

**Legal Obstructions to CA State Parks Approval of Easement for the Coyote Creek Agrivoltaic Ranch Project**

Any easement across or affecting Prairie City State Vehicular Recreation Area (SVRA) for the Coyote Creek Agrivoltaic Ranch (CCAR) project is a **discretionary approval**. As a “responsible agency” and trustee for State Park resources, California State Parks and the OHMVR Division must rely on a **legally adequate CEQA document** before approving such an easement (CEQA Guidelines §§15096(a), (f), 15050–15053). Because the County’s FEIR is deficient on multiple fronts, State Parks cannot lawfully rely on it to approve an easement.

**KEY POINTS OF CEQA-COMPLIANCE FAILURE:**

**Failure to complete tribal consultation under AB-52 and CEQA**

The County’s tribal coordination did not meet the minimum standards of AB-52 and CEQA’s tribal cultural resources provisions. CEQA and AB-52 require:

- Formal notification to all California Native American tribes on the contact list for the area (PRC §21080.3.1).
- Good-faith, government-to-government consultation when a tribe requests it, focused on avoiding or minimizing significant impacts to tribal cultural resources (PRC §21080.3.2, §21084.3).
- “Meaningful and timely” discussion, seeking agreement where feasible (Gov. Code §65352.4). In this case: consultation was unilaterally closed by the County without tribal agreement, contrary to the expectation that consultation ends only when (a) mutual agreement is reached, (b) the tribe declines to consult, or (c) the tribe does not respond within statutory timeframes.
  - Please review the attached letter submitted from Wilton Rancheria to the Sacramento County Board of Supervisors on October 6, noting the County’s acknowledgement of significant and unavoidable impacts to Tribal Cultural Resources, with subsequent failure to address those impacts through inadequate mitigation, deferred mitigation implementation, omission of a mutually enforceable mitigation framework – and most importantly – failure to complete tribal consultation as required by AB-52.
  - Leadership from the Shingle Springs Band of Miwok Indians provided verbal public comment at the County Board of Supervisors FEIR hearing on November 18, 2025, noting the County’s failure to complete tribal consultation, and the County’s repeated and ongoing dismissal of tribal concerns and tribal attempts to conduct adequate consultation throughout project Scoping and Analysis. Link to view the comment: <https://www.youtube.com/watch?v=o0FrmqwEKKU> (starting at 3:48:25).
- The EIR acknowledges significant and unavoidable impacts to tribal cultural resources while simultaneously failing to demonstrate that avoidance, minimization, or preservation-in-place were meaningfully explored, as required by PRC §21084.3(a).
- Because tribal expertise and proposed mitigation measures were not fully developed or disclosed, decision-makers and the public lack critical information about the cultural landscape, cumulative impacts, and the long-term irreparable loss of tribal cultural resources.

For State Parks, this is pivotal: granting an easement based on a CEQA document that did not complete AB-52 consultation in good faith would be inconsistent with CEQA’s tribal consultation framework, PRC §§21080.3.1–21080.3.2, §21084.3, and Gov. Code §65352.4, and would expose the State to direct challenge on tribal-cultural grounds.

**County of Sacramento’s legal obligations under PRC §5090.24 and CEQA**

PRC §5090.24(a) and (c) require State and local agencies to cooperate to maintain the long-term viability of lands in the off-highway vehicle recreation system and to consult and hold public hearings when projects affect SVRAs. The County did not meaningfully coordinate with the OHMVR Commission, did not analyze SVRA viability, did not ensure compatibility of adjacent industrial development, and did not hold a public hearing before the OHMVR Commission. These failures, combined with the FEIR’s CEQA violations, prevent State Parks from treating the FEIR as adequate environmental clearance for any easement.

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**Lack of enforceability of Developer–PCSVRA commitments, successor liability, and inadequacy of the Use Permit**

The FEIR describes “commitments” by the developer to contribute funding (e.g., \$1.75 million for Prairie City improvements) and to coordinate on facility modifications, however:

- These commitments are not each clearly incorporated as conditions of approval in the Use Permit.
- There is no recorded covenant or easement in favor of State Parks.
- There is no performance security (bond, escrow, or letter of credit) to guarantee implementation.
- These commitments are not mutually enforceable.

Under CEQA, mitigation must be specific, enforceable, and not deferred (PRC §21081.6; Guidelines §§15091(d), 15126.4(a)(1)(B), 15126.4(a)(2)). Courts have consistently rejected “plan to plan” or aspirational mitigation lacking objective performance standards or implementation guarantees. From a State Parks perspective, this is critical:

- Because the commitments are not clearly embedded as running conditions or recorded obligations, they can evaporate with a change in ownership, leaving Prairie City with the impacts but none of the promised benefits.
- The commitments omit mutual enforceability...
  - Example: kart track improvements are noted as an “understanding” by the County and cited as a mitigation measure by the Developer – however – kart track improvements are not cited as an itemized mitigation within the Mitigation Monitoring and Reporting Program (MMRP). Thus, this is not a mitigation, it is a promise and is not mutually enforceable.
- The FEIR nevertheless relies on nonbinding commitments to claim impacts are less than significant. This creates a direct conflict with CEQA’s enforceability requirements and makes the FEIR unusable as a basis for State Parks to approve an easement. A trustee agency cannot rely on voluntary promises that do not “run with the land” or bind successors.

**Failure to analyze / inconsistency with the Prairie City SVRA Wildlife Habitat Protection Plan (WHPP)**

The project will convert open, functional habitat adjacent to Prairie City SVRA into fenced industrial solar fields, but the FEIR does not analyze consistency with the SVRA’s Wildlife Habitat Protection Plan. This omission ignores wildlife corridors linking PCSVRA with nearby preserves (e.g., Deer Creek Preserve), increased pressure on PCSVRA to absorb displaced wildlife, and the WHPP’s role in State Parks’ statutory management obligations. Failing to analyze WHPP consistency undermines CEQA’s plan-consistency requirements (Guidelines §15125(d)) and PRC §§5090.24, 5090.39, which mandate protection of SVRA ecological values and long-term viability.

**Inadequate analysis of Project impacts on OHV recreation**

The FEIR fails to analyze displacement of Prairie City users caused by loss of recreation quality, viewshed degradation, dust, noise, event-capacity constraints, and safety conflicts. It also fails to assess where displaced riders will go and how that will increase pressure on other OHV areas. Because CEQA requires evaluation of indirect and cumulative impacts (Guidelines §§15126.2, 15130), the omission of recreation displacement and its ripple effects render the recreation analysis legally inadequate and undermines State Parks’ obligation to protect the long-term viability of SVRA-based recreation (PRC §5090.24(a)).

**Economic and social impacts associated with Prairie City SVRA and the Project**

PCSVRA is a major economic engine, contributing tens of millions of dollars per year in local economic activity, jobs, and tax revenues. The FEIR credits the solar project with fiscal benefits while failing to analyze how reduced visitation and event disruption at Prairie City could offset or exceed those gains. Under CEQA, economic factors must be considered where they stem from environmental changes (Guidelines §15131) and when weighing a Statement of Overriding Considerations (PRC §21081). Without that analysis, State Parks cannot meaningfully gauge whether an easement would contribute to a net loss of recreation-based economic and social value.

**Inadequate mitigation of Project impacts on a designated State Parks unit**

As a legislatively designated unit of the State Park system, Prairie City SVRA is entitled to a high level of protection. The

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FEIR relies on vague “coordination,” optional funding, and nonbinding “understandings” rather than specific, enforceable mitigation measures tied to measurable performance standards and monitoring. CEQA prohibits reliance on unspecific or aspirational mitigation (Guidelines §15126.4(a)(1)(B); PRC §21081.6). This is particularly problematic where the affected resource is a State Park unit held in trust for all Californians.

**Inadequate and artificially constrained alternatives analysis**

The FEIR’s alternatives chapter fails to examine off-site locations (e.g., disturbed lands), reduced-scale or phased scenarios, corridor-protective layouts, or distributed-generation portfolios that could avoid or significantly lessen impacts to Prairie City SVRA, hydrology, and biological resources. CEQA requires a reasonable range of potentially feasible alternatives that could reduce significant impacts (PRC §§21002, 21002.1; Guidelines §15126.6). By limiting analysis to variants of the same high-impact footprint, the FEIR violates CEQA’s core alternatives mandate.

**Inadequate analysis of traffic conflicts and public-safety hazards**

The FEIR understates traffic volumes and fails to meaningfully analyze the interaction of heavy haul trucks and construction traffic with Prairie City SVRA visitors on Scott Road and White Rock Road. It does not fully assess turning movements, queuing, sight distance, or the safety impacts of mixing loaded trucks and trailers carrying OHVs with industrial traffic on a high-speed corridor. CEQA requires analysis of reasonably foreseeable public-safety hazards (Guidelines §15126.2(a)) and cumulative traffic impacts (Guidelines §15130). Without this, the FEIR provides no reliable basis for State Parks to evaluate traffic-safety implications of granting an easement.

**Project glare impacts on Prairie City SVRA**

The FEIR concedes significant and unavoidable visual impacts but does not provide receptor-specific glare modeling for OHV riders, spectators, track officials, or staff at Prairie City SVRA. Instead, it substitutes narrative “Master Responses” for technical work, lacks identified receptors, worst-case sun angles, and quantitative luminance thresholds. CEQA requires a stable baseline and reasoned analysis (Guidelines §§15125, 15126.2, 15151) and prohibits relying on generic, deferred “coordination” to address glare (Guidelines §15126.4(a)(1)(B)). For a unit of the State Park system, where rider safety and scenic quality are essential for public safety, this omission is fatal to the FEIR’s use as a basis for any State easement.

**Inadequate environmental baseline and cumulative impacts analysis for biological resources**

The FEIR does not establish a robust baseline for sensitive species, movement corridors, or habitat condition; it fails to evaluate how fencing, grading, and industrialization of the landscape will fragment habitat and increase edge effects; and it does not adequately consider cumulative impacts from other regional projects. CEQA requires a clear baseline (Guidelines §15125(a)) and cumulative analysis (Guidelines §15130). Without this, State Parks cannot determine whether project-related habitat and connectivity impacts are acceptable or mitigable.

**Inadequate assessment of Project impacts on CESA- and “fully protected” species**

The FEIR does not fully analyze impacts to species protected under the California Endangered Species Act (Fish & Game Code §§2050–2089.26) or “fully protected” species statutes (e.g., Fish & Game Code §§3511, 4700, 5050, 5515), nor does it clearly identify whether consistency determinations will be obtained prior to construction. CEQA requires that potential “take” and significant impacts to listed and fully protected species be fully disclosed and mitigated where feasible (PRC §21002.1; Guidelines §15065(a)(1)). State Parks cannot lawfully approve an easement that may facilitate unmitigated take of protected species on or adjacent to Park lands.

**Inadequate assessment of dust-related impacts, dust mitigation, and dust management**

The FEIR fails to quantify dust emissions from massive grading, blasting, truck haul routes, and long-term operations; does not analyze dust impacts on Prairie City SVRA riders, spectators, sensitive receptors, or habitat; and relies on generic, deferred dust-control measures such as “prepare a Dust Control Plan” rather than adopting specific, enforceable performance standards (e.g., numerical opacity limits, PM10/PM2.5 thresholds, monitoring triggers). This violates CEQA’s

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requirements for a stable baseline and good-faith analysis (Guidelines §§15125(a), 15126.2(a), 15151) and prohibition on deferred mitigation (Guidelines §15126.4(a)(1)(B), (a)(2)). Without defensible dust analysis and enforceable mitigation, State Parks cannot reliably assess dust-related health, safety, or resource impacts before considering an easement.

**Inadequate analysis of hydrological/hydrogeological impacts**

The County did not sufficiently characterize groundwater-dependent ecosystems, interconnected surface waters, or how blasting, grading, and large impervious surfaces will alter infiltration, runoff, recharge, and local hydrogeology. This is especially problematic in the South American Groundwater Subbasin (a high-priority basin) and in watersheds feeding Deer Creek and associated habitats. CEQA requires analysis of direct, indirect, and cumulative hydrology impacts, including long-term changes in drainage and recharge (Guidelines §§15126.2(a), (c), 15130). Without this, State Parks cannot determine whether an easement would exacerbate flooding, erosion, or groundwater impacts affecting Prairie City and downstream resources.

**Inadequate analysis of Project water usage and deferred water-use mitigation**

The FEIR does not substantively evaluate large-scale water demands for construction, dust control, panel washing, and operations, nor does it clearly identify water sources, reliability, or conflict with the Groundwater Sustainability Plan. Mitigation is improperly deferred to later “Water Management” or “Dust Plans” with no numeric caps, drawdown triggers, or monitoring and enforcement framework. This violates CEQA’s requirements for enforceable mitigation and prohibition on “plan-to-plan” mitigation (Guidelines §15126.4(a)(1)(B); PRC §21081.6). State Parks cannot assess the project’s water footprint on local hydrology or PCSVRA habitat if basic water-use analysis is missing.

**Additional CEQA Failures and Deficiencies**

While the list above is fairly lengthy, it is not exhaustive. There are multiple additional points of failure and deficiency within the FEIR which are noted in the attached joint comment letter from Cal4Wheel, American Sand Association, and BlueRibbon Coalition that was submitted to the Sacramento County Board of Supervisors prior to their review of the FEIR.

The bottom line is - because of these deficiencies, the County’s FEIR:

- does **not** satisfy CEQA’s standards for analysis, mitigation, and enforceability;
- does **not** meet PRC §5090.24’s mandate to protect SVRA viability;
- and therefore, **cannot be relied upon** by State Parks or the OHMVR Division as the CEQA basis for a discretionary easement.

Under CEQA Guidelines §15096, State Parks must either:

1. require correction and recirculation of the County’s EIR; or
2. conduct its own CEQA review before considering any easement approval.

Until that occurs, granting an easement for the Coyote Creek Agrivoltaic Ranch project across or affecting Prairie City SVRA would be legally indefensible.