“It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours.”

President John F. Kennedy, March 3, 1961

After the American River Parkway Plan is approved, there is a need for constant vigilance to see that the County Parks and Recreation Department and the Planning Commission do not deviate therefrom.

Mr. Jim Mullaney, First SARA President, January 22, 1962
SAVE THE AMERICAN RIVER ASSOCIATION

The Save the American River Association, (SARA) is a grass roots organization established in 1961 to spearhead the establishment of the American River Parkway (the "crown jewel" of the Sacramento County Park System) and adoption of the Parkway Plan. Our mission is to protect and enhance the wildlife habitat, fishery, and recreational resources of the American River Parkway. Our volunteer, non-profit group of over 600 members and Board of Directors work to ensure that the American River Parkway will survive and prosper for the benefit of future generations.

SARA uses consistency with the American River Parkway Plan to guide its efforts and activities. Since its inception in 1961, SARA has worked to preserve the natural resources of the Parkway through consistency with the American River Parkway Plan.

![Discovery Park in the American River Parkway](image-url)
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BANNON SLOUGH LOOKING UPSTREAM
1.0 INTRODUCTION

The permit for Aftershock 2013 signed by Director Leatherman on August 6, 2013, (the “Final Permit”) and “Concerts in Discovery Park Parkway Plan Analysis”, an undated document prepared by County staff (the “Impact Analysis”) were received by SARA via email on August 6, 2013.¹ Supervising Deputy County Counsel Krista Whitman, at a meeting on July 31, 2013, advised that (a) the County has no process to appeal to the County Board of Supervisors a decision by Director Leatherman to issue any permit for any event or activity and (b) County staff are developing an appeal process.² Whitman also advised that, while the County has not established a process for appealing these decisions to the Board of Supervisors, the Board of Supervisors could elect to allow SARA to make a presentation before the Board as SARA did for the Gold Rush 100K race on April 9, 2013.

A Traffic Control Plan was received from Regional Parks on August 15, 2013 and a Site Plan was provided by Regional Parks on August 22, 2013. A chronology of events and actions to date is provided in Attachment A to this report. The Final Permit is provided as Attachment B, the Impact Analysis is Attachment C, the Traffic Control Plan is Attachment G, and the Site Plan, including comments and Regional Parks staff responses, is Attachment H.

2.0 SUMMARY

2.1 THE EVENT

Aftershock 2013 is a two day rock and metal music festival on September 14 & 15 in Discovery Park during the hours of 11:00 a.m. to 10:00 p.m. each day. Up to 15,000 participants are allowed by the Final Permit to attend. The Final Permit requires that amplified sound and concert music end by 10 p.m. each day but does not specify a time that concert goers must leave the Park. The festival will occupy a large part of the Park east of I-5 and north of the Jedediah Smith Bike Trail (inclusive all of the picnic areas in this portion of the Park) and the overflow parking area and archery range for vehicle parking. Vendors will sell food from portable kitchens and food trucks, merchandise, and alcohol. The public will be excluded from the concert area for a 7-day period.

¹ Email from A. Veselka, Recreation Supervisor, County Regional Parks, to B. Davis, SARA, August 6, 2013, 10:00 am, Subject: “Aftershock Rock Metal Concert”
² Comments by K. Whitman, Supervising Deputy County Counsel to B. Weiland, B. Davis and D. Mooney at meeting County of County Counsel, Regional Parks and SARA Representatives, July 31, 2013, beginning at 9:00 a.m. in County Counsel Conference Room
The Event has expanded. Aftershock 2013 is a two day event instead of a one day event on Sunday as was the case last year. Three (3) stages instead of two (2) stages will be used. This is a doubling of performance dates and a near doubling of the time that public access to a large part of Discovery Park will be denied.

While spatial area may not increase, it is reasonable to be concerned that the magnitude and intensity of noise, lighting and other impacts may be greater and there will be longer duration impacts on Parkway resources and other Parkway users.

The Final Permit for Aftershock 2013, an Impact Analysis and Traffic Control Plan prepared by County staff, and a Site Plan have been reviewed to arrive at independent conclusions regarding consistency with the Parkway Plan, a requirement of State Law.

### 2.2 EVENT IS NOT CONSISTENT WITH PARKWAY PLAN

Consistency with the Parkway Plan has not been demonstrated or is unable to be determined due to an incomplete Impact Analysis or internal inconsistencies in the Impact Analysis. Descriptions of the basis for these conclusions are provided later in this report under “4.2 Review of the Impact Analysis.” When taken together, the conclusion is that the Final Permit for Aftershock 2013 is not consistent with the Parkway Plan.

- Aftershock 2013 has NOT been demonstrated to be consistent with the Parkway Plan because the Impact Analysis:
  1. Does not provide evidence to support the conclusion that Aftershock will introduce new users to the Parkway so as to achieve the purposes stated in the Parkway Plan.
  2. Does not provide evidence that a rock and metal concert festival is both (a) appropriate to the natural environment (a requirement of the Parkway Plan that is acknowledged in the Impact Analysis) and (b) compatible with the goals of the Parkway Plan related to preservation, protection and interpretation of natural resources of the Parkway (also a requirement of the Parkway Plan).
  3. Discloses that Aftershock will have more than minimal adverse impact on aesthetic values of the Parkway by identifying as mitigation that other users adversely affected would need to go somewhere else.
4. Continues the erroneous conclusion by County staff that the requirements of Parkway Plan Chapter 6 do not apply to Aftershock as a commercial activity or to commercial sales by vendors within the Event. Compatibility with Parkway Plan Goals and policies has not been demonstrated. Review by County Recreation and Parks Commission and approval by County Board of Supervisors has not occurred. Commercial activities are not designated on the Area Plan for Discovery Park.

5. Does not provide evidence to support findings that (a) there will be only minimal impacts on Parkway resources (e.g. terrestrial resources, migrating birds, Aesthetic Values\(^3\)) and (b) allowing Aftershock to occur is consistent with management of Discovery Park is a way that “ensures the protection of the Parkway’s resources, its environmental quality and natural values.”

Consistency with the Parkway Plan cannot be determined because the Impact Analysis is INCOMPLETE with regard to the following:

1. Impacts on public access to the parking areas east of I-5 and public access to and use of the Equestrian Staging Area are questionable.

2. Description of noise monitoring that will occur during the event to confirm that County Noise Ordinance sound levels are achieved and lack of evidence that most noise from the event will be contained in the Park is not provided.

\(^3\) American River Parkway Plan 2008, Chapter 3, “Resources of the Parkway”, page 77, “Aesthetic Values”
3. A Parking Plan, which is relied upon for conclusions regarding impact mitigation and which is needed to assess impacts on nearby riparian habitat is not provided. The Traffic Control Plan only shows entrances to parking and does not address these matters.

4. The Traffic Control Plan provides that all concert traffic is to enter Discovery Park from Garden Highway and exit via Jibboom Street.

The Impact Analysis not examine (a) the time that will be needed for concert goers to evacuate the Park after the end of the concert (allowed by Final Permit to run until 10:00 p.m. each night) or (b) the impact on traffic at the intersection Jibboom Street and Richards Boulevard (an uncontrolled intersection except for a stop sign) and nearby signaled I-5 off and on ramps.

5. Evidence that dedication of nine (9) Park Rangers to the event will NOT result in diversion of rangers from other areas of the Parkway is not provided.

6. Discussion relating the expected compensation for private use of a large part of Discovery Park (estimated maximum of about $25,000) to charges at other venues or as mitigation for the loss of public access for 7-days is not provided.

- Consistency with the Parkway Plan cannot be determined because of INTERNAL INCONSISTENCIES in the Impact Analysis with respect to the following:

1. The compliance justification with respect to County Code requirements says the public will have access to the picnic areas. Subsequent information from County Staff indicates this statement refers to the first come first serve picnic areas west of I-5 and the public will not have access to the picnic areas east of I-5 for 7-days.

2. Revenue from Ticket Fees and Parking Fees are described in the Impact Analysis as a revenue stream for the Parkway. This implies that these revenues are not otherwise committed as a result of the event.

However, the Mitigating Steps for Fee Schedule Compliance in the Impact Analysis states that the Parking Fee revenue (estimated maximum of about $30,000) is collected to pay the cost associated with “impacts and maintenance to the parking lots and archery range.” Also, some of the Ticket Revenue is already committed to pay County costs that would otherwise be funded by Special Event Fees.
The Final Permit and Impact Analysis do not identify who (i.e. County or Concert Promoter) will receive the $20 fee to be charged for VIP Parking in the paved lot under the I-5 bridge that is within Discovery Park.

The amount for compensation for use of a large part of Discovery Park (estimated maximum of $25,000) will only be available to the extent that damage or other event impacts do not require use of the revenue and the maximum number of tickets (15,000) are sold or gifted.

- County Regional Parks has violated State Law by issuing a permit for Aftershock 2013 that is not consistent with the Parkway Plan.

2.3 PERMITTING PROCESS DEFECTS CONTINUE

Regional Parks permitting deficiencies remain in need of immediate remedy. Timely correction of the following flaws is needed so that Regional Parks is not prevented from issuing permits that are consistent with the Parkway Plan:

1. Lack of a documented basis for decisions that is supported by substantial evidence and which is available for independent review by the public before a permit is issued,

2. Lack of transparency so that public input is possible before permits are issued and the public knows when a permit is issued and appealable to the Board of Supervisors, and

3. Lack of development and implementation of the Resource Impact Monitoring Plan required by the Parkway Plan to guide management of the use of the Parkway so as to protect Parkway resources and development of permit conditions.

The Parkway belongs to the people and held in trust for the public by the County. The public are entitled to meaningful opportunities to participate in decision making regarding its use for special events and group activities requiring permits from the County. The Resources Impact Monitoring Plan is a requirement of the Parkway Plan.

Without the Resource Impact Monitoring Plan, there can be no basis for issuing permits that fully preserve the Parkway resources and the Parkway cannot be managed in accordance with the Parkway Plan to “ensure protection of the Parkway’s resources, its environmental quality and natural values.”
2.4 OTHER PUBLIC POLICY QUESTIONS

Assuming satisfactory resolution of the lack of consistency with the American River Parkway Plan, Aftershock raises additional public policy questions that need to be addressed. These are:

1. The Impact Analysis does not discuss the use of other venues within the City of Sacramento or the surrounding region that would also realize the secondary economic benefits identified by the Sacramento Convention & Visitors Bureau. The American River Parkway - Discovery Park is a public asset acquired and maintained for the benefit of the public. Is Discovery Park an appropriate venue for a private profit making venture to use for a rock and metal music concert that can be held an alternative venues (e.g. Cal Expo, Sleep Train) and which will exclude the public from accessing a large part of Discovery Park for about 7-days?

2. Regional Parks is to be commended for incorporating compensation for the private use of a large portion of Discovery Park. Is the concert promoter paying a fair price for use of the public asset in comparison to the charge that would be levied at venues not located in a park?

3. Is the revenue to be received by the County as compensation for private use of a large part of Discovery Park sufficient to compensate the public for the inconvenience of (a) being excluded from all picnic areas and a large part of Discovery Park east of I-5 for a 7 – day period and (b) increased automobile and noise?

4. At what point will the frequency of occurrence of special events and large group activities crowd out individuals, families and small and medium groups from the Parkway either directly or by creating conditions that these users find undesirable and hence stay away?

5. Should the concert proceed in the absence of the Resource Impact Monitoring Program that is required by the American River Parkway Plan?

3.0 NEXT STEPS

The SARA Board will need to determine SARA’s response to the issuance of the Final Permit for Aftershock 2013 based upon an Impact Analysis by County Regional Parks staff that has been found to be flawed.

4.0 REVIEW OF THE FINAL PERMIT & IMPACT ANALYSIS

The Final Permit for Aftershock 2013 rock and metal Festival was received on August 6, 2013. The Final Permit was accepted by Danny Wimmer Presents LLC on August 5, 2013, and signed by Director Jeffrey Leatherman on August 6, 2013. The Final Permit as received from County Regional Parks is included in Attachment B hereto.

The Impact Analysis prepared by County staff was also first received by SARA on August 6, 2013 and states that the Impact Analysis describes the basis for the decision by the Regional Parks Director to issue the permit for the Aftershock 2013 rock and metal concert festival. The Impact Analysis is also included in Attachment C hereto.
4.1 REVIEW OF THE FINAL PERMIT

1. The Final Permit conditions for Aftershock 2013 appear in many ways to be the same as that for Aftershock 2012.

2. The permit does not specify when setup may begin (the application says 11 a.m. on, Tuesday, Sept. 10) or when take down must be over (the application says 10 p.m. on, Tuesday, Sept. 17). There does not appear to be any permit requirement that would avoid early setup or late take down which would increase the time that the public is excluded from the area.

3. The Fees are identified in the Final Permit are summarized in Table 1.

4. The Permit specifies that amplified sound and concert music must end at 10:00 p.m. The permit does not specify when concert goers must be out of the Park. There is no time specified by which all persons except security personnel are to be out of the Park.

### TABLE 1

FEES CHARGED BY REGIONAL PARKS FOR AFTERSHOCK 2013

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff time costs associated with dedicating 9 Rangers to the event</td>
<td>$11,529.54</td>
<td>11 hours each day on Saturday and Sunday</td>
</tr>
<tr>
<td>Staff time costs Associated with Maintenance dedicated to the event for set up and clean up</td>
<td>$6,059.20</td>
<td>48 hrs Park Maintenance Worker I &amp; II, 16 hrs Senior Park Maintenance Worker</td>
</tr>
<tr>
<td>Staff Time Costs for Administrative Personnel</td>
<td></td>
<td>Park Director and Recreation Supervisor included in Per Ticket Fee</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$17,588.74</td>
<td></td>
</tr>
<tr>
<td>Special Event Fees (Application Fee, Site Reservation Fees, Special Event Permit Fee, &amp; Amplified Sound Permit)</td>
<td>Included in Per Ticket Fee</td>
<td></td>
</tr>
<tr>
<td>Per Ticket Fee</td>
<td>$2 per ticket per day</td>
<td>For all tickets sold or gifted</td>
</tr>
<tr>
<td>Parking Fees for vehicles parked on site</td>
<td>$5 per vehicle with maximum rate of $15</td>
<td>100% of offsite parking will go to concert promoter</td>
</tr>
</tbody>
</table>

5. The Applicant is required to hire and pay for Sacramento City Police officers to provide security and traffic control and must provide either 60 “extra security guards” or the number of guards required by Sacramento City Police Department. According to the permit, County Park Rangers will patrol and secure the parking lots.

6. The approval of the Sacramento City Special Event Committee is required.

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4 Source: Final Permit for Aftershock 2013, June 18, 2013, Item 5, page 2
7. Lighting and security lights are required “in all parking and concert areas so that a reasonable amount of light is provided for walking.”

8. Parking Lots are to be patrolled once every two hours by concert promoter’s personnel for purpose of trash pickup.

9. “Use of signs on trees or inserting stakes into the ground is prohibited.”

4.1.1 Estimated Maximum Compensation for Private Use of Discovery Park

The Impact Analysis states that the $2 per ticket fee covers the Special Event Fees identified in Table 1 and also “compensates the County for the commercial use of County Property”- namely Discovery Park. Using the assumptions that (a) the maximum allowable number of participants (15,000) buy or are gifted tickets, and (c) the 2013 Regional Parks Fee Schedule approved on July 23, 2013, is used, yields $24,825 as the estimated maximum compensation to Sacramento County for the exclusive commercial use of a large part of Discovery Park by the private entity, Danny Wimmer Presents, LLC.

This amount is a theoretical maximum since the actual amount of compensation will depend upon the actual number of tickets sold or gifted and will NOT be known until after the event occurs and a final accounting is provided by the concert promoter.

The foregoing is based upon the Permit that specifies that the applicant “will limit park attendance to 15,000 including all sold and gifted tickets” which limits the total attendance to 15,000 for both days.

4.1.2 Estimated Maximum Parking Revenue

Assuming that (a) 80% of the maximum number of allowed participants come to the concert by car, and (b) there are 2 people per car and (c) that all vehicles will enter and park in Discovery Park, yields $30,000 as the estimated maximum revenue to the County from Parking Fees.

Like the compensation estimate provided above, the actual amount will depend upon the number of vehicles that actually enter Discovery Park.

The Traffic Plan (See Attachment G hereto) identifies “VIP Parking/$20” as being provided in the parking lot under the I-5 bridge. The Final Permit does not include this parking in the Fees in Item 5 of the Final Permit and provides that “100% of the off-site parking fees will go to the Promoter.” The Final Permit or the Impact Analysis do not identify who (i.e. County or Promoter) is to receive the fees charged for “VIP Parking/$20” in the paved parking under the I-5 bridge that is within Discovery Park.

The foregoing is based upon the Permit that specifies that the applicant “will limit park attendance to 15,000 including all sold and gifted tickets” which limits the total attendance to 15,000 for both days.

4.2 REVIEW OF THE IMPACT ANALYSIS

The stated purpose of the Impact Analysis prepared by County staff is to describe the basis for the decision by the Regional Parks Director to issue the Final Permit for

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5 Final Permit for Aftershock 2013, June 18, 2013, page 4, Item 16.
6 Final Permit for Aftershock 2013, June 18, 2013, Page 4, Item 26
7 “The Impact Analysis”, County Regional Parks, undated, page 16, “Fee Schedule Compliance
Aftershock 2013. According to the Impact Analysis prepared by County staff, “the mitigation measures provided in the [Final] permit as well as the limited nature of this [Aftershock 2013] event allows for a minimal impact to the natural environment and park users and is compliant with the goals and policies of the Parkway Plan.”

Results of SARA’s review of the Impact Analysis are described in the following sections.

### 4.2.1 Failure to Demonstrate Consistency with Parkway Plan

The Impact Analysis fails to demonstrate consistency with the Parkway Plan as described in the following sections. Inconsistencies with the Parkway Plan preclude the ability to make the Findings of Fact required by the Parkway Plan. Also, substantial evidence that demonstrates the conclusions are factual and independently verifiable is missing.

1. The Impact Analysis provides no evidence to support the conclusion that the Aftershock rock and metal concert will provide an opportunity to introduce new users to the Parkway to achieve the purposes stated in the Parkway Plan.

   **Discussion:** The stated purpose in the Parkway Plan for introducing new users via attendance at special events is to potentially expand the base of community awareness and long term support for the Parkway and emphasizes events that help to educate and interpret the Parkway’s resources as being particularly valuable to increased appreciation and understanding of the Parkway. There is no provision in the Aftershock 2013 rock and metal concert to provide an opportunity for new users have the opportunity to learn about and appreciate the natural resources and environmental quality of the Parkway.

   The Impact Analysis does not explain how a large party of up to 15,000 participants with loud music and drinking will not serve only to introduce the new users attending the Aftershock 2013 rock and metal festival to the Parkway as a place for partying and drinking.

2. The Impact Analysis does not provide evidence that demonstrates the Aftershock 2013 rock and metal concert is (a) appropriate to the natural environment, a requirement of the Parkway Plan acknowledged in the Impact Analysis and (b) compatible with all of the goals of the Parkway Plan, also a requirement of the Parkway Plan.

   **Discussion:** The Impact Analysis describes the Aftershock 2013 rock and metal concert as a “recreation event”. While this may be true in the abstract, there is no explanation in the Impact Analysis of how this “recreation event” is appropriate to the “natural environment” even though the Impact Analysis

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8 “The Impact Analysis”, County Regional Parks, undated, page 1, “Introduction”
9 “The Impact Analysis”, County Regional Parks, undated, page 11, “Final Determination”
10 “The Impact Analysis”, County Regional Parks, undated, page 4
recognizes consistency with the “natural environment” as a constraint established in the Parkway Plan.\textsuperscript{13} 

The goals of the Parkway include preservation, protection, and improvement of the natural resources of the Parkway including, but not limited to, migratory and resident wildlife.\textsuperscript{14}

3. The Impact Analysis recognizes that Aftershock 2013 has more than minimal adverse impacts the aesthetic values of the Parkway which means issuance of the Final Permit by the Regional Parks Directors is not consistent with the Parkway Plan.

\textit{Discussion}: The Impact Analysis offers, as a mitigation step for impacts on “Nature Appreciation\textsuperscript{15}”, a recreation activity explicitly identified in the Parkway Plan, that persons bothered by the noise and activity associated with Aftershock 2013 can go somewhere else.\textsuperscript{15} This is explicit recognition that the Aftershock 2013 rock and metal concert has more than a minimal impact on the aesthetic values of the Parkway\textsuperscript{16}

The Regional Parks Director may only issue permits for events such as Aftershock 2013 if there are minimal impacts on other Parkway users, natural resources and “aesthetics of the Parkway”.\textsuperscript{17} The concept policies set forth in the Parkway Plan provide the guiding concepts for management of the Parkway to achieve this goal. The concept policies include (a) restricting recreation activities to passive, unstructured water-enhanced activities appropriate to the natural environment and not normally provided at other County facilities and (b) limitation on the use of the Parkway to prevent overuse and to preserve the environmental quality thereby ensuring the integrity of the Parkway for future users.\textsuperscript{18} The Impact Analysis does not substantively address compatibility with the specified goals.

4. The Impact Analysis continues the fiction that all of the requirements of Parkway Plan Chapter 6, “Non-Recreational Use of the Parkway” do not apply to Aftershock 2013.

\textit{Discussion}: The Aftershock 2013 rock and metal concert is a private for profit commercial activity that sells tickets that are required for entry and that includes other commercial activities related to sale of food, liquor and beverages, and concert related merchandise.

Consistency with the Parkway Plan requires that Aftershock 2013 comply with ALL of the requirements of Chapter 6, “Non-Recreational Use of the Parkway”.

\textsuperscript{13} “The Impact Analysis”, County Regional Parks, undated, page 2, “Event Compliance with the Goals and Policies of the Parkway Plan, second sentence
\textsuperscript{14} American River Parkway Plan 2008, Chapter 1, “Introduction”, page 10, “The Parkway Goals and Concept”, “Goals”
\textsuperscript{15} “The Impact Analysis”, County Regional Parks, undated, page 7, “Impacts on Other Users”, Nature Appreciation” and “Recreational Enjoyment”, “Mitigation Steps”
\textsuperscript{16} American River Parkway Plan 2008, Chapter 3, “Resources of the Parkway”, page 77, “Aesthetic Values”
\textsuperscript{17} American River Parkway Plan 2008, Chapter 5, “Recreational Use of the Parkway”, page 101, “Group Activities”, first sentence.
This has been the subject of considerable discussion between the Regional Parks Director and SARA. Further elaboration of the basis for SARA’s conclusion that the Regional Parks Director’s conclusion is unfounded is provided in later in this report under “Response to Regional Parks Staff Conclusions Regarding Parkway Plan”, “Parkway Plan Chapter 6.”

The clear intent of the Parkway Plan is to restrain commercialization of the Parkway. This is evidenced by (a) the requirements of Chapter 6, “Non-Recreational Use of the Parkway”, (b) the readily evident emphasis throughout the Plan on compatibility all uses and facilities with the goals and policies of the Plan, (c) the existence of a Memorandum of Understanding between the County and American River Natural History Association (ARNHA) which contains restrictions of the sale of items by ARNHA in the Parkway, and (d) the text of Parkway Plan Chapter 6 that requires sale of food and beverages from mobile day-use units to fixed locations as part of a special event permit and specifies that “they shall not be permitted on a seasonal basis or as a regular facility or feature in the Parkway.”

Compatibility with Parkway Plan Goals and Policies not Established: Commercial activities must be compatible with Parkway Plan goals and policies and consistent with Parkway Plan. As discussed above, substantial evidence that demonstrate compatibility with all Parkway Plan goals has not been provided in the Impact Analysis.

No Review by County Recreation and Park Commission or Approval by Board of Supervisors: All proposed commercial activities are subject to review by County Recreation and Parks Commission with final approval by Board of Supervisors. The Impact Analysis contains no evidence that Aftershock 2012 or 2013 were ever subject to review by the County Recreation and Park Commission nor approved by the Board of Supervisors.

The Parkway Plan text provides that the Regional Parks Director may approve vendor sales as part of a special event permit and also provides, in a sentence immediately preceding this authorization, that commercial activities must be approved by the Board of Supervisors. Compliance with both of these requirements is only achievable by providing for appeal of the decisions of the Regional Parks Director to the Board of Supervisors.

No Designation on Discover Park Area Plan: The Parkway Plan specifies that proposed commercial activities shall be designated on appropriate area plans. The area on which the Aftershock 2013 rock and metal concert festival is to occur has not been designated on the Area Plan map for Discovery Park.

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19 Memorandum of Understanding dated April 18, 1985 between Sacramento County and American River Natural History Association.
20 American River Parkway Plan 2008, Chapter 6, “Non-Recreational Use of the Parkway”, page 107, top of page
22 Parkway Plan Policy 6.1.2
24 Parkway Plan Policy 6.1.6
5. The Impact Analysis provides no evidence to support a finding that Aftershock 2013 will have only minimal impacts on the Parkway’s terrestrial resources and hence does not ensure that management of the Discovery Park “ensures the protection of the Parkway’s resources, its environmental quality and nature values.

Discussion: The Impact Analysis only recognizes the possible impacts of Aftershock 2013 on nesting raptors but provides no evidence of any field inventory that confirms the conclusion that there are no nesting raptors or any other Special Status Wildlife Species present. Nesting raptors are not the only terrestrial wildlife of concern. Large numbers of migrating birds pass through Discovery Park and the Parkway in general in September. There is no discussion or evidence provided that the Impact Analysis has considered the impacts on migrating birds.

The Impact Analysis does not address the impacts on terrestrial wildlife due to noise and lighting. Also, the Impact Analysis is silent regarding the Parkway Resources along Bannon Slough. There is no evidence provided to support a conclusion that impacts on these Parkway resources are minimal.

Mitigating Steps described in the Impact Analysis for “Damage to the natural environment” conclude with the statement that “The concert will not cause impacts that can’t be repaired by routine maintenance.” This is evidence that the Impact Analysis is only focused on the concert area and physical facilities and does not fully consider impacts to terrestrial resources in the Parkway.

The Impact Analysis related to Frequency of Use does not consider the cumulative impacts on terrestrial resources. Hence there is no basis to conclude that Aftershock 2013 will have no more than minimal impact on Parkway terrestrial resources.

The Impact Analysis includes a one sentence description under “Impact Monitoring”. This is not the Resource Impact Monitoring Plan mandated by the Parkway Plan to be developed by the County. Attachment C hereto contains evidence of this fact. Lack of the Resource Impact Monitoring Program is a defect in the Regional Parks Permitting Process discussed later in Section 5.2, “Regional Parks Permitting Process Defects Require Remedy.”

The Impact Analysis makes no reference to any inventory of Terrestrial Resources that was consulted during the review for consistency with the Parkway Plan.

It is difficult to see how all of the required Findings of Fact can reasonably be made in the absence of the required Resource Impact Monitoring Plan that is based upon a complete inventory of Parkway resources.

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4.2.2 Consistency with Parkway Plan Cannot Be Determined

4.2.2.1 Incomplete Impact Analysis

1. **Exclusion of Public:** The Impact Analysis is incomplete in that it does not identify the extent that (a) the public will be excluded from the parking area of the festival and (b) the impact on the availability of equestrian staging area for use by persons not buying a ticket to the festival. In this regard, the Impact Analysis only refers to the “concert area” which is the immediate area of the rock and metal music concert and does not include the parking area.

   Subsequent to the Impact Analysis, the Regional Parks staff response to comments on the Site Plan state that the public will be able to access Discovery Park from Garden Highway entrance. Also, Regional Parks staff advise that “parking staff will also ensure that the equestrian staging area is available to equestrian users.” It is difficult to see how this will in fact occur given the concern for public access to parked vehicles and the location of the equestrian staging area with respect to the overflow parking area.

2. **Compliance with County Ordinance:** The Impact Analysis is incomplete in that it only asserts that “sound will be regulated according to [Sacramento County Code] 9.36.072” but does not identify the noise monitoring that will be performed to confirm that noise levels do in fact meet the limits of the County Code. Further no evidence is offered to support the conclusion that “most of the sound will be contained within Discovery Park.”

3. **Parking Plan Deficiencies:** The Impact Analysis is incomplete in that it relies on a “parking plan that has been well vetted and managed” as the justification for compliance with the Parkway Plan. Item 12 of the Final Permit requires that Regional Parks to approve the Parking Plan and requires that the approved Parking Plan be followed.

   Regional Parks staff in responding to comments on the Aftershock 2013 Site Plan advise that the Traffic Control Plan adequately meets the

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27 Email from A. Veselka, Regional Parks Recreation Supervisor to B. Davis, SARA and J. Leatherman, Regional Parks Director, August 27, 2012 2:11 p.m., Subject: “Comments on Aftershock 2013 Site Plan”, Response to Item 2.
28 Email from A. Veselka, Regional Parks Recreation Supervisor to B. Davis, SARA, and J. Leatherman, Regional Parks Director, August 27, 2012 2:11 p.m., Subject: “Comments on Aftershock 2013 Site Plan”, Response to Item 5(b)
30 “The Impact Analysis”, County Regional Parks, undated, page 8, “Impacts to other users”, “Good Neighbor Policy”, “Mitigation Steps”
requirements for a parking plan contained in the permit. However, the Traffic Control Plan does not:

a) Address ingress to the VIP Parking area,

b) Identify the number of parking spaces available in each area so that the need for parking offsite can be determined,

c) Identify the location of lighting in the parking areas that is required by Item 16 of the Final Permit or the description of the lighting so that impacts on the wildlife in riparian habitats can be identified and evaluated, and

d) Identify measures that will be taken to allow public access from the Garden Highway entrance without risk of loss by parked vehicles,

e) Identify measures that will be taken to mitigate the impact of improper sanitation activities (e.g. urination, littering) by concert goers leaving the concert after they get to their vehicles.

4. **Site Plan is Late:** The Impact Analysis was initially found to be incomplete in that it relies on a site plan to demonstrate compliance with the Parkway Plan. As of August 6, 2013, County Regional Parks had not received a completed site plan. However, on August 22, 2013, a Site Plan dated August 22, 2013 was provided by Regional Parks. It is not clear how the Impact Analysis could be prepared in advance of the approved final Site Plan.

Further discussion of the Aftershock 2013 Site Plan is provided later in this report.

5. **Leaving the Park:** The Impact Analysis is incomplete in that it does not examine (a) the time that will be needed for concert goers to evacuate the Park after the end of the concert (allowed by Final Permit to run until 10:00 p.m. each night), (b) the impact on traffic at the intersection Jibboom Street and Richards Boulevard (an uncontrolled intersection except for a stop sign on Jibboom Street) and nearby signaled I-5 off and on ramps, and (c) how traffic will access the VIP Parking under the I-5 bridge.

A Traffic Control Plan (See Attachment G hereto) was received on August 15, 2013, after issuance of the Final Permit. The Traffic Plan

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32 Email from A. Veselka, Regional Parks Recreation Supervisor to B. Davis, SARA and J. Leatherman, Regional Parks Director, August 27, 2013 2:11 p.m., Subject: “Comments on Aftershock 2013 Site Plan”, Response to Items 5(a) and 5(b)

33 “The Impact Analysis”, County Regional Parks, undated, page 7, “Impacts to other users”, “Trails Recreation”, “Mitigation Steps”

34 Email from J. Leatherman, Director, Regional Parks to A. Veselka, Regional Parks Recreation Supervisor and B. Davis, SARA, August 22, 2013, 5:04 p.m., Subject: “Aftershock 8-22 with square footage”

35 Email from J. Leatherman, Regional Parks Director, to B. Davis, SARA, August 15, 2013, 2:42 p.m., Subject: “Rangers Spreadsheet From Ranger Report”
appears to provide that Aftershock traffic will enter Discovery Park at the intersection of Garden Highway and Natomas Park Drive. Both lanes of the two lane bridge crossing Bannon Slough will be used. The Traffic Plan shows all traffic will exit Discovery Park via Jibboom Street over the two lane bridge over the American River.

The Traffic Control Plan is not clear the route the VIP traffic will follow to access VIP Parking under the I-5 Bridge. The Traffic Control Plan shows the entrance to VIP Parking via the first right after turning from Jibboom Street onto Natomas Park Drive. However, the Traffic Plan shows Natomas Park Drive to be a Fire Lane. Hence the inference is that VIP traffic will enter the queue at Garden Highway. However, it is possible that VIP traffic would be directed to enter via Jibboom Street to avoid waiting in line to get to the VIP Parking entrance.

6. **Ranger Commitment to the Event:** The Impact Analysis recognizes that the commitment of 9 Park Rangers to the Aftershock 2013 rock and metal concert could take Rangers away from other parts of the Parkway. However, the Impact Analysis is incomplete in that it does not (a) show how a commitment of about half of the authorized Park Rangers will NOT create a further shortage of rangers to handle calls for service in other parts of the Parkway during the daylight hours of the Aftershock 2013 event nor does it show how the paying of money for ranger time ($11,529.54 from the Final Permit) after the event is over will make any rangers available to replace any of the rangers while they are at the event.

7. **Compensation for Use of Discovery Park:** The Mitigating Steps described for “Fee Schedule Compliance” on page 10 of the Impact Analysis and the permit do not identify any specific dollar amount that is to compensate for the use of the public park by the concert promoter. As structured, the actual compensation is directly dependent upon the number of tickets sold and may be less than the maximum estimated earlier in this report. Further, in order to assess the appropriateness of the compensation amount as a mitigating step, the Impact Analysis should relate the compensation to that charged at other venues in the Sacramento region and to the displacement of the public from the event area for 7-days.

8. **Drunk Driving:** The Final Permit allows the playing of amplified sound and music until 10:00 p.m. each night but does not specify when the concert goers must be out of the Park. The Impact Analysis does not discuss the impacts of (a) delayed departure by concert goers after 10:00 p.m. or (b) the mitigation measures that will be taken to control

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drunk driving as concert goers attempt to leave. Rangers are responsible for the Parking area.

4.2.2.2 Internal Inconsistencies in the Impact Analysis

Consistency with the Parkway Plan cannot be confirmed due to the following internal inconsistencies in the Impact Analysis.

1. Access to Picnicking: Code Section 9.32.021(a): Compliance justification for Code Section 9.32.021(a) states that the public will have access to picnic areas. This statement is inconsistent with the discussion for “Recreational Enjoyment” on page 7 of the Impact Analysis which states that availability of the picnic areas to the public will be impacted for about 7 days.

County Regional Parks staff response to comments on the Aftershock 2013 Site Plan advise that this reference to picnic areas is with respect to the “first come first serve” picnic tables located west of I-5. However, the public will be excluded for about seven days from picnicking in Discovery Park east of I-5.

2. Revenue Stream for Regional Parks: The description of Potential Impact for Fee Schedule Compliance on page 10 of the Impact Analysis states that the special event and parking fee amounts to be paid under the Fee Schedule are not sufficient to “cover impacts to the facility”. The Mitigating Steps for Fee Schedule Compliance state that:

(a) The Per Ticket Fee covers the Special Event permit fee as well as compensates the County for commercial use of Discovery Park, and

(b) The Parking Fee collected for every vehicle parked in the Park is collected to pay for impacts and maintenance on the parking lots, overflow lots and archery range.

The Impact Analysis, by stating that the concert “contributes to the revenue stream of the Parkway through parking and event fees,” implies that these fees will be available to support Parkway needs not generated by Aftershock. This is inconsistent with the discussion in the Impact Analysis, on page 10, under “Fee Schedule Compliance. How can the parking and per ticket fees from the concert be used to “cover the impacts of the facility” and still be available for other purposes?

4.3 REVIEW OF THE SITE PLAN

A Site Plan dated August 22, 2013 was received from Regional Parks staff on August 22, 2013. Comments on the site plan were provided to Regional Parks and Regional Parks

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37 Email from A. Veselka, Regional Parks Recreation Supervisor to B. Davis, SARA, and J. Leatherman, Regional Parks Director, August 27, 2013 2:11 p.m., Subject :Comments on Aftershock 2013 Site Plan”, Response to Item 2
38 “The Impact Analysis”, County Regional Parks, undated, page 4, “Compliance with Special Event Section of the Parkway Plan”
39 Email from J. Leatherman, Regional Parks Director, to A. Veselka, Regional Parks Recreation Supervisor and B. Davis, SARA, August 22, 2013 5:04 p.m., Subject: “Site Revision”
40 Email from B. Davis, SARA, to J. Leatherman, Regional Parks Director and A. Veselka, Regional Parks Recreation Supervisor, August 25, 2013 11:44 a.m., Subject: Comments on Aftershock 2013 Site Plan
staff has responded to these comments. The Site plan, comments on the Site Plan and Regional Parks staff response to the comments are provided in Attachment H hereto. Following is a discussion of the Regional Parks staff responses.

**Staff Response to Comments 1(a) & 5(d):** This response expresses concern for the impact of driving the heavy truck that will service the portable toilets on trees and turf. This concern seems to be given no weight when considering the impact of other heavy vehicles such as the semi trailer trucks that will parked on turf behind the main stage. Further, the area where the semis are shown the Site Plan is very green which is surprising if it is not irrigated.

**Staff Response to Comment 1(b) & 5(e):** Hopefully Regional Parks staff are correct in stating that concert goers will not relieve themselves and litter on the park grounds OR the riparian vegetation that borders the Overflow Parking Area and is adjacent to Bannon Slough. The Concert Promoter should, under supervision, be required to clean up all litter.

**Staff Response to Comments 5(a) and 5(b):** As previously discussed, the Traffic Control Plan does not address the issues raised in the comment. Further, access to the Equestrian Staging Area may not be achievable.

**Staff Response to Comment 6(a):** The response does not evidence receipt of the approvals.

**Staff Response to Comment 6(f):** This response is not in accordance with the absolution prohibition in Item 26 of the Final Permit.

**Staff Response to Comment 6(g):** The map required by County application requirements does not appear to have been submitted by the concert Promoter.

**Aerial Views of Aftershock 2012 Parking:** It is clear from the aerial photos provided by Regional Parks that the so called overflow lot is in reality the primary parking lot for Aftershock. If there were no overflow lot, parking would not be adequate. The use of the term “overflow lot” does not clearly convey reality and will mean that more events will result in conversion of the lot to regular parking.

### 4.4 **SARA’S PRIOR QUESTIONS**

Prior to receipt of the final permit and Impact Analysis, SARA’s review was limited to the application and permit for Aftershock 2012. As a result of this review, questions were posed by SARA to the Regional Parks Director.

**4.4.1 Request for Logic & Basis for Consistency Finding**

SARA requested Regional Parks staff to identify the “logic and basis” for any determination by Regional Parks staff that past and proposed Aftershock rock and metal festivals are consistent with the American River Parkway Plan. The Regional Parks Director, subsequently informed SARA by email that Parkway Plan Policy 5.33 and the

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41 Email from A. Veselka, Regional Parks Recreation Supervisor to B. Davis, SARA, and J. Leatherman, Regional Parks Director, August 27, 2013 2:11 p.m., Subject: “Comments on Aftershock 2013 Site Plan”
42 Email from B. Davis, SARA to J. Leatherman, Regional Parks Director, May 31, 2013, 8:49 a.m., Subject: Aftershock Concert in Discovery Park
43 Email from B. Davis, SARA to J. Leatherman, Regional Parks Director, June 5, 2013, 9:38 a.m., Subject: “Aftershock Concert in Discovery Park – Parkway Plan Consistency Questions:”
text on pages 102 and 103 of the Parkway Plan provide the “logic and basis” for a conclusion that Aftershock is consistent with the Parkway Plan.  

4.4.2 SARA’s Parkway Plan Consistency Questions

Following review of the Director of Regional Parks description of the “logic and basis” for determining that Aftershock is consistent with the American River Parkway Plan, SARA, by email\(^\text{45}\) posed the following comments and questions to Director Leatherman as a result of Director Leatherman’s description of the logic and basis for concluding that Aftershock 2013 is consistent with the Parkway Plan.

Director Leatherman responded by email that Regional Parks Department staff would reference the sections of the Parkway Plan applicable to each question and provide additional commentary as necessary.  

The County staff response to each of the questions is noted in the following.

4.4.2.1 Application of Parkway Plan Chapter 6 Requirements: Although not stated in Director Leatherman’s May 31, 2013, 10:09 a.m. email, SARA understands that Director Leatherman has continued to use Director Leatherman’s interpretation that Chapter 6 of the Parkway Plan to issue a permit for the Aftershock rock concert without regard to all of the requirements of Chapter 6. If this understanding is not correct, Regional Parks has been requested to let SARA know.

**County Staff Response:** This understanding is confirmed on page 7 of the Impact Analysis, “Special Events page 106, “Commercial Activities”, “Compliance Justification”

4.4.2.2 Consistency Finding and Supporting Documentation: All of the Parkway Plan excerpts that Director Leatherman provided specifically state in one way or another that (a) Parkway natural resources are not to be degraded, (b) events are to occur at “a level and occasional frequency so as to not damage or degrade the natural resources”, (c) ability to manage the event in a way that “minimizes impacts to the Parkway’s natural setting” are to be considered when siting an event, and (d) “events should occur at a level and occasional frequency so as to not damage or degrade the natural resources.”

Given the apparent lack of the Resource Impact Monitoring Program required by the Parkway Plan, what is the basis and supporting documented evidence, for a conclusion that the Aftershock concert will be consistent with these Parkway Plan requirements?

**County Staff Response:** The Impact Analysis seeks to respond but is not successful since it lacks evidence to support the unsubstantiated statements contained therein.

4.4.2.3 Additional Information Needed: Page 102 of the Parkway Plan includes general concepts related to purposes of special events. It would seem reasonable to conclude that answers to the following questions, supported by substantial evidence,

\(^{44}\) Email from B. Davis, SARA to J. Leatherman, Regional Parks Director, May 31, 2013, 8:49 a.m., Subject: “Aftershock” Concert in Discovery Park and Email from J. Leatherman to B. Davis, SARA, and A. Veselka, Regional

\(^{45}\) Email from B. Davis, SARA, to J. Leatherman, Regional Parks Director, June 5, 2013, 9:38 a.m., Subject: Aftershock Concert in Discovery Park – Parkway Plan Consistency Questions

\(^{46}\) Email from J. Leatherman, Director Regional Parks to B. Davis, SARA, June 5, 2013, 10:13 a.m., Subject: Aftershock Concert in Discovery Park – Parkway Plan Consistency Questions
would need to be available in order to judge the consistency of the Aftershock rock concert special event with these Parkway Plan provisions:

a) Other than bringing a large crowd to Discovery Park with many coming after dark, how will the Aftershock rock concert potentially expand the base of community support for the Parkway?

   **County Staff Response:** The Impact Analysis restates the Parkway Plan without providing any evidence to support the conclusion.

b) How will the Aftershock rock concert “contribute to an important revenue stream that helps support on-going Parkway operations, maintenance, and programs”? Specifically:

   1) How much total revenue does Regional Parks expect to receive as a result of the Aftershock rock concert and what are the different sources and amounts of revenue from each source? Is this arrangement typical of other rock concerts held in Discovery Park?

      **County Staff Response:** Estimate not provided.

   2) Presumably, the concert promoter/sponsor/applicant receives the revenue from sale of tickets and a share of vendor sales revenue. What is the total amount that the promoter/sponsor/applicant pays for use of Discovery Park in comparison to other venues that host rock concerts (e.g. Sleep Train Arena)? What percentage of the total revenue expected to be generated by the Aftershock concert is projected to be received by Regional Parks? This is a measure of the importance of the Aftershock rock concert as a revenue source for our Regional Parks.

      **County Staff Response:** No response.

   3) If there were no fee revenue realized by Regional Parks as a result of the Aftershock concert, how many dollars would the fee revenue in the Regional Parks Budget be reduced? How many Regional Parks employees would need to be furloughed or laid off due to the loss of said revenue? This is another measurement of the importance of the Aftershock rock concert as a revenue source for our Regional Parks.

      **County Staff Response:** No response.

   4) How should one justify the amount of the revenue projected to be received by Regional Parks against the benefit realized by private concert promoter? Against the total revenue required to support “ongoing Parkway operations, maintenance and programs?” Against the impacts on the Parkway resources? This provides a basis for considering the reasonableness of issuing a permit for the Aftershock rock and metal concert.

      **County Staff Response:** Per Ticket Fees provide compensation for exclusive use of a large part of Discovery Park by a private party. There is no further response.

   5) Does the County audit, after an event such as the Aftershock rock concert, the revenues it receives and expenses it incurs with respect to each event
to establish that (a) the County costs associated with the event (e.g. maintenance, Rangers, and impacts on Parkway resources) have in fact been fully recovered and (b) the event is in fact an important revenue source actually realized? If not, what is the basis for determining the need to adjust fee amounts to ensure full cost recovery and achievement of revenue expectations at future events?

**County Staff Response:** Item 6 in the Final Permit require the concert promoter to provide “detailed accounting numbers and gate counts of tickets sold within three days after the event.” The permit does not address audit rights if there is cause to dispute the information provided by the concert promoter.

4.4.2.4 Parking Information Needed: How may painted parking stalls exist on paved parking areas that will be available for use by the Aftershock rock concert? How does this number compare with the 15,000 maximum participant number for the Aftershock rock concert (e.g. number of participants per parking stall)? Do you allow any vehicle parking on lawn areas? This is one measurement of capacity that can be used to determine if participants will be parking in adjacent neighborhoods and walking in to the event and need for action to ensure consistency with the good neighbor requirements of the Parkway Plan.

**County Staff Response:** Parking in the overflow area and the Archery Range will be on lawn areas. No further response.

4.4.2.5 Compliance with County Noise Ordinance: County Code 9.36.072 requires compliance with the noise levels specified in County Code Chapter 6.68 before you can issue a permit for any event that is to use amplified sound. Judging from a TV advertisement, amplified sound will be used at the Aftershock rock concert. How does Regional Parks determine compliance with the noise levels specified in County Code Chapter 6.68? This is not only a matter of compliance with County Code requirements but also consistency with Parkway Plan good neighbor requirements.

**County Response:** None other than stating that compliance will be achieved.

4.5 ADDITIONAL QUESTIONS

The following questions have been identified during the course of preparation of this Interim Report and were not included in the June 5, 2013, 9:38 email to Director Leatherman. Hence, there is no commitment by Regional Parks staff to respond to these questions.

4.5.1 City of Sacramento Approvals

Has Regional Parks received a copy of the approval by the City of Sacramento Special Events Committee and can, therefore, provide a copy if requested by the public? Are the conditions of approval consistent with the Parkway Plan and County ordinances applicable to the Regional Parks?

4.4.2 Discovery Park versus Other Venue

Why is it appropriate to have Aftershock concerts in Discovery Park instead of some other local venue, (e.g. Cal Expo, Sleep Train Area, etc.) which should keep the
secondary economic benefits within the City of Sacramento and Sacramento region while avoiding adverse impacts to the Parkway?

4.4.3 Frequency of Occurrence

The Parkway Plan recognizes that there is a point beyond which the capacity of the Parkway to accommodate individuals, family, small and medium group users will be impacted by the occurrence of special events and large group activities.\(^{47}\) At what point will the frequency of occurrence of special events and large group activities crowd out individuals, families and small and medium groups from the Parkway either directly or by creating conditions that these users find undesirable and hence stay away?

*County Staff Response:* No response.

5.0 OTHER FINDINGS

5.1 PARKWAY PLAN LAND USE DESIGNATIONS

With one exception, Special Events may only occur within the Developed Recreation land use designation.\(^{48}\) Special events associated with an interpretative program may occasionally be held in Protected Areas.\(^{49}\)

Provided that all other Parkway Plan requirements are met and subject to confirmation for Aftershock 2013, it appears that Aftershock 2013 may occur wholly within the Developed Recreation land use designation for Discovery Park. However, care will need to be taken to ensure that parking and its attendant lighting impacts do not encroach onto the Protected Area that has been designated along the south bank of Bannon Slough and easterly of the event adjacent to the Developed Recreation area.

5.2 REGIONAL PARKS PERMITTING PROCESS DEFECTS

The following have been identified via previous analysis as flaws in the Regional Parks permitting process that need to be corrected. Timely correction of these deficiencies will go a long way towards alleviating public concern regarding the Regional Parks permitting process and the events and activities approved to occur in the Parkway, likely reduce the need for appeals of permits to the Board of Supervisors, and improve the credibility of the County’s decision making regarding the Parkway.

The Parkway belongs to the people and held in trust for the public by the County. The public is entitled to meaningful opportunities to participate in decision making regarding its use for special events and group activities requiring permits from the County. The Resources Impact Monitoring Program is a requirement of the Parkway Plan. Without the Program, there can be no basis for issuing permits that fully preserve the Parkway resources and the Parkway cannot be managed in accordance with the Parkway Plan to “ensure protection of the Parkway’s resources, its environmental quality and natural values.”

\(^{47}\) American River Parkway Plan 2008, Chapter 5, “Recreational Use of the Parkway”, page 103, “Increased Recreational Use”, bottom of page  
1. **Lack of a documented basis for decisions that is supported by substantial evidence and which is available for independent review by the public before a permit is issued.**

   County Regional Parks does not prepare nor maintain documentation of the basis of the conclusions required to be made during the analysis of applications and which underlie decisions to issue permits. Consequently, there is no record of decisions by professionals as to Findings of Fact required by the Parkway Plan that can be independently reviewed by the public before the permit is issued.  

   Conclusions reported without supporting documentation or evidence of decisions by competent professionals can only be given the same weight as unsubstantiated opinion.

2. **Lack of transparency so that public input is possible before permits are issued and public knows when a permit is issued and appealable to the Board of Supervisors as provided in the Parkway Plan**

   There is no way for a member of the public to be able to provide input into the Regional Parks decision making process. Further, any appeals process will need to provide the opportunity for the public to be aware of development and pendency of a permit, including proposed terms and conditions, so that the opportunity to appeal the decision to the County Board of Supervisors is not lost.

   Further, providing opportunity for public participation in all decisions affecting the Parkway is a requirement of the Parkway Plan, can minimize the need for appeals, and can demonstrate a commitment to protect the Parkway.

   As the governing body for Sacramento County, the designated Parkway Manager, the Board of Supervisors is the final authority for decisions regarding the Parkway. The Parkway Plan provides that decisions by the Board are final and may be overturned only by an appropriate court of law. Unless the opportunity exists for the public to have contemporaneous knowledge of the issuance of a permit, the public is precluded access to this remedy.

3. **Lack of Development and Implementation of a Resource Impact Monitoring Plan to guide management of the use of the Parkway so as to protect Parkway resources.**

   An adequate Resource Impact Monitoring Plan that meets the standards set forth in the Parkway Plan and which is based upon an accurate inventory of Parkway resources is mandated by the Parkway Plan. The Resource Impact Monitoring Program is necessary to enable the County to (a) issue permits for special events and group activities and to approve concession agreements and development permits that are consistent with the Parkway Plan and (b) meet its obligation under

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50 Email from J. Leatherman to B. Davis, October 22, 2012 5:06 p.m., Subject: “My Understanding of Your Interpretations of the Parkway Plan with Respect to Permit for Truckin’ on the River Event”


52 American River Parkway Plan 2008, Chapter 11, “Implementation”, Page 227, “County of Sacramento Board of Supervisors”
the Parkway Plan manage the Parkway to ensure protection of the Parkway’s resources, its environmental quality and natural values.\(^{53}\)

6.0 **AMERICAN RIVER PARKWAY PLAN**

The American River Parkway Plan 2008 provides goals and policies that have been approved by the State Legislature, the Sacramento County Board of Supervisors, and the Cities of Sacramento and Rancho Cordova. SARA review of permits and other Regional Parks Department activities (e.g. Fee Schedules, Operating Procedures, etc.) is for the purpose of evaluating consistency of the permits and activities with the Parkway Plan.

6.1 **PLAN OVERVIEW**

The American River Parkway (“Parkway”), by design and desire of the community as expressed in the American River Parkway Plan 2008, is primarily intended to be for individuals, families, and small (i.e. 20 persons or less) and medium (i.e. 40 persons or less) groups, and preserved and protected as a continuous open space green belt within the urban area. The Parkway Plan 2008 defines the policies and goals that control group activities and special events so that their occurrence is (a) consistent with the natural environment of the Parkway, (b) has no more than minimal adverse impacts other Parkway users and Parkway Resources, and (c) are otherwise compatible with the goals and policies of the Parkway Plan 2008.

6.1.1 **Land Use Designations**

The Parkway Plan Land Use designations guide decisions regarding the use of land to achieve maximum recreational enjoyment “in a manner sensitive to the capabilities and environmental qualities of each area”. Each of the Land Use Designations in the Parkway Plan identify the type of human use appropriate to a particular setting, include a list of uses that may be permitted, and identify the size of the anticipated user-group for each area.\(^{54}\)

6.1.2 **Special Events & Required Findings of Fact**

The Parkway Plan also contains policies to guide decision making with respect to special events and group activities proposed to occur in the Parkway in addition to the land use designations which limit the location of proposed special events and group activities on Parkway lands. The Parkway Plan also requires Findings of Fact, supported by substantial evidence in the record, that must be made with respect to any proposed use or facility before a permit can be issued. Before any activity, facility, use or development can be permitted to occur in the Parkway, the Regional Parks Director is required by the Parkway Plan to determine in each case that the activity, facility, use or development will occur in a manner that:

a) Minimizes the impacts on other Parkway users, natural resources and aesthetics in the Parkway.\(^{55}\)


\(^{54}\) American River Parkway Plan 2008, Chapter 7, “Land Use”, “Land Use Designations”, page 115

\(^{55}\) American River Parkway Plan 2008, Chapter 5, “Recreational Use of the Parkway”, page 101, “Group Activities”, first paragraph
b) Is otherwise in accordance with California Public Resources Code, Section 5480, et seq. (i.e. the American River Parkway Plan) and applicable County ordinances, and

c) Is compatible with the goals and policies of the Parkway Plan.

6.1.3 Mandate to Protect Parkway Resources

The Parkway Plan also mandates that management of the Parkway “shall ensure the protection of the Parkway’s resources, its environmental quality and natural values. The Parkway Plan requires the County to develop and implement a Resource Impact Monitoring Program that clearly defines criteria and standards to monitor, evaluate and protect the Parkway’s resources from overuse, and provides steps to be taken to restore areas that have been overused.

The County had established a Natural Resources Management Plan Committee that began preparation of the Resource Impact Monitoring Program but abandoned the effort in 2008. Attachment D hereto contains a sampling of the documents that were being considered by the Natural Resources Management Plan Committee at the time the effort was abandoned by the County. The documents in Attachment D serve to define the intended scope and content of the Resource Impact Monitoring Program that remains nonexistent as of this writing.

6.2 STATE LAW

State law specifies that actions by state or local public agencies regarding decisions about use of lands located within the Parkway shall be consistent with the American Parkway Plan. The application for the Aftershock 2013 rock and metal music festival will require a decision by Sacramento County regarding the use of land located within the Parkway.

This is not a new provision. The predecessor state law (Urban American River Parkway Preservation Act) added by Statutes of 1984 became effective January 1, 1985 and contained the same requirement.

6.3 DISCOVERY PARK – A PART OF THE PARKWAY

Discovery Park is wholly within the American River Parkway. Of the total of 559.07 acres, the land use designations in the Parkway Plan for Discovery Park are:

(1) “Developed Recreation” for 130.23 acres (23.3%),
(2) “Limited Recreation” for 53.41 acres (9.6%), and
(3) “Nature Study” and “Protected Area” for the remaining 375.43 acres (67.2%).

Map No. 1 in the Parkway Plan and the Area Plan Map for the Discovery Park Area show the locations of these Land Use Designations.

56 California Public Resources Code, Section 5480 et seq
58 American River Parkway Plan 2008, Chapter 3, “Resources of the Parkway”, page 52, Policy 3.4
59 California Public Resources Code Section 5480 et seq, the “Urban American River Parkway Preservation Act”
60 American River Parkway Plan 2008, Chapter 10, “Area Plans”, Facilities and Natural Features”, page 152
Discovery Park is a highly utilized regional recreation area providing unique recreational opportunities and amenities. Bannon Slough is located within the American River Parkway north of the American River adjacent to the north Levee and generally parallel with Garden Highway. The area north of Bannon Slough and west of Interstate 5 and a small portion east of Interstate 5 are designated in the Parkway Plan as a “Nature Study Area”, the highest level of protection afforded by the Parkway Plan. A strip of land located along the south bank of Bannon Slough from about Interstate 5 eastward is designated as “Protected Area” and separates the Developed Recreation area from Bannon Slough.

The area along Bannon Slough provides riparian and aquatic habitat for terrestrial and aquatic resources. Suitable nesting habitat for Swainson’s Hawk is present and there is a recorded Swainson’s Hawk nest site on the west Bank of the Sacramento River near the mouth of the American River.\(^{(61)}\)

Regional Parks staff has advised that (1) events are not limited in size by a designated picnic site capacity, and (2) the designated picnic site capacities are for purposes of reservations for family/company picnics. Regional Parks staff also report that the Fire Marshal has previously determined that Discovery Park picnic areas have a total capacity of 15,000 to 20,000 persons based upon use of all four of the picnic areas in Discovery Park.\(^{(62)}\)

Locating large special events in Discovery Park is encouraged by the Parkway Plan; however, the requirements of the Parkway Plan are not waived for any special event or group activity simply because they are to occur in Discovery Park. The County has permitted special events in Discovery Park in the past presumably in compliance with the Parkway Plan.

### 7.0 BACKGROUND

Aftershock 2013 is the second time that this rock and metal concert festival will occur in Discovery Park. The first Aftershock rock and metal concert occurred on September 23, 2012. The application for Aftershock 2012, dated June 12, 2012, was submitted by Danny Wimmer Presents LLC, the same applicant as for Aftershock 2013. A copy of the Aftershock 2012 application, including the 2012 Site Plan, the permit; permit addendum, parking plan, and other information, was provided by the Regional Parks Department\(^{(63)}\).

The Aftershock 2012 Site Plan appears to show the concert area of the festival as being generally east of I-5 and encompassing all of the picnic grounds in Discovery Park north of the bicycle trail. Auto parking is identified as occurring adjacent to Bannon Slough (i.e. Overflow Parking), on the Archery Range and the remainder of the Developed Recreation Area east of I-5. Based upon the application, the public was not allowed in the festival area (i.e. concert area and parking area) without purchasing a ticket from the event promoter.

\(^{(61)}\) “Final Program Environmental Impact Report, Downtown/Natomas/Airport Corridor”, April 2008,

\(^{(62)}\) Email from A. Veselka, Recreation Supervisor, Regional Parks to B. Davis, SARA, May 21, 2013 3:43 p.m., Subject: “Picnic Area Capacities at Discovery Park”

\(^{(63)}\) Email from A. Veselka, Recreation Supervisor, County Regional Parks to B. Davis, SARA and J. Leatherman, Director County Regional Parks, June 18, 2013, 9:00 a.m., Subject: “Aftershock Concert in Discovery Park”
8.0 THE EVENT SPONSOR

For purposes of the application and compliance with permit requirements, Danny Wimmer Presents, LLC is the event applicant and sponsor. The website identified in the application, www.armsdvision.com, provides no information other than to identify “Arms Division” as a concert management firm. Danny Wimmer Presents, LLC is a private profit making venture.

The Aftershock rock and metal concert festival is sponsored by Monster Energy Drink as one of twenty-four (4) rock and metal concerts being held around the United States as “Monster’s Rock Allegiance Tour.” According to advertising, the Sacramento Convention & Visitors Bureau hopes to build a multi-day destination rock and metal music festival.

The Aftershock website identifies thirty-six partners that include twelve radio stations, liquor bands, Sacramento News & Review, Sacramento Bee, Comcast, Hooters and the US Army.

9.0 THE 2013 AFTERSHOCK ROCK & METAL FESTIVAL

The following discussion is based upon the Application submitted by Danny Wimmer Presents, LLC, the concert promoter, and the Final Permit and Impact Analysis provided by Regional Parks.

9.1 THE APPLICATION

The Application dated May 8, 2013, as submitted by the Applicant, Danny Wimmer Presents, 10350 Santa Monica Boulevard #350, Los Angeles CA 90025, is provided in Attachment E hereto. The Application describes Aftershock 2013 as a “music festival featuring major radio rock acts such as Avenged Sevenfold performing live” that will:

1. Occur on September 14 – 15, 2013 from 11:00 a.m. to 10:00 p.m. with setup beginning on September 10 and breakdown being completed by 10:00 p.m. on September 17, and occur in Discovery Park and occupy all picnic sites (Alder, Oak, Sycamore, and Redbud) the overflow parking lot and the archery range (generally all of the Developed Recreation area east of I-5),

2. Have a total of 250 participants and 15,000 spectators, who will be charged fees by the concert promoter ranging from $39.50 – $199.50 per ticket,

3. Include licensed food vendors with portable kitchens and food trucks and sale of alcoholic beverages.

4. Hire a security company to handle internal security and crowd control using

5. Fully fence in the “Festival grounds” which may include the concert area and parking area east of I-5 based upon the information for Aftershock 2012.

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64 www.rockallegiance.com
65 www.blabbermouth.net, May 28, 2013
66 www.aftershockconcert.com
67 Email from A. Veselka, Recreation Supervisor, County Regional Parks Department, to B. Davis, SARA and J. Leatherman, Regional Parks Director, June 5, 2013, 12:11 p.m., Subject: “Aftershock Concert in Discovery Park”
9.2 SITE PLAN FOR 2013

Regional Parks staff has reported that the event is expected to use three (3) separate stages. The transmittal sending the Final Permit and Impact Analysis stated that a site plan for Aftershock 2013 showing three stages had not yet been received and that County Department of Transportation is “working on a parking plan.” Subsequently, Regional Parks has provided a Traffic Control Plan dated August 2013 was received on August 15, 2013 and a Site Plan dated August 22, 2013 was received on August 22, 2013.

9.3 EVENT ADVERTISING

Advertising in the Sacramento BEE on May 30, 2013 and Sacramento News & Review on June 13, 2013 identifies the subject event as the “second annual” Aftershock concert, names Monster Energy drink as the sponsor, and lists numerous rock and metal bands as participants. Attachment F hereto includes copies of this advertising.

Blabbermouth.net is a website dedicated to heavy metal and hard rock news, as well as album and music DVD reviews. According to the May 28, 2013 posting on Blabbermouth.net that is included in Attachment F hereto:

1. Aftershock is “northern California’s biggest summer rock ‘n’ roll festival.”

2. “After last year’s success at Discovery Park, the commitment from Mike Testa of Sacramento Convention & Visitors Bureau and the city, we [Danny Wimmer Presents, LLC] believe Sacramento is a great home to build a multi-day destination music festival. I am excited to bring the biggest rock show in the past few years to the region,” says festival creator/producer Danny Wimmer of Danny Wimmer Presents.

3. “The economic impact tied to festivals of this magnitude is significant,” said Mike Testa, senior vice president for the Sacramento Convention & Visitors Bureau. “For this year’s two-day event, when consumed hotel rooms and visitor spending and local attendance are factored in, we expect the economic impact to be the equivalent of a city-wide convention for Sacramento. That number is in the millions financially.”

9.4 TICKET PRICES & HOTEL PACKAGES

Ticket prices posted on the Aftershock website for admission range from $59.50 for a single day General Admission to $109.50 for a two day General Admission. VIP ticket prices ranges from $120 for single day tickets to $219 for two day VIP tickets. Four tickets for Saturday and Sunday General Admission are priced at $357 and include a one-year subscription to Revolver Magazine, a rock music publication.

The Aftershock website also advertises hotel packages for various durations and prices that are available from Hyatt Regency, Sheraton Grand, Holiday Inn Capital Plaza, La Quinta Inn, and Howthorn Suites by Wyndham.

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68 Email from A. Veselka, Recreation Supervisor, County Regional Parks to B. Davis, SARA, August 2, 2013, 10:58 a.m., Subject: Aftershock Rock Metal Concert

69 Email from A. Veselka, Recreation Supervisor, County Regional Parks, to B. Davis, SARA, August 6, 2012m 10:00 a.m., Subject: “Aftershock Rock Metal Concert”
9.5 THE EVENT HAS EXPANDED

Aftershock 2012 was a one-day event on Sunday September 23, 2012 from 11 a.m. to 11 p.m. in Discovery Park. Setup would begin on September 20th and breakdown would be completed by 11 p.m. on September 24, 2012. It appears from the 2012 application that two stages were used.

Aftershock 2013 will be a two day event, instead of a one day event on Sunday that will preclude public access for a total of 7 days. This is a doubling of the performance dates and a nearly doubling of the time that public access to a large part of Discovery Park will be prohibited. It is understood that three stages, instead of 2 stages, will be used at Aftershock 2013. While the spatial area may not increase over that of Aftershock 2012, it would seem reasonable to be concerned that the intensity of noise and other impacts may be greater and there will be longer duration impacts on other Parkway users.

10.0 RESPONSE TO REGIONAL PARKS STAFF CONCLUSIONS REGARDING PARKWAY PLAN

10.1 PARKWAY PLAN CHAPTER 6 REQUIREMENTS

The conclusion by the Regional Parks Director that the Parkway Manager is authorized to approve vendor sales without regard to the requirements of Chapter 6 of the Parkway Plan is not supported by the Parkway Plan and is, therefore, unfounded.

Regional Parks staff has concluded that the sentence at the top of page 107 of the Parkway Plan (i.e. “Vendor sales associated with special events may be approved by permission of the Parkway Manager as part of a special event permit.”) excuses the Regional Parks Director from compliance with the requirements of Chapter 6, “Non-recreational Use of the Parkway”. Other than this single sentence, Regional Parks has not identified any other language or provision of the Parkway Plan to support this reading.

If the Regional Parks Director’s conclusion were the intent of the Parkway Plan, specific language to exclude the rest of the provisions of Chapter 6 would have been included at the beginning of the sentence. Further, sentences immediately following the sentence referenced by Regional Parks staff clearly restrain the decision making authority of the Regional Parks Director.

The above described conclusion by the Regional Parks Director would remove the limitations on commercial activities in the Parkway Plan and give the Regional Parks Director the freedom to allow any commercial activity, and special events and group activities that include commercial activities, that are not included in the list of prohibited activities and facilities in Parkway Plan Chapter 5, “Recreational Use of the Parkway” or that is otherwise precluded by other provision of the Parkway Plan, or law or regulation.

Further, the above conclusion by the Regional Parks staff enables the Director to pick and choose what goals and policies, if any, of the Parkway Plan are to be applied in any given circumstance. Said another way, if the single sentence on page 102 of the Parkway Plan

70 Email from J. Leatherman, Regional Parks Director, to B. Weiland, SARA, March 15, 2013, 9:53 a.m., Subject: “Truckin’ on the River”.
71 Email from J. Leatherman, Regional Parks Director to B. Weiland, SARA, March 15, 2013, Subject: Truckin’ on the River”
can be used to justify ignoring the provisions of Chapter 6, “Non-Recreational Use of the Parkway”, there is no impediment to a decision by the Regional Parks Director to ignore all or parts of the rest of the Parkway Plan as well.

The conclusion by Regional Parks staff is contradicted not only by the foregoing but also by the extensive detailed goals and policies contained throughout the Plan. All of the provisions of Chapter 6, “Non-recreational Use of the Parkway”, not just the single sentence on page 107 referenced by Regional Parks staff, apply to all special events including the Aftershock 2013 rock and metal music festival.

### 10.2 THE PAST IS NOT PROLOGUE

The Parkway Plan makes no provision for continuation of past permitting decisions as the justification for issuance of subsequent permits for special events and group activities.

Regional Parks staff has in the past argued that, since an event called “Breakfast on the River” was allowed to occur in the Parkway in the past, other similar events can be allowed to occur.

The Parkway Plan makes no provision for issuing a permit based upon the prior occurrence of any activity or event excepting Eppie’s Great Race. Eppie’s Great Race is specifically allowed by the Parkway Plan as an example of a permitted special competitive event, subject to the required Findings of Fact.

The Parkway Plan requires that: “Group activities and events that are specifically approved by the Parkway Manager shall occur in a manner that minimizes impacts on other Parkway users, natural resources and aesthetics in the Parkway.” The Parkway Plan does not provide an exception to this requirement based upon the prior occurrence of any other event.

Chapter 6 of the Parkway Plan makes no provision for exemption from the requirements of the Chapter based upon the prior occurrence of any other event. This is clear from the provision on page 107 that “Staff shall review each special event permit request on an individual basis to assess potential adverse impacts on the Parkway such as litter, nuisances, impacts on vegetation, wildlife or other permitted Parkway users.”

There is no recognition of the prior occurrence of any other event included in Chapter 11 in the criteria provided to facilitate determinations regarding establishment of commercial activities in the Parkway provides for “proposed” commercial activities.

The Parkway Plan does not contain an exemption from the requirement of Policy 11.2 that: “All uses and facilities in the Parkway shall be compatible with the goals and policies of this Plan.”

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73 Email from J. Leatherman, Director Regional Parks, to C. Macdonald, SARA, paragraph number 6.
74 American River Parkway Plan 2008, Chapter 5, “Recreational Use of the Parkway”, page 102, last sentence of the first paragraph
75 American River Parkway Plan 2008, Chapter 5, page 101, first paragraph under “Group Activities”
76 American River Parkway Plan 2008, Chapter 6, Page 107, last sentence of first paragraph at top of page
Regional Parks staff has identified “concert vendor sales” as a previous commercial activity that would not be allowed. This has not been examined but may well be a case of noncompliant activity being allowed in the past.

The requirement for a management of the Parkway to ensure protection of Parkway Resources, environmental quality and natural values and a Resource Impact Monitoring Program clearly contemplate the possibility of changes in Parkway Resources that will need to be taken into account when considering approval of special events and group activities.

10.3 PARKWAY PLAN RESTRICTIONS ON SPECIAL EVENTS

Regional Parks staff have contended that, excepting “competitive events on the trail, size, location, and the need to minimize impacts to the Parkway’s natural setting”, that the Parkway Plan does not “put any [other] restrictions around what a special event is or can be.” The Parkway Plan is clear that the following apply to special events:

a) “All uses and facilities in the Parkway shall be compatible with the goals and policies of this Plan.”

b) “Group activities and events that are specifically approved by the Parkway Manager [Leatherman] shall occur in a manner that minimizes impacts on other Parkway users, natural resources and aesthetics in the Parkway.”

c) All impacts, including frequency, cumulative effect of all activities and not just those associated with the number of participants, on other users must be minimized.

d) “Adverse impacts on adjacent land, such as dust, traffic congestion or noise, caused by Parkway uses shall be eliminated or mitigated.”

e) Sale of food and beverage from “mobile day-use units”, (e.g. food trucks) shall not be permitted on a seasonal basis or as a regular facility or feature in the Parkway.

f) Criteria set forth in Chapter 11, “Implementation” that are intended to be used to facilitate determinations regarding establishment of commercial activities in the Parkway.

g) Results from implementation of a Resource Impact Monitoring Program are to be used to guide monitoring of impacts on Parkway resources and to develop additional constraints necessary to the protection of Parkway resources from overuse.

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78 American River Parkway Plan 2008, Chapter 11, page 213, Policy 11.2
79 Email from J. Leatherman, Director Regional Parks to B. Weiland, SARA, March 15, 2013, Subject: “Truckin’ on the River”
80 American River Parkway Plan 2008, Chapter 3, “Resources of the Parkway”, page 52, Policy 3.4
81 Email from J. Leatherman, Director Regional Parks to C. Macdonald, SARA, January 25, 2013, Subject: “Special Event Permit for ‘Truckin’ on the River”
83 American River Parkway Plan 2008, Chapter 5, page 101, Group Activities, first paragraph
85 American River Parkway Plan 2008, Chapter 7, “Land Use”, page 110, Policy 7.18
86 American River Parkway Plan 2008, Chapter 6, page 107, first paragraph at top of page, third sentence
h) Uses of the Parkway are required to be oriented to “passive, unstructured water-enhanced recreation activities which are appropriate in a natural environment, and which are not normally provided by other County recreational facilities, to be limited to prevent overuse, and the Parkway is required to be managed to balance specified goals.\textsuperscript{88}

i) Measures need to protect Special Status Species are required by the Parkway Plan.\textsuperscript{90}

j) Additionally, Mitigation Measures identified in the EIR for the Parkway Plan need to be examined for constraints that were identified during the environmental review of the Parkway Plan.
### CHRONOLOGY

**August 29, 2013**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event and/or Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/08/2013</td>
<td>Application for <strong>Aftershock 2013</strong> filed by Danny Wimmer Presents, LLC, for a rock and metal music festival to be held in Discovery Park.</td>
</tr>
<tr>
<td>05/28/2013</td>
<td><strong>Posting on Blabbermouth.Net</strong> describing Aftershock 2013</td>
</tr>
<tr>
<td>05/30/2013</td>
<td><strong>Publication of Article in Sacramento Bee</strong> describing Aftershock 2013</td>
</tr>
<tr>
<td>05/31/2013</td>
<td><strong>Email from B. Davis, SARA to Regional Parks Director and Recreation Supervisor</strong> requesting a copy of the permit, including supporting documentation, for Aftershock 2013 and requesting identification of the “logic and basis for any determination by Regional Parks that this event [Aftershock 2013] is consistent with the American River Parkway Plan.”</td>
</tr>
<tr>
<td></td>
<td><strong>Email from B. Davis, SARA to J. Leatherman, Regional Parks Director &amp; A. Veselka, Recreation Supervisor</strong> requesting a site plan for a similar event since there is no site plan yet for Aftershock 2013.</td>
</tr>
<tr>
<td></td>
<td><strong>Email from J. Leatherman, Regional Parks Director to B. Davis</strong> (a) responding to the request for a description of the “logic and basis” for Regional Parks staff determination that Aftershock 2013 is consistent with the Parkway Plan, (b) advising that the event is permitted for September 14 &amp; 15, 2013, and (c) advising that the Recreation Supervisor would be sending the permit with conditions which have not been finalized.</td>
</tr>
<tr>
<td></td>
<td><strong>Email from A. Veselka, Regional Parks Recreation Supervisor</strong> providing (a) copy of the application for Aftershock 2013 and (b) a generalized site plan for Aftershock 2012, and advising that the contract for Aftershock 2013 will be sent when it is finalized.</td>
</tr>
<tr>
<td>06/05/2013</td>
<td><strong>Email from B. Davis, SARA to J. Leatherman, Regional Parks Director &amp; A. Veselka, Recreation Supervisor</strong> posing Parkway Plan Consistency Questions</td>
</tr>
<tr>
<td>06/06/2013</td>
<td><strong>Email from J. Leatherman, Regional Parks Director to B. Davis, SARA &amp; A. Veselka, Recreation Supervisor</strong> advising that the Parkway Plan Consistency Questions would be responded to via reference to applicable Parkway Plan sections with additional commentary as necessary.</td>
</tr>
<tr>
<td></td>
<td><strong>Response from J. Leatherman</strong> responding to SARA Parkway Plan Consistency Questions and <strong>Aftershock 2013 Application</strong> provided to SARA Executive Committee</td>
</tr>
<tr>
<td>06/17/2013</td>
<td><strong>Email from B. Davis, SARA to J. Leatherman, Regional Parks Director &amp; A. Veselka, Recreation Supervisor</strong> requesting confirmation that the public would be excluded from a large part of Discovery Park for 7 days and asking if the amount of parking revenue expected to be received by Regional Parks justifies this denial of public access.</td>
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<tr>
<td>Date</td>
<td>Event and/or Actions</td>
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<tr>
<td>06/18/2013</td>
<td>Email from J. Leatherman, Regional Park Director to B. Davis, SARA &amp; A. Veselka, Recreation Supervisor, confirming that the public would be denied access to all but the area in Discovery Park west of I-5 and advising that the fees “contemplate the exclusive use of the property for the 7 days.</td>
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<tr>
<td>06/19/2013</td>
<td>Email from A. Veselka, Recreation Supervisor to B. Davis, SARA transmitting the application, permit, permit addendum, site plan, parking plan, &amp; certificate of insurance for Aftershock 2012 and apologizing for the delayed response.</td>
</tr>
<tr>
<td>06/21/2013</td>
<td>Email from A. Veselka, Recreation Supervisor to B. Davis, SARA &amp; J. Leatherman, Regional Parks Director providing generalized information regarding participants, parking arrangements &amp; traffic control for Aftershock 2012.</td>
</tr>
<tr>
<td>06/21/2013</td>
<td>Full Page Advertisement of Aftershock 2013 in Sacramento News &amp; Review</td>
</tr>
<tr>
<td>07/31/2013</td>
<td>Meeting of J. Leatherman, Regional Parks Director, K. Whitman, Supervising Deputy County Counsel, S. Ferra, Deputy County Counsel, and B. Weiland &amp; B. Davis &amp; D. Mooney, Legal Counsel for SARA to discuss global settlement of issues relative to implementation of the Parkway Plan.</td>
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<tr>
<td>08/02/2013</td>
<td>Email from B. Davis, SARA to A. Veselka, Recreation Supervisor, Regional Parks asking about the number of stages at Aftershock 2013</td>
</tr>
<tr>
<td>08/02/2013</td>
<td>Email from A. Veselka, Regional Parks to B. Davis advising that Regional Parks understands that 3 stages will be used at Aftershock 2013</td>
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<tr>
<td>08/05/2013</td>
<td>Transmittal of Draft Interim Report to SARA Executive Committee</td>
</tr>
<tr>
<td>08/06/2013</td>
<td>Email from A. Veselka, Recreation Supervisor, County Regional Parks to B. Davis, SARA transmitting Final Permit and County Staff Impact Analysis for Aftershock 2013</td>
</tr>
<tr>
<td>08/06/2013</td>
<td>Email from B. Davis, SARA to SARA Executive Committee forwarding the Final Permit and County Staff Impact Analysis for Aftershock 2013 as received from County Regional Parks</td>
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<tr>
<td>08/07/2013</td>
<td>Email from B. Davis, SARA to SARA Board Members transmitting Draft interim Report and Final Permit and County Staff Impact Analysis for Aftershock 2013</td>
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<tr>
<td>08/13/2013</td>
<td>Meeting of SARA Executive/Land Use Committees to review Draft Final Report, “Review of Aftershock 2013, A Rock and Metal Music Festival</td>
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<tr>
<td>08/15/2013</td>
<td>Traffic Control Plan Received via email from J. Leatherman, Director, Regional Parks, to B. Davis, SARA, Subject: “Ranger Spreadsheet From Ranger Report&quot;</td>
</tr>
<tr>
<td>08/22/2013</td>
<td>Site Plan Received via email from Director Leatherman to B. Davis, SARA</td>
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<tr>
<td>08/25/2013</td>
<td>Site Plan Comments Transmitted via email from B. Davis, SARA, to A. Veselka, Regional Parks Recreation Supervisor and J. Leatherman, Regional Parks Director.</td>
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<tr>
<td>08/25/2013</td>
<td>Draft Final Report dated April 18, 2013 with Attachments Transmitted via email to J. Leatherman, Director, Regional Parks and A. Veselka, Recreation Supervisor</td>
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<tr>
<td>Date</td>
<td>Event</td>
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<tr>
<td>08/27/2013</td>
<td>Regional Parks Staff Response to Site Plan Comments Received via email from A. Veselka, Recreation Supervisor to B. Davis, SARA and J. Leatherman, Regional Parks Director</td>
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