell [FERC9105234]
State Historic Preservation Officer
California Department of Parks and
Recreation
P. O. Box 942896
Sacramento, CA 94296-0001

Mr. Richard L. Elliott, Regional Manager
California Department of Fish and Game
Attention: Mr. Dave Hoopaugh
601 Locust Street
Redding, CA 96001

Mr. Ueltzen
April 18, 1996
Page 4

Angela Risdon (3-6915)(c:\data\winword\complian\pit233\stpark.doc

bcc: *via E-mail*

Ken Isaacs/Law Dept. FERC files, Rm 3120, 77B
Annette Faraglia
Dave Longanecker
John Klobas

via hardcopy w/attachment

Teresa DeBono/FERC 233-File # 026.1191 Envir.

Pacific Gas and Electric Company

Hydro Generation
245 Market Street, Room 1103-N11C
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December 5, 1996

Delivery Address

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Ms. Lois Cashell
Office of the Secretary
Federal Energy Regulatory Commission
Dockets Room 1A
888 First Street, N.E.
Washington, DC 20426



Dear Ms. Cashell:

**PIT 3, 4, AND 5 HYDROELECTRIC PROJECT, FERC NO. 233
DECISION NOT TO INCREASE LAKE BRITTON ELEVATION**

This is to inform you that after reevaluating the economics of the Pit 3, 4, and 5 Hydroelectric Project, FERC No. 233, PG&E has decided, at this time, not to seek a 1-foot permanent increase of the water level of Lake Britton. Consequently, PG&E will not exercise the temporary variance to increase the water levels in Lake Britton granted by FERC's Order issued May 9, 1996.

PG&E began evaluating the feasibility of increasing the water level of Lake Britton in 1992. No significant adverse environmental or cultural impacts were anticipated at that time and the relatively high power value forecasts in 1992 indicated raising the lake's elevation would be economical. Recent economic analysis of the project, using FERC's current cost method with the current power values and anticipated environmental costs shows a significant decrease in net benefits to raising the water elevation of Lake Britton. The decision has been made not to go forward with the test.

If you have any questions, please contact Angela Risdon at 415 973-6915.

Sincerely,

Angela Risdon for.

John Sandhofner
Hydro Superintendent

Original and 8 copies

Ms. Lois D. Cashell
December 5, 1996
Page 2

Mr. Steve Hocking
Federal Energy Regulatory Commission
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Mr. Leonard Atencio
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Mr. Joel E. Medlin, Field Supervisor
U.S. Fish and Wildlife Service
2800 Cottage Way, Room E-1803
Sacramento, CA 95825

Mr. Richard L. Elliott, Regional Manager
California Department of Fish and Game
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Ms. Claudia Nissley
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Ms Deborah Romberger
District Ranger
Hat Creek Ranger District
P.O. Box 220
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FALL RIVER VALLEY CHAMBER OF COMMERCE

P.O. BOX 475

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(916) 336-5840 FAX (916) 336-6731

April 14, 1997

Mr. Robert Ueltzen
Northern Service Center
State Department of Parks and Recreation
P.O. Box 942896
Sacramento, Ca 95816

PRELIMINARY GENERAL PLAN AND DRAFT E.I.R.
MCARTHUR-BURNEY FALLS MEMORIAL STATE PARK

Thank you for your letter of March 7, 1997 and the opportunity to review and comment on the above mentioned plan.

Your publication indicates a very thorough study of the park and its environs: attention to planning and stewardship issues and well thought out; exciting recommendations for possible changes. The plan is interesting reading and easy to understand as well as being attractively designed.

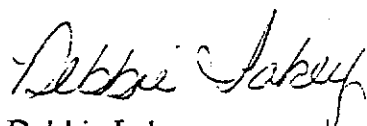
We highly commend your obvious sensitivity to the valuable resources of our park, while at the same time providing for visitor enjoyment and educational opportunities. Visitation to the park is a recognized asset to our local economy.

As an expression of our ongoing interest, our chamber will continue to have a representative of our organization on the board of "Friends of the Falls".

Please keep us informed as to the progress of the general plan and send us any information you may produce which is relevant to the best interests of the park.

Again, Thank you.

Sincerely,



Debbie Lakey
Chamber President



United States
Department of
Agriculture

Forest
Service

Hat Creek
Ranger
District

P.O. Box 220
Fall River Mills, CA 96028
(916) 336-5521

Reply To: 2720

Date: April 14, 1997

Rob Ueltzen
EIR Coordinator
Calif. Department of Parks & Recreation
Northern Service Center
1725 - 23rd Street
Sacramento, Calif. 95816

Dear Rob:

Thank you for the opportunity to provide comments on the McArthur-Burney Falls Memorial State Park General Plan. We have the following comments:

7. 1. On page 101 of the Plan, under "U.S. FOREST SERVICE PERMIT PARCELS" you state, "When possible, it would be desirable to acquire these two parcels [under special use permit] from the Shasta-Trinity National Forest." We completely agree with this proposal, and in fact we have been working with Deidre Cahill of your Department to pursue a land exchange involving these parcels. We want this to be actively pursued, not just "when possible." We would therefore like the wording in this section to reflect that, as well as have this proposal listed as a specific issue on page 8 of the Plan.
8. 2. On page 123 you indicate that the reason the PCT Camp receives little use is because it is "inconvenient." In our discussions with equestrian users, we have found that another major reason it is not used more is because potential users do not know it exists and because it is behind a locked gate.
3. 3. The Forest Service supports the continued operation and existence of the PCT Camp. Your Plan states that "...a regional study will be conducted to evaluate alternative sites" for this camp. We want to be involved in any discussions your Department might have regarding changes or relocations to this Camp.
9. 4. Until such time as the two parcels of National Forest System land are acquired by your Department, the Forest Service has the final decision on the management of this land. Any desired changes in management of this land which result from your general planning effort would need to receive approval from the Forest Service prior to their implementation. Our commenting on the Plan does NOT constitute permission from us. Additionally, any changes in the Special Use Permit would cause us to re-examine the fee level of your permit.



Caring for the Land and Serving People

Thank you again for allowing us to comment on your Plan. If you have any questions about any of these comments, please contact me or Lorraine Pope at this office.

Sincerely,



DEBORAH D. ROMBERGER
District Ranger

cc: Jim Dunn



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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REDDING, CA 96001-5050
(916) 225-2434

April 9, 1997

Robert Ueltzen
Department of Parks and Recreation
1725 - 23rd Street, Suite 200
Sacramento, CA 95816

Re: McArthur-Burney Falls Park
General Plan
Draft EIR January 1997

Dear Mr. Ueltzen:

The California Department of Forestry and Fire Protection (CDF) offers the following information or clarification for the EIR:

1) **Page 49 - Alien Plants**

10
Discussion on alien plants is inadequate. There is also no discussion of eradication techniques. The EIR must contain evaluation of all anticipated eradication techniques that may be implemented. The directive needs strengthening to include identification and control of alien plants that do become established.

2) **Page 52 - 3rd Paragraph**

11
Delete the descriptive adjective "destructive" from the beginning of Sentence #2. Reword sentence to eliminate the negative connotations associated with logging and the self-serving trashing of a legitimate regulated activity.

3) **Page 52 - 4th Paragraph**

12
State that a recognized hazard tree evaluation process will be utilized that includes 1) regular, periodic inspection of trees in high visitor use areas, 2) planned removal of those trees determined to be hazardous to visitors and park employees, and 3) documentation of inspection and removal efforts are necessary to provide responsibility for hazardous tree evaluation and control. See attached literature on liability for damage caused by hazardous trees (Journal of Arboriculture reprint).

- 4) The general plan proposes to construct a new entrance. The retaining of the existing park entrance, as an emergency exit, is essential to creating a circular vehicle route for fire and other emergencies.

Duane Fry
Unit Chief

By 

David M. Soho
Deputy Chief
Resource Management

saj

Enclosures

cc: T. McCammon
A. Robertson

JOURNAL OF ARBORICULTURE

August 1986
Vol. 12, No. 8

LIABILITY FOR DAMAGE CAUSED BY HAZARDOUS TREES

by L. M. Anderson and Thomas A. Eaton

Abstract. Summarized are the general principles of law that courts use to determine who is liable when tree defects result in personal injury or property damage. Three procedures to minimize liability—tree inspection, documentation of inspection, and adoption of other urban forestry practices—are discussed.

In many cities the professional arborist does not have to look far to find trees in hazardous condition. Many communities have prized landmark trees, often in ruinous old age but with too much historical and cultural significance to remove. Many trees planted as civic improvements at the turn of the century have become potential hazards (1, 4, 9). Trees subject to the numerous stresses and abuses of the urban environment decline in vigor, are invaded by wood rotting organisms, and deteriorate to the point of becoming hazards.

Because of their proximity to people and property, city trees are especially likely to cause harm if they fall or lose limbs (see Fig. 1). Hazardous trees threaten people using public streets and sidewalks, and may damage adjacent structures, parked cars, and other property. When trees cause damage, the question arises: Who will pay? Must the victims of accidents (or their insurers) absorb the cost of injuries or property damage even if they did nothing to "deserve" this fate? Or must the landowners or managers (or their insurers) cover at least some of the costs? What if the land managers did nothing "wrong" in the sense that there was nothing they could reasonably have done to prevent the accident?

Our society turns to the law to answer its "Who will pay?" questions, and this paper summarizes

how courts decide who is liable for the costs of accidents involving hazardous trees. First, we present the general principles of law that determine liability. Second, because municipalities are often potential defendants in tree cases, we discuss some of the special issues that arise when the party responsible for a hazardous tree is a municipal or other government entity. Finally, we discuss the best strategy to minimize liability for accidents that may occur.

Basic Principles of Liability

A 1978 case, *Husovsky v. United States* (590 F.2d 944, D.C. Cir.), illustrates the fundamentals of liability in tree cases. A college student was driving to school through Rock Creek Park in Washington, D.C. As he passed beneath a multistemmed tulip-poplar, one limb dropped on



Figure 1. The municipality, the landowner, or both may be liable for damage caused by hazardous trees.

his car. The student suffered severe injuries, apparently leaving him paralyzed for life. His medical bills, the cost for permanent caretaking, his lost career opportunities, and his pain and suffering added up to a considerable sum. Here the court found the damages to be \$975,000. The court also determined that the land managers had to pay the bill. How was this decided?

The fundamental rule in our Anglo-American legal tradition is that the injured party will absorb the costs unless it can be proved that someone else was legally responsible. Thus, in our example, the injured student would have paid for his injuries out of his own pocket (perhaps with help from his insurance) unless he established that the land managers did something that the law recognizes as "wrong."

There are two legal theories the student could use to establish that the land controllers should pay for his injury. One theory is that the land managers were *negligent*: if they had been reasonably prudent, they would have spotted the defective tree and taken steps to prevent its injuring passing motorists. The second theory is that the tree was a *nuisance* that the land managers were unreasonably maintaining adjacent to the road.

The distinction between negligence and nuisance is significant for lawyers involved in a case. For land managers, on the other hand, the essential similarity in the theories is the important feature: under either theory, the injured person must show that the defendant tree owners or land managers acted *unreasonably*. Either the land managers were negligent because they did not use reasonable prudence in removing the tree hazard; or they unreasonably allowed a nuisance tree to stand, menacing the highway. Here we will discuss the negligence theory because it most clearly shows the issues involved in establishing the presence or absence of "reasonableness."

The law of negligence requires the injured party or plaintiff to show four elements to establish the right to collect damages from the defendant. First, the plaintiff must show that the defendant had a *duty* to exercise reasonable care to protect people like the plaintiff from some foreseeable hazard. Second, the plaintiff must show that there was a *breach* of this duty in that the defendant failed to

act reasonably under the circumstances. Third, the injured party must show that the defendant's breach of duty was the *cause* of injury. And fourth, the plaintiff must show that he indeed suffered some *harm* that the law recognizes, such as physical injury or property damage. We will highlight how these four elements—duty, breach, cause, and injury—work in a hazardous tree case.

Duty. From the early days of Anglo-American law, landowners had no duty to protect anyone against natural conditions on their land, including any dangerous trees. But in the last 80 years or so, the law has recognized that owners and managers of land ought to mitigate some natural hazards associated with their land, at least if the hazard threatens people and property on other land or on adjacent roadways. Today, then, most courts recognize that landowners must, at a minimum, remove any defective trees growing near the borders of their property if the landowners have actual knowledge of a hazard. The old no-duty rule still benefits controllers of rural forest land to the extent that they do not have to inspect naturally growing trees for hazardous conditions. Even rural landowners, however, have been held responsible for accidents in three contexts: when the landowners actually knew the tree was defective (often because other people had complained to them about it); when the tree was not naturally growing but rather was deliberately planted by the present or previous landowners; or when the tree grew in a developed area within a forest stand, such as a public campground.

Of more interest to arborists is the development of the duty principle for urban landowners. Owners or controllers of urban property now have a duty not only to remove known defective trees but also to inspect their trees for defects. This duty extends to all trees that threaten other property owners or passers-by, whether or not the trees are deliberately planted. The duty to inspect greatly increases the landowners' potential liability. Plaintiffs may have some difficulty establishing that the landowner *actually knew* of a defect, but plaintiffs can more easily show that the defendant *would have learned* of the defect upon an inspection.

The distinction between urban trees and rural trees reflects the different degrees of risk posed

by decayed trees in the two settings. Rural landowners have no duty to inspect because the degree of risk from a hazardous tree is much smaller in lightly populated areas compared with the risks from a tree overhanging a busy street in a densely populated area. In other words, the duty to inspect for hazardous trees grows as the degree of risk grows.

In the *Husovsky* case the tree grew in a park in Washington, D.C. The land controllers tried to avoid liability by arguing that the park was "rural," so that they had no duty to make inspections for tree hazards. The land controllers even produced written agreements that the land was to be maintained in its natural state. The court, however, looked at the high degree of risk involved where adjacent streets carried a high volume of traffic, and held that the capital's parks, no matter how "natural," are still urban land, and that trees in the parks must be inspected for defects. Even in rural forests, where a recreation facility increases the degree of risk by concentrating visitors, the land controllers must inspect overhanging trees because the degree of risk is increased in such cases.

The duty to inspect for tree hazards increases every day as suburban land is developed. Homebuilders increasingly preserve natural vegetation on homesites for the higher sales price that "wooded lots" command (6, 7). Thus the number of trees left growing in newly urbanized areas increases, although many of these trees may be weakened by construction damage. The rural/urban distinction is no longer a sure defense for the suburban landowner, where development has increased the public's exposure to risk.

The duty question is especially important because the judge, not a jury, decides whether the plaintiff has established this aspect of the case. Only if a duty to inspect for and remove dangerous trees is found, will the trial proceed to the next question, breach, where a jury's decision is often controlling. Although the perception may not be valid, juries are widely thought to be more sympathetic to the injured plaintiff than to defendants. For this reason, a defendant's attorney may strive to resolve the case on the duty issue. If no duty is established, the defendant automatically wins: the judge can dismiss the case before the

jury has the opportunity to decide the outcome.

Breach. Determining what is "reasonable" conduct in fulfillment of duty is almost always a question for a jury. When the jury decides the outcome, the results become less predictable. Nevertheless, we can describe the kinds of evidence that the jury will hear as it attempts to determine whether the defendant acted with reasonable care.

First, *expert testimony* will probably be introduced, especially where experts were involved in managing the land in question. The conduct of experts is evaluated in light of their superior knowledge. In the tulip-poplar case, the park managers inspected park trees weekly by driving through the park, but they were looking mainly for dead tree limbs. Testifying for the plaintiff, an arborist witness informed the court that the tight-V branching pattern of the tree should have alerted the inspectors, professional land managers, to a greater probability of rot in the joint. The jury was convinced by this evidence, apparently, for it found that the inspectors had acted unreasonably in failing to examine the particular branch juncture more closely, even though the tree was in full foliage and had no rot visible from the street.

The court in the *Husovsky* case recognized that professional land managers have expertise when it comes to spotting hazardous trees, and that society may require that such knowledge be applied to promote safety. Recent tree cases such as *Husovsky* clearly show that liability may be imposed for accidents arising not only from standing dead trees but also from "living hazard" (10) trees—those healthy enough to bear foliage, but structurally weakened to the point of being hazardous to people and property located near them. Does this mean that a community is better off not to hire professionals to manage its trees? Definitely not—a jury may easily expect any community with extensive tree cover to arrange inspections for hazardous trees, taking advantage of professional expertise. Deliberately maintaining ignorance about potential hazards is usually no defense to liability, for it unreasonably increases risk.

A second kind of evidence that may be important is *custom*, what others in the defendant's position do. Custom is not conclusive

evidence—one can follow custom and still be found unreasonable. But failure to follow custom can be damaging to the defendant's case. For one thing, if a safety precaution is customary, the defendant will find it difficult to convince a jury that the precaution is impractical.

At least one urban forestry text suggests that annual inspections of street trees are the custom (3). For some communities this may be wishful thinking, since many cities still do not have organized urban forest management programs (2). Nevertheless, expert testimony that annual inspections are customary will be evidence that the jury can consider in deciding whether the land manager has acted reasonably.

The land manager does not automatically lose at this point: the jury will also consider evidence of the land manager's costs for carrying out inspections. The verdict will reflect how jurors weighed the risks of not inspecting against the costs of making inspections.

Cause. When the plaintiff asserts that the action (or inaction) of the defendant was the cause of injuries, the defendant may point to some other factor that intervened and was the true cause of the accident. For instance, consider an 80- or 100-year-old urban tree that has stood without inspection all its life, and now has extensive crown dieback and rot. One day the tree falls, perhaps destroying a parked car. Is there liability? That the landowner had not inspected the tree seems to indicate negligence. But if the tree actually fell because highway department trench work severed all of its roots, the landowner would not be liable: the landowner's failure to inspect was not the cause of this accident.

In tree cases, defendants often invoke weather as a defense: "the tree fell because of high winds; it was an act of God." There seems to be a widespread misunderstanding that the "act of God" defense automatically applies to falling tree and limb cases, when in fact it does not. In the reported cases, the act of God and weather defenses rarely succeed. Indeed, the risk of trees or limbs falling in high winds is one of the reasons landowners should inspect in the first place. The courts have noted that, even where the weather was severe, it was not so extraordinary as to be unprecedented.

Injury. The final element of a negligence case does not usually involve controversy. Hazardous trees, like many other hazards, tend to cause relatively slight property damage (usually under \$10,000) but possibly severe personal injuries (as in the tulip-poplar case), including many cases in which the victim is killed by the falling tree or branch.

Arborists might be interested in suits involving damage to other trees caused by another tree or limb that was defective. Various formulas may be applied by professional arborists, and at least sometimes the results are accepted by insurers or the IRS for purposes of determining casualty losses to ornamental trees, for example. However, there have been very few cases where an individual has claimed damage to his landscape trees caused by the failure of a neighbor's tree. Presumably such suits are rare in part because the amount of recovery would be too small to make the lawsuit worthwhile.

Insurers may provide compensation for damage to landscape material, but the amount is limited. For example, the provision in a standard homeowner's policy in 1984 was: "We cover outdoor trees, shrubs, plants, or lawns on the residence premises, for [some causes of] loss. The limit for this coverage, including the removal of debris, shall not exceed 5% of the limit applying to the dwelling. We will not pay more than \$500 for any one outdoor tree, shrub, or plant, including debris removal expense."

Liability highlights for arborists. Urban land managers have a duty to inspect trees periodically in order to spot the dangerously defective ones. This obligation is of special importance in developing suburbs, where more trees are being left during construction, often in poor condition. Also, arborists need to be aware that as experts, they may be charged with notice of a tree's defects even though the tree's condition would not alarm the average citizen.

Defendant Characteristics

Two characteristics of defendants in tree cases are relevant to urban forestry. The first is a legal distinction called sovereign immunity or governmental immunity, which may prevent recovery of damages from government entities. The second is

the frequency of cases having large numbers of defendants, all of whom may share responsibility for the defective tree.

Sovereign immunity. In our tulip-poplar case, the defendant land managers were the District of Columbia, which is responsible for road maintenance in the capital, and the National Park Service, which manages the capital's parks. If sovereign immunity had not been eliminated by a federal statute, neither the Park Service nor the District of Columbia could have been sued for damages, even if their conduct was negligent. In the tulip-poplar case, the plaintiff was able to sue under the Federal Torts Claims Acts, a 1946 act of Congress that enables private citizens to sue the federal government for liability in any context in which a private citizen would be susceptible to lawsuit. Many states have passed similar legislation.

The history of sovereign immunity is controversial: it may have arisen from the notion that the king, by definition the ultimate authority and source of law in the land, could not lose in his own court. On the other hand, it may have had more to do with practical problems of raising money to pay damages in a locale having no local government, and so no civic coffers to tap. In any event, this doctrine crossed the Atlantic with the rest of our common law-based legal system, and became firmly entrenched in American law.

Today, sovereign immunity is on the decline, with either the legislature or the court system discarding it in many, but not all, states. When the immunity is overturned, it is often only partially dissolved so that it continues to protect some government entities or activities, but not others. Where the immunity still exists, it may be applied only to "governmental" functions (activities characteristic of government entities, such as police and fire services) and not to functions the court considers "proprietary" (characteristic of private enterprise). In some states, specific statutes regarding road maintenance may override the immunity.

Sovereign immunity is a changing area of the law, and even in states that still observe it, there are many variations on the theme. The doctrine is complicated and, legally, often highly technical. For example, frequently statutes that waive

sovereign immunity impose additional procedural requirements on plaintiffs who sue government entities. States that still observe the doctrine may have special statutes that could result in municipal liability for a tree hazard despite the immunity. For instance, some states have statutes making the local government responsible for street maintenance and safety. These special laws may also waive the defense of sovereign immunity for failure to keep streets free of hazards including defective street trees. Urban foresters must consult with lawyers in their communities to learn the status of government immunity for a particular situation. And keep in mind that the doctrine is on the decline. Even if a state observes the immunity today, there may be no guarantee that in the next case a court will not find a way around the doctrine or even overturn it.

Multiple defendants. Tree cases often have numerous defendants. For instance, when a roadside tree falls and injures a passing motorist, the injured party may sue the state transportation agency responsible for the rights-of-way, all private contractors who designed or built that section of the road, and the landowner, if the tree was on private property across which the public easement ran. In many states, where the combined negligence of several parties results in injury, the injured party may recover *all* of the damages from any *one* of the responsible parties under a doctrine called "joint and several liability." A defendant who has paid the entire bill may try to recover what is possible from the other defendants, but if they have an immunity from suit or have no funds to pay the damages, it is the codefendant and not the plaintiff who bears the loss.

Multiple defendants pose a more serious problem with respect to safety. Ironically, accidents may become more likely when more people are responsible for eliminating a hazard. The problem seems to be uncertainty: if several people are responsible for the hazard, each may be relying on the others to correct it. The landowner may assume the city would remove a defective tree if it were truly a hazard, whereas the city is relying on homeowners to call in complaints about defective trees, rather than inspecting for them. Uncertainty is not as likely to reduce hazards as would systematic, regular inspection by trained person-

nel.

Trees that stand in the planting strip between curb and sidewalk are among those about which there may be uncertainty. Liability for these trees may be a function of ownership, and that in turn may depend upon the wording of the documents conveying the right-of-way. Statutes may confer certain rights to either the landowner or the state, which may alter liability. Again this is a question of local law about which one would have to obtain specific advice.

Avoiding Liability

We assume that most cities are diligent in removing any trees whose hazardous condition the city knows about, either by citizen complaint or by the city's own inspection process. While all cities do not have a formal urban tree management program, most have an office somewhere that receives complaints about potentially dangerous street trees. Tree removal costs may come from street or right-of-way maintenance budgets when there is no urban forestry department.

Assuming that removals of known defective trees are accomplished in a timely fashion, the issue that is most likely to give trouble is the duty to inspect. A plaintiff will argue that, because a tree defect had existed for some time, the responsible city officials, land managers, or homeowners should have detected and corrected the problem.

We suggest three steps that a community can take to reduce its potential liability for tree accidents: inspection, documentation, and adoption of urban forestry principles to promote tree health. These measures reduce potential liability in two ways. First, they can help a defendant in court by showing that the defendant's conduct was reasonable under the circumstances. These measures are even more important because they can reduce the potential for liability by reducing the chances of an accident. This increase in safety is the most desirable goal of any program to reduce liability.

Inspection. Clearly urban landowners and land managers have a duty to inspect for tree hazards. Recently a California city attorney urged cities to abandon "crisis management" strategies that rely on citizen complaints to locate potential hazards and, instead, to adopt a systematic inspection

program (11).

By mapping the tree-lined streets in the city, and establishing a pattern of orderly, annual inspection of these streets, a community can more easily show that its tree management program has been "reasonable." Even more important is the fact that a program of systematic inspection will inevitably reveal more of the potential tree hazards in a city than crisis management does, and so enhance community safety.

During inspection the urban forester is looking for more than just dead wood. Foresters and arborists know a great deal about the defects in trees that are signs and symptoms of potential trouble (5, 8, 10). Such signals include certain kinds of fungi or decay. Or the tree may show unusually thin or discolored foliage, profuse fruit or seed production, or unseasonal flowering or leaf coloration. Further, arborists know that some tree species are more susceptible to breakage than others, and that some branching patterns indicate higher degrees of risk. Increasingly, too, arborists see human disturbances that may weaken or destroy a tree, such as mower damage, grade or drainage changes, and construction damage. Descriptions of more subtle indications of potential hazard, including "living hazard" trees, are available (8, 10).

Documentation. Records that show how and when trees were inspected and what action was taken can be extremely helpful evidence for the defendants in a trial. More significantly, records can help the urban forest manager to plan inspection and maintenance work more efficiently, provide continuity through changes in program leadership, and better justify requests for funding from the city.

For several years now, the urban forestry literature has urged practitioners to establish tree inventories both to help plan maintenance work and to inform selection of species and locations for tree planting. Cities that still lack tree inventories would be well advised to consider them in the context of a hazard management program.

Adoption of urban forestry principles. Urban landowners and managers can reduce their potential liability for tree hazards by adopting sound urban forestry practices. Inspection is one such practice, but an urban forestry program can do

much more than passively wait for trees to decline to such a state that removal is required. Urban forestry can promote the health of city trees through proper tree planting and maintenance.

Trees, like people, have their periods of youth, maturity, and old age. Old trees may be the largest and most attractive specimens in the urban forest, but they also tend to be the most dangerous. If a city manages its forest cover to maintain a good mixture of trees from young to old, as sound urban forestry practice dictates, then the city will enjoy attractive forest cover over many decades. Where there are plenty of young and middle-aged trees along the streets, it is less wrenching to remove those overmature trees that have become hazardous. By protecting the health of trees, small and large, the land manager or homeowner will be preventing some of the accidents and injuries that sooner or later structurally weaken the tree to the point at which it becomes a hazard to people and property around it.

Conclusion

Trees are desirable elements in urban settings, but they can become dangerous hazards as their condition deteriorates. By enforcing an obligation to inspect for hazards, the law attempts to reduce the exposure of the public to harm. By following sound urban forestry management principles, including documented inspections and other planning and management actions that promote the overall health of the urban forest, arborists and urban foresters can assure the continued enjoyment of the many benefits conferred by trees, without exposing the community to unwarranted risks.

Note. The authors wish to thank Dr. William H. Sites, USDA Forest Service, Asheville, North Carolina, for his many helpful

suggestions. This paper was presented to the Conference on Managing the South's Urban Forests, April 16-18, 1985, in Athens, Georgia, and to the annual meeting of the American Society of Consulting Arborists, Charleston, South Carolina, October 22, 1985.

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IGR/CEQA Review
Sha-89-27.56
Park General Plan

March 14, 1997

Ms. Angel Howell
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Dear Ms. Howell

Caltrans District 2 has reviewed the information you provided regarding the McArthur-Burney Falls Park General Plan. State Clearinghouse No. 97032015.

Caltrans concerns with this general plan relate to the proposed relocation of the park entrance. The proposal makes good sense, since it would provide better sight distance and access to the park.

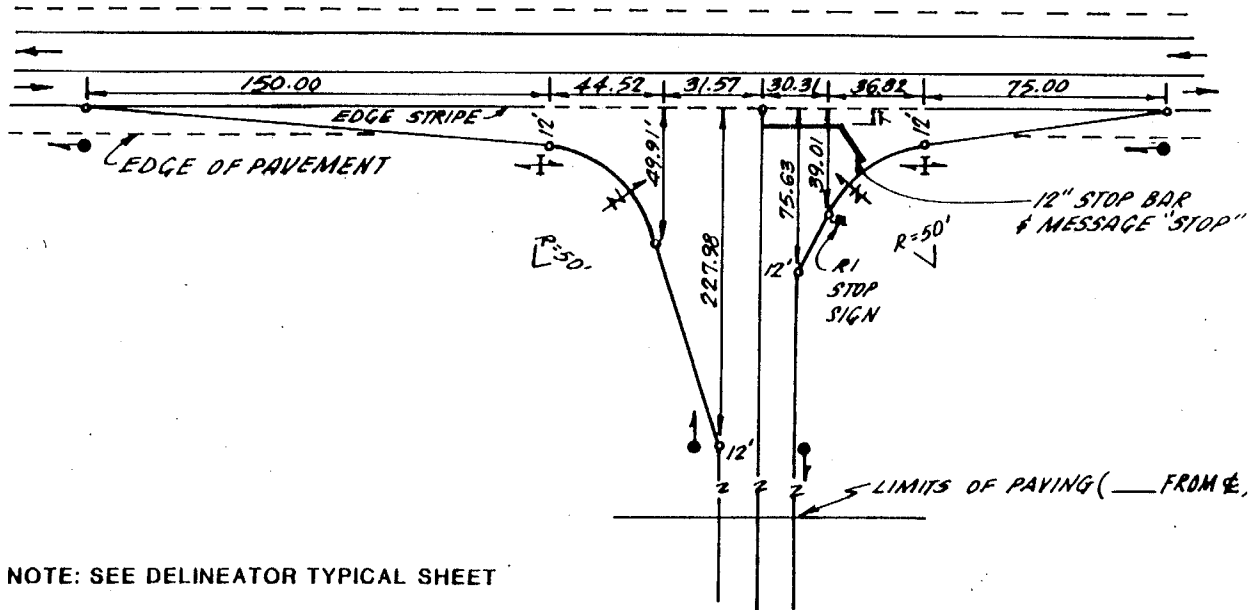
14 Our understanding is that the old access to State Highway 89 would be closed, and the new access would be opened farther north along a straighter section of the highway. At the time this new access is constructed, Caltrans will require a Type A connection, an X-2 right turn lane and an X-5 left turn pocket (schematics enclosed). Paved shoulder widths should match existing widths at the time of construction.

Thank you for providing this information for our review. Should you have questions regarding this letter, please feel free to call me at 225-3481.

Sincerely,

A handwritten signature in cursive script that reads "Jerry L. Severson".

JERRY L. SEVERSON
Local Development Review Unit
District 2cc ✓ Mr. Robert Ueltzen
Department of Parks & Recreation
Northern Service Center
17125 23rd Street, Suite 200
Sacramento, CA 95816

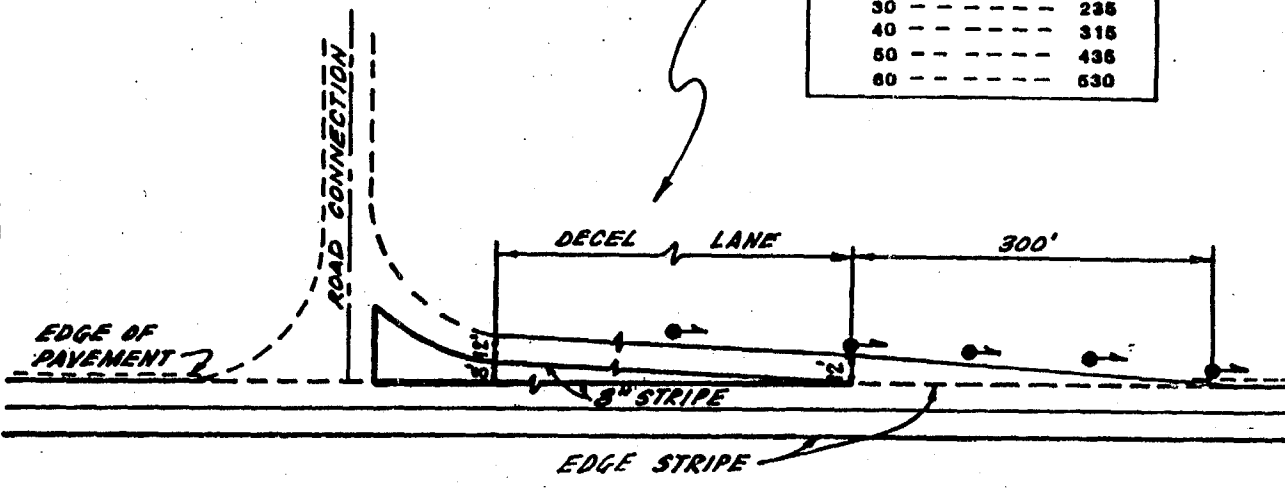


NOTE: SEE DELINEATOR TYPICAL SHEET

TYPE A

NOTE: SEE DELINEATOR TYPICAL SHEET
 DELINEATORS 100 FEET MAXIMUM SPACING

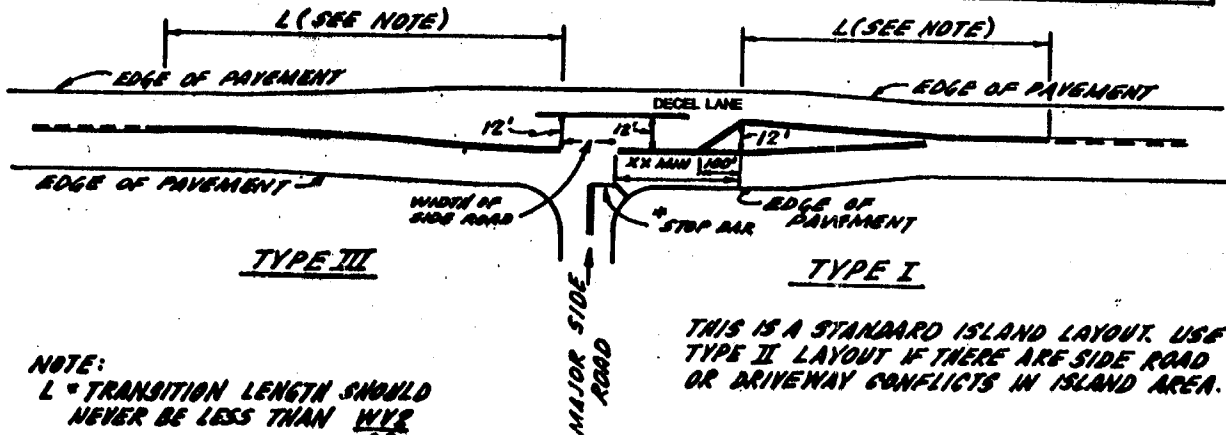
DECELERATION LANE LENGTH	
OPERATING SPEED (MPH)	LANE LENGTH
30	235
40	315
50	435
60	630



TYPICAL RIGHT TURN LANE

* STOP BAR
 19' FROM THE NEAREST
 LANE LINE IS A STARTING
 POINT & SHOULD BE FIELD
 ADJUSTED.

DECELERATION LANE LENGTH	
OPERATING SPEED (MPH)	LANE LENGTH
30	236
40	316
50	436
60	530



NOTE:

L = TRANSITION LENGTH SHOULD
 NEVER BE LESS THAN $\frac{WV^2}{60}$

W = WIDTH OF HORIZ SHIFT IN FEET

V = APPROACH SPEED (5 MPH ABOVE THE LEGAL SPEED)

'T' INTERSECTION
 NO SCALE

TYPICAL LEFT TURN LAYOUT

X-5

Jack A Sanders
39896 Pumice Dr.
Cassel CA - 96016

April 16, 1997

Northern Service Center
Dept. of Parks & Recreation

Thank you for the opportunity to comment on the Preliminary General Plan for McArthur Burney Falls Memorial State Park. Some type of plan is overdue and this is a step in the right direction.

My main concern is that the report is based on facts, thus adding to its credibility. To my surprise it turns out to be a narrative story without much documentation.

Page 5 - Aesthetic Resources

Emotionally creative writing, using such terms as "almost too distant to be heard", "sighed from the depths of the canyon", "vibrant air", "thunderous trunks", etc, do not seem to be appropriate in a report based on facts

Page 8 - The May 1996 public meeting was a sham.

I hope to be wrong. Why wasn't the plan subject to public review prior to submission to CEQA? Has the plan been approved by CEQA?

15

Will the plan, if changes are made, be resubmitted to CEQA prior to its presentation to the State Park Commission?

Page 11 - Meteorology you acknowledge that the climate varies over short distances but appear to use data from the town of Burney. That location is quite different than at the park. Detailed weather records have been kept at the park for over 40 years. It would seem logical to use data that is site specific to the park

16

Page 15 Plants of Special Interest

the aspen at the park are not "the lowest known

17

elevation for this species in Calif." Others are growing adjacent to Lake Britton and in the canyon below Lake Britton

18

Page 37 Ph 2 Should read - "Some 15 air miles -"

19

Page 41 Ph 2 "Entry cabin" where was it located or is it a reference to Residence #1

Page 40 Ph. 6 "- park's first public campground" but where was it located? Once the Lake Button Dam was completed, in the mid 1920's, traffic through the park was routed through on the west side of Burney Cr. Some remnants of developed campsites still remain. Approx. 12 rock and concrete stoves were removed in the 1960's and remnants of log tables and seats are still visible. The site of a cesspool is visible adjacent to the Pacific Crest Trail. Water lines to this area are shown on map, page 43.

Pg 44 Ph. 4. Most of this information is contrary to what I believe. The "Red Barn" probably never contained a bath house. The building shows no signs of the plumbing necessary for this type of use. On the east end of the building was a rock and mortar trough across the entire width of the building. This was an integral part of the structure, underneath flat rock was used for a walking surface, the same as now seen at the doorway around the corner. When talking with past CCC members it was explained that the trough was where we "washed up" before entering the "mess hall". In the 1970's the trough was removed when repairs were made to the structure.

Just behind the "Red Barn", SE and uphill, stood

another building. It was of wood frame construction with board and batt siding. It had screen doors on each end. Structurally it was a hazard and was demolished. (22) the concrete slab still remains. An open trench in the middle has partially filled from erosion and as a result of the demolition. Former CCC members referred this as the latrine.

(23) Also still existing are the concrete foundation for a water tank that supplied the CCC area. It is located SW of the "Red Barn"

The information on the "second foundation" and "third foundation" is incorrect. These foundations were built in the late 1950's or early 1960's by Cully Dier (24) of Forestry. The one closest to the "Garage" was used to work on heavy equipment, had a metal frame to support canvas walls & roof. The other foundation was the laundry room for the mobile Inmate Camp operated by CDF and Dept of Corrections. During this period extensive water, gas and sewage systems were developed. Copies of the Inter-Agency Agreements and drawings for underground utilities were in the park office files as recently as 1988.

Pg 58 - Aquatic Life - If we wish to provide "quality

25 sport fishing" it seems reasonable to continue a planting program to supplement the natural reproduction capacity for this small section of stream. Considering the number of people utilizing this resource, natural reproduction can not maintain quality sport fishing - it would soon become a waste of time. I would also like to see better access for this area, especially for the handicapped.

Controlling or eliminating non-native species from up-stream sources is almost uncontrollable situation. However, there are possible solutions to upstream migration from Lake Britton.

Page 61 CCC Structures

26 The CCC's work on the "stone overlook" are fact. There are no real visible signs of this work from the East side of the canyon. When this area is viewed from the West side we can clearly see the foundations for the overlook. This is all that remains of the work done by the CCC's. The overlook and Falls Trail have been modified and improved many times since its original construction.

Pg 77 Map #9

27 Falls Day Use Area - Today's problem is the sheer volume of traffic near the Falls Overlook. All traffic must

pass through this area. A new park entrance will alleviate this problem. Moving the day use parking will increase the walking distance which is no help for the Senior citizen users. I am hoping that at least a limited amount of vehicular access would be available to Upper Burney Creek

28 New Group Campground - this can't be completed as a Phase I item. The park staff does not have the manpower, equipment or money to construct a campground with roads, restrooms, water, power & sewage

29 CCC Area - This area is suitable for use as a storage area. It is now being used as a dumping ground for materials such as rock rubble, asphalt, waste metal, waste lumber and concrete. This use is not suitable

30 Page 85 Ph 2 the 20 vehicle overflow parking area does not exist.

Page 92. Meadows and Eastern Reaches of Park

31 To say this area receives "no public use" is not correct. While use is light, it is used by random hikers and many locals for access to Lake Britton for fishing

Page 116 - Pl 6 The "seasonal store" is less than 2 miles

Appendix C. the species listed were compiled from sources that cover several hundred square miles.

32 What we really need to know is which ones are significant to the park, 910 acres. Until additional studies can determine ~~what~~ what species are actually significant these lists are sort of meaningless.

Conclusion - I agree with overall development plans with few exceptions. You have many good ideas. With increasing demands for visitor use we need to have a plan that protects the primary resource, Burney Falls, but at the same time provides for the visitor use and understanding of the overall package.

Sincerely

Jack A Sanders