

STAFF REPORT

AGENDA ITEM: General Plan and Final Environmental Impact Report for the Heber Dunes State Vehicular Recreation Area

STAFF: Kathy Dolinar, District Superintendent, Ocotillo Wells District
Kirk Shea, Sector Superintendent, Ocotillo Wells District

DATE: December 1, 2011

I. ISSUE

The Off-Highway Motor Vehicle Recreation (OHMVR) Division plans to improve and develop facilities within Heber Dunes State Vehicular Recreation Area (SVRA) to enhance recreational opportunities and protect natural and cultural resources. Prior to any such development, a general plan and environmental impact report (EIR) must be prepared for the park. Accordingly, the Heber Dunes General Plan has been prepared, and is presented to the OHMVR Commission for approval.

Direction related to General Plans is provided in the California Public Resources Code:

PRC §5002.2. (a) Following classification or reclassification of a unit by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the department shall prepare a general plan or revise any existing plan, as the case may be, for the unit.

The general plan shall consist of elements that will evaluate and define the proposed land uses, facilities, concessions, operation of the unit, any environmental impacts, and the management of resources, and shall serve as a guide for the future development, management, and operation of the unit.

The general plan constitutes a report on a project for the purposes of Section 21100. The general plan for a unit shall be submitted by the department to the State Park and Recreation Commission for approval.

PRC §5090.15 (c) Whenever a reference is made to the State Park and Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park and Recreation Commission with respect to the state vehicular recreation areas, as established by this chapter, it is a reference to, and means, the Off-Highway Motor Vehicle Recreation Commission.

II. PROJECT BACKGROUND

The Heber Dunes General Plan will be the first General Plan for the park. The park was previously owned and operated by Imperial County for approximately 30 years as an off-highway vehicle (OHV) park. In 1998, the OHMVR Division began leasing and operating the park, established a staff residence at the location, and installed necessary health and safety facilities and other amenities. Heber Dunes SVRA was officially deeded to the OHMVR Division in 2007 and is classified as an SVRA.

III. PROJECT DESCRIPTION

Heber Dunes SVRA is a 340-acre OHV park operated by the OHMVR Division of California State Parks. The park is a small island of undeveloped land in a large valley dominated by agriculture. The SVRA is located within unincorporated Imperial County in Southern California. Imperial Valley is primarily a rural, agricultural region with several small cities located near major highways. It is surrounded by open desert to the east and west. The international border with Mexico and major highways, Interstate 8 and State Route 7, are located nearby. (Attachment A)

Heber Dunes SVRA is characterized by low rolling sand dunes with areas of desert scrub vegetation consisting primarily of creosote brush and tall tamarisk trees. The dunes and other characteristics provide opportunities for OHV enjoyment and gathering points for friends and family. Heber Dunes SVRA experiences high use on weekends and moderate use on weekday afternoons during the fall, winter, and spring. Summer temperatures are typically too hot for most visitors to engage in OHV recreation, although there is some activity in the early mornings and evenings. Annual precipitation averages approximately 2.6 inches.

While many OHV recreation opportunities exist in Imperial County, Heber Dunes SVRA offers a unique recreational experience because it is located close to Imperial Valley communities. The park provides these communities an intimate gathering place to enjoy both motorized and non-motorized recreation. With its low sand dunes and limited OHV challenges, Heber Dunes SVRA is an ideal place for novice OHV enthusiasts. In addition, visitors to the park can enjoy other recreational activities including gathering with family and friends, picnicking and barbequing, watching people use OHVs, and viewing scenery.

Interviews with park visitors indicate the majority of visitors to the park are Hispanic or Latino and are from the nearby communities less than 30 minutes from the SVRA. Approximately one-third of the park's visitors are children under the age of 15, signifying the popularity of Heber Dunes SVRA for families with children. Interviews also indicate that visitors to the park typically come in small and large groups of families and friends, averaging between five and 10 individuals.

Purpose of the General Plan

The Heber Dunes SVRA General Plan directs the long-range development and management of the park by providing broad policy and program guidance. This guidance is essential to managers and staff, and is valuable to those organizations and individuals interested in Heber Dunes SVRA. As general plans are intended to be used for 20 years or more, they establish a decision-making framework that is consistent with the vision but also flexible enough to allow for changing conditions over time.

Overview of the General Plan

The Heber Dunes SVRA General Plan was developed through an information-gathering process that incorporated public comment, an evaluation of operational needs, and evaluation of on-site resources, constraints, and opportunities.

The vision for Heber Dunes SVRA incorporates its character as a place for friends, families, and groups to enjoy the outdoor recreational setting through OHV activity and other compatible recreational uses such as picnicking and relaxing. The primary goals for implementing this vision are summarized below:

Visitor Use and Recreation

- Provide a range of high-quality and responsible OHV recreation opportunities that a diverse visiting population can enjoy, experience, and appreciate.
- Enhance individual, family, and community-centered recreational opportunities.
- Provide essential visitor and management facilities to enhance the operation of Heber Dunes SVRA and the visitor experience.
- Provide recreational opportunities compatible with OHV use.
- Encourage special events that are consistent with the OHMVR Division Mission and Values.

Interpretation and Education

- Increase visitors' knowledge of and appreciation for OHV use and history, natural and cultural history, resources, and recreational opportunities of Heber Dunes SVRA.
- Develop education and interpretive materials that respond to the sense of place, history, and OHV use at Heber Dunes SVRA to educate the visitor population.
- Promote outreach efforts to develop partnerships for interpretive programming and education for responsible OHV use.

- Expand understanding of ecological relationships and heighten awareness and sensitivity to human impacts.

Park Use and Operations

- Maintain and enhance the quality of OHV recreational opportunities.
- Expand Heber Dunes SVRA to enhance recreation and resource management.
- Provide facilities and services that contribute to the convenience of visitors.
- Provide guidance to ensure that special events are well managed and that appropriate visitor services are available.

Natural and Physical Resources

- Manage Heber Dunes SVRA for protection of natural communities and cultural resources and the quality of the OHV recreational experience.

Cultural Resources

- Preserve and protect significant cultural sites and features.

General Plan Planning Zones

In addition to the overall Goals and Guidelines, the General Plan identifies Planning Zones (Attachment B) within Heber Dunes SVRA that have unique and more specific management guidelines. All specific Planning Zone management guidelines are compatible with the overall General Plan Goals and Guidelines. The intent of each Planning Zone is described below.

Park Housing Overlay

The Park Housing Overlay is proposed at the northern end of Heber Dunes SVRA, overlapping both the Entrance Use Area and the Heber Beach Activity Area. Employee residence facilities in this Planning Zone would provide continuous staff presence at Heber Dunes SVRA.

Entrance Use Zone

The Entrance Use Zone encompasses the main roadway into Heber Dunes SVRA and access to the Heber Beach Activity Area, Welcome Area, and Dunes Recreational Area. This area serves as the only Heber Dunes SVRA public entrance. This Planning Zone would be managed to provide adequate circulation along the Heber Dunes SVRA entrance road. This area would include signage, branding Heber Dunes SVRA and providing directional and responsible OHV-use guides.

Heber Beach Activity Zone

The Heber Beach Activity Zone is proposed in the northern portion of Heber Dunes SVRA, between the Entrance Use Zone to the west and the Eastern Recreational Zone to the east. This area is characterized by a relatively flat, open expanse with pockets of tamarisk trees and saltbush scrub that provide shade. Currently, the Heber Beach Activity Zone has a public restroom/shower facility, shaded picnic areas, staff housing, and a staff office and workshop/tool area. The Heber Beach Activity Zone is primarily used by groups and families that like to use the flat, open area for novice riding. A portion of this area would be separated from other uses to create an area that includes non-OHV recreation. This Planning Zone would be managed to focus on pedestrian mobility by limiting vehicle travel speeds and vehicular access from Heber Dunes Road to specific access points. Gathering areas and passive recreational opportunities would continue to be sited to maximize opportunities for shade. Facilities to support social gathering would be located in this area, such as single and clustered ramadas, barbeque facilities, and fire pits. Passive recreational opportunities, such as horseshoe pits and walking paths with interpretive programming, would be provided. Facilities such as a beginner's use area for both adolescents and adults, and a children's play area are intended to further enhance the recreational experience in this Planning Zone. Additional facilities to support interpretive and educational programming could be established in this area as well.

Welcome Zone

A Welcome Zone is proposed between the Heber Beach Activity Zone to the north and the Claypan Recreational Zone to the south, and encompasses most of Heber Beach Road. This Planning Zone would be managed to provide a centralized location for initial visitor contact, orientation, and education. Facilities to be considered for this Planning Zone are a ranger/staff station, a maintenance facility, a visitor center, additional public restrooms, and a staging or parking area.

Claypan Recreational Zone

The Claypan Recreational Zone, proposed in the center of Heber Dunes SVRA, is bordered by the Welcome Zone to the north, and the Dunes Recreational Zone to the west, south, and east. This Planning Zone would be managed to provide open OHV use. Recreational and social gathering opportunities compatible with open OHV use would be considered for the Claypan Recreational Zone. Individual and group picnic tables and shade ramadas would provide additional shaded gathering areas.

Eastern Recreational Zone

The Eastern Recreational Zone would be managed to provide an interesting and challenging recreational experience that capitalizes on existing topography and vegetation, primarily through the creation of new trail alignments. Existing trails may be realigned within the Eastern Recreational Zone.

Dunes Recreational Zone

The Dunes Recreational Zone would be managed to provide open OHV use. Individual and group picnic tables and shade ramadas would provide additional shaded gathering areas. Additional recreational and social gathering opportunities compatible with open OHV use would be considered for the Dunes Recreational Zone.

Resource Management Zone

This Resource Management Zone would be managed to protect the on-site natural resources while providing OHV access on identified trails. The Zone would emphasize visitor education and interpretation. This area has been identified as a Resource Management Zone because it contains the highest quality creosote scrub habitat and other natural resources. Rules and regulations would be more restrictive in this zone than in other Planning Zones to ensure resource protection. Efforts to enhance and restore native vegetation and wildlife habitat would be considered for this area.

Overview of the Environmental Impact Report

The following is a summary of the purpose and analysis of the Heber Dunes SVRA General Plan Environmental Impact Report (EIR). The EIR provides a detailed analysis of the issue areas that would have potential to create significant environmental effects if the proposed General Plan and near-term facility improvements were implemented.

The EIR contains two individual components for analysis. The first component is the proposed General Plan and the second is near-term facility improvements. These two components are closely linked in timing and vision for Heber Dunes SVRA. The near-term facility improvements are the first step in implementing the vision and goals of the proposed General Plan. However, the type of environmental analysis required for each component is different. The OHMVR Commission approves the General Plan and EIR component, while the specific project level approval will be made by the OHMVR Division following approval of the General Plan and EIR by the OHMVR Commission.

A program EIR, which addresses the broad planning issues and concepts of the General Plan, was combined with a project-level EIR for the near-term facility improvements. This approach was determined to be the appropriate California Environmental Quality Act (CEQA) document for the proposed project because the General Plan and the near-term facility improvements were proposed at nearly the same time and, under the CEQA Guidelines, such projects should be considered together. The proposed Heber Dunes SVRA General Plan is a planning document that provides goals and guidelines for future operation and development of the entire SVRA, rather than specific and detailed projects. The EIR also includes project-level analysis of the near-term facility improvements currently proposed to meet immediate park needs for adequate administration, maintenance, and recreation purposes within specific areas of the SVRA. The environmental analysis of this specific project takes into consideration all known details of the near-term improvements as proposed.

The environmental analysis found that, with incorporation of project design features; implementation of goals and guidelines as directed by the proposed General Plan; and adherence to regulatory requirements, including California State Parks and OHMVR Division policies and guidelines, the following issue areas would have less-than-significant environmental impacts from implementation of the proposed General Plan and near-term facility improvements:

- Land Use and Public Policy
- Transportation and Traffic
- Air Quality
- Noise
- Agricultural Resources
- Visual Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Public Services and Utilities
- Recreation
- Hazardous Materials
- Climate Change

Construction activities at, or operation of, Heber Dunes SVRA could result in potentially significant impacts to the western burrowing owl under the biological analysis for the proposed General Plan and near-term facility improvements. No other issue areas were found to have potentially significant impacts. The following mitigation measure would reduce the potential western burrowing owl impact to less than significant.

Mitigation Measure Biology

In the event that western burrowing owls are discovered within a construction area or in an area that interferes with operation and management of Heber Dunes SVRA, California Department of Fish and Game will be consulted to determine the proper course of action, which may include avoidance or measures such as limiting construction to the nonbreeding season, burrow exclusion outside of the breeding season, collapsing of excluded burrows, and the creation of artificial burrows.

Public Response to the Draft EIR and Certification of the Final EIR

Five comment letters were received within the public comment period of the Draft EIR and one letter was received 17 days after the close of the comment period. All the comment letters were received from agencies and no comment letters were received from the public. The five comment letters received by the close of the comment period are included in the Final EIR along with responses from the OHMVR Division. One comment letter was received on October 27, 2011, too far after the close of the comment period to be included in the Final EIR. It is attached to this staff report along with OHMVR Division responses for consideration by the OHMVR Commission (Attachment C). Each comment has been addressed and the responses were sent to each commenting agency on November 17, 2011, along with a notification of the time and place for the OHMVR Commission meeting. The OHMVR Division staff believes that all comments have been addressed to the satisfaction of each agency and that there is no foreseeable opposition to the certification of the Final EIR, the conclusions of the EIR, and the Mitigation, Monitoring, and Reporting Plan that are before the OHMVR Commission for approval.

IV. OVERVIEW OF THE PLANNING PROCESS AND PUBLIC PARTICIPATION

This is the first General Plan for Heber Dunes SVRA. Several methods were used to identify and inform stakeholders about the Heber Dunes SVRA General Plan process including a visitor survey, stakeholder interviews, two public workshops, fact sheets and newsletters, and website updates.

The goal of this extensive public and stakeholder outreach effort was to identify the community's ideas and desires for management of Heber Dunes SVRA, and to understand their concerns for the future of Heber Dunes SVRA. Through this effort, local residents and stakeholders and specific user groups were able to provide important information about Heber Dunes SVRA, express their ideas for appropriate public use, state their goals and concerns for resource management, and stay informed about the planning process. Over the course of developing the Heber Dunes SVRA General Plan, a mailing list of over 380 individuals and organizations interested in the General Plan was compiled. All materials developed in support of the public participation program were available on the Heber Dunes SVRA website, and public participation materials were provided in both English and Spanish to maximize opportunities for the public to provide feedback.

Additional key phases in the General Plan process included existing conditions research and resource evaluations, development and evaluation of land use alternatives, selection of a preferred alternative, and preparation of the General Plan document.

Specific public input activities that occurred throughout the General Plan process are as follows:

- On-Site Visitor Interviews: February and March 2009
- Stakeholder Interviews: March 2009
- Working Paper #1: May 2009
- Working Paper #2: August 2009
- Newsletter #1: September 2009
- Working Paper #3: October 2009
- Public Workshop #1: October 14, 2009
- Working Paper #4: November 2009
- Newsletter #2: January 2010
- Public Workshop #2: February 7, 2010
- Working Paper #5: April 2010
- Working Paper #6: April 2010

Specific public input opportunities that occurred throughout the EIR process are as follows:

- Notice of Preparation of an EIR: December 12, 2007
- Notice of Preparation revised and re-published: January 19, 2010

- Notice of Availability for the Draft EIR: August 26, 2011
- Public Review Period of the Draft EIR: August 26, 2011 – October 10, 2011
- OHMVR Commission tour: November 30, 2011
- OHMVR Commission meeting: December 1, 2011

V. KEY PLANNING ISSUES

Key issues were identified through existing conditions research, public outreach efforts, and through discussions with various OHMVR Division staff members. These planning issues are described below.

Recreation

Local Significance

Heber Dunes SVRA provides unique recreational opportunities for local communities due to the proximity to urban centers and the family-friendly atmosphere that encourages social gathering. Most visitors come from the nearby communities of Calexico, El Centro, Holtville, Imperial, and Heber, which are within a short driving distance of Heber Dunes SVRA.

Responsible OHV Use

The OHMVR General Plan should promote and facilitate responsible OHV use. Concepts such as user education programs and separate use zones within Heber Dunes SVRA are incorporated. These programs include designated areas for novice users (especially youth), youth training tracks, a designated youth OHV trail or trails, and establishing associated management approaches.

Wayfinding

Overall visitor experiences at Heber Dunes SVRA would benefit by improving wayfinding through signage and identification of popular gathering areas. Place names and associated wayfinding information could make it easier for visitors to find each other. Place names could also help emergency responders quickly locate visitors in distress.

Underutilized Areas

Some areas within Heber Dunes SVRA are currently underutilized. The predominant OHV use areas are concentrated in the northern part of Heber Dunes SVRA in proximity to facilities such as restrooms, shaded picnic tables, and shaded cover provided by tamarisk. There is potential to expand or reconfigure facilities into other parts of Heber Dunes SVRA to distribute visitors throughout the 340 acres.

Compatible Passive Recreation

Most Heber Dunes SVRA visitors come in large groups and stay for a good portion of the day, yet the total time spent using OHVs is typically only a few hours. The primary additional recreational activities are gathering with family and friends, picnicking and barbequing, watching OHV activities, and viewing scenery. Thus, there is a need for additional passive recreational opportunities that are compatible with OHV use. These opportunities would be achieved through the development of barbeque facilities, shaded areas, small and large group picnic areas, restrooms, drinking water fountains and spigots, delineated OHV trails removed from picnic areas, and a youth-oriented trail.

Air Quality

Potential air quality effects are a regional concern. While the majority of land disturbance that can lead to dust emissions in Imperial County can be attributed to agriculture, the Imperial County Air Pollution Control District has identified OHV use as contributing factor.

Future Development

Future economic growth along the Mexican border associated with the Gateway Specific Plan development to occur south of Heber Dunes SVRA, and the proximity of the State Route 7 border crossing, could result in construction of facilities near the park which may be impacted by park operations. Acquisition of adjacent properties as buffer zones should be considered to minimize the potential for future land use incompatibilities.

An adjacent parcel owned by the California Department of Transportation could possibly be used or acquired to expand Heber Dunes SVRA. Additionally, the OHMVR Division should seek to develop and maintain collaborative relationships with adjacent property owners to encourage compatible land use planning for proposed changes to parcels adjacent to Heber Dunes SVRA.

On-Site and Adjacent Utilities and Easements

Imperial Irrigation District (IID) and San Diego Gas and Electric (SDG&E) have easements and rights-of-way for maintenance of their existing facilities at Heber Dunes SVRA.

The General Plan provides that legal access to all existing utilities and associated utility easements would be recognized and a cooperative relationship maintained with IID and SDG&E regarding such access. However, proposals for expansion or modification of those easements that could be detrimental to the management of Heber Dunes SVRA should be examined closely and discouraged as appropriate.

Interpretation and Education

Given the limited availability of interpretive and educational opportunities in nearby communities, interpretive programs at Heber Dunes SVRA would fill an important local and regional need. Some topics could include responsible OHV recreation, diversity of the recreational experiences within Heber Dunes SVRA, historic conditions influenced largely by natural processes, changes to the Imperial Valley and sand dunes from human modification, dunes ecology and sensitivities to human impacts, history of Heber Dunes SVRA and surrounding communities, the relationship between farming and nutrition, and the natural resources of Heber Dunes SVRA.

Improved Accessibility

Additional opportunities to increase accessibility include designating specific trails for universal accessibility and incorporating universal accessibility into interpretation and education programs.

Natural Resources

Biological Resources

Biological resources have been identified within Heber Dunes SVRA that could be preserved, restored, and enhanced in the Resource Management Zone. The creosote habitat in the southern part of the park is a representative native habitat type that will be enhanced through the identification of specific trails. Other key biological resource-related actions could include the management of invasive exotic species, and interpretation of Heber Dunes SVRA's biological resources. In addition, western burrowing owls have been observed occasionally at Heber Dunes SVRA and are subject to established protection protocols because of their sensitive species status.

Tamarisk Vegetation

Because tamarisk is an invasive nonnative vegetation community, biological restoration and/or enhancement efforts often consider tamarisk removal. However, the large tamarisk trees at Heber Dunes SVRA are less invasive than the shrubs found throughout the desert and provide significant areas of shade, which are particularly valued in this desert climate. Tamarisk is very difficult to eradicate and restoring native vegetation communities is challenging in dune landscapes. However, all of the on-site vegetation (including tamarisk) serves to stabilize sand. Park maintenance will continue to manage the tamarisk through selective pruning outside of the bird nesting season.

VI. LEGAL ISSUES

No known legal issues are related to the OHMVR Commission's approval of the General Plan and EIR for the Heber Dunes SVRA project.

VII. FISCAL IMPACT

There is no immediate fiscal impact as a result of the adoption of the General Plan and EIR for the Heber Dunes SVRA.

VIII. COMMISSION ACTION

The OHMVR Division recommends the OHMVR Commission adopt the attached resolution (Attachment D) for certification of the General Plan EIR for Heber Dunes SVRA, adoption of the Mitigation, Monitoring, and Reporting Plan, and approval of the General Plan.

IX. ATTACHMENTS

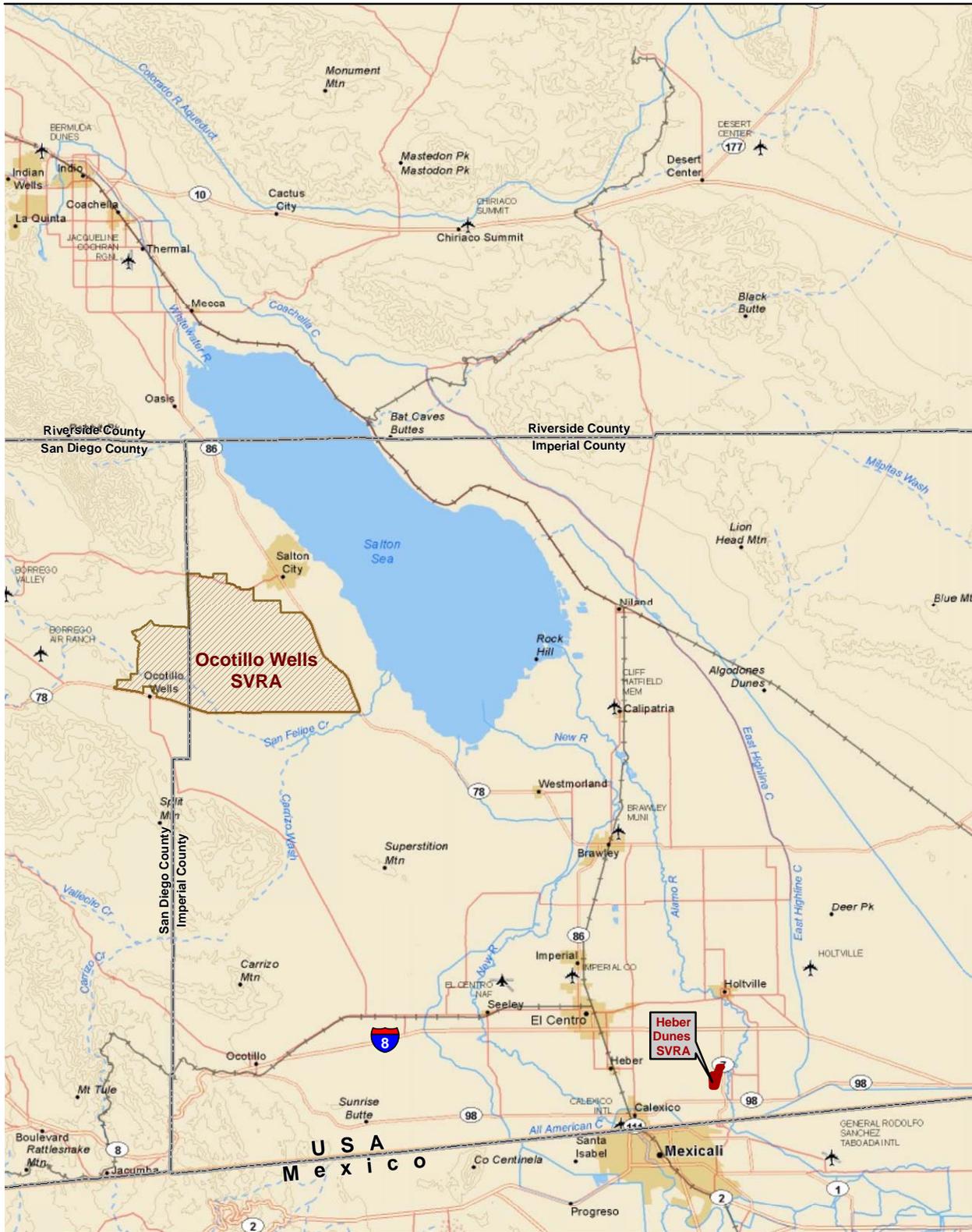
Attachment A: Regional Location Map

Attachment B: Planning Zones

Attachment C: DFG comment letter & OHMVR Division response

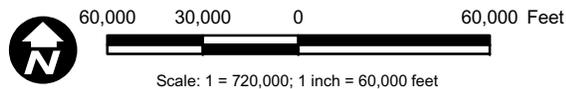
Attachment D: Resolution

ATTACHMENT A
REGIONAL LOCATION MAP



Path: P:\2007\07080197.10 Heber Dunes\6.0 GIS\6.2 Project Directory\6.2.5 Layout\Figures\EIR_HDSVRA_EIR_Figure2_1_RegionalLocation.mxd, 12/09/10, ShaiS2

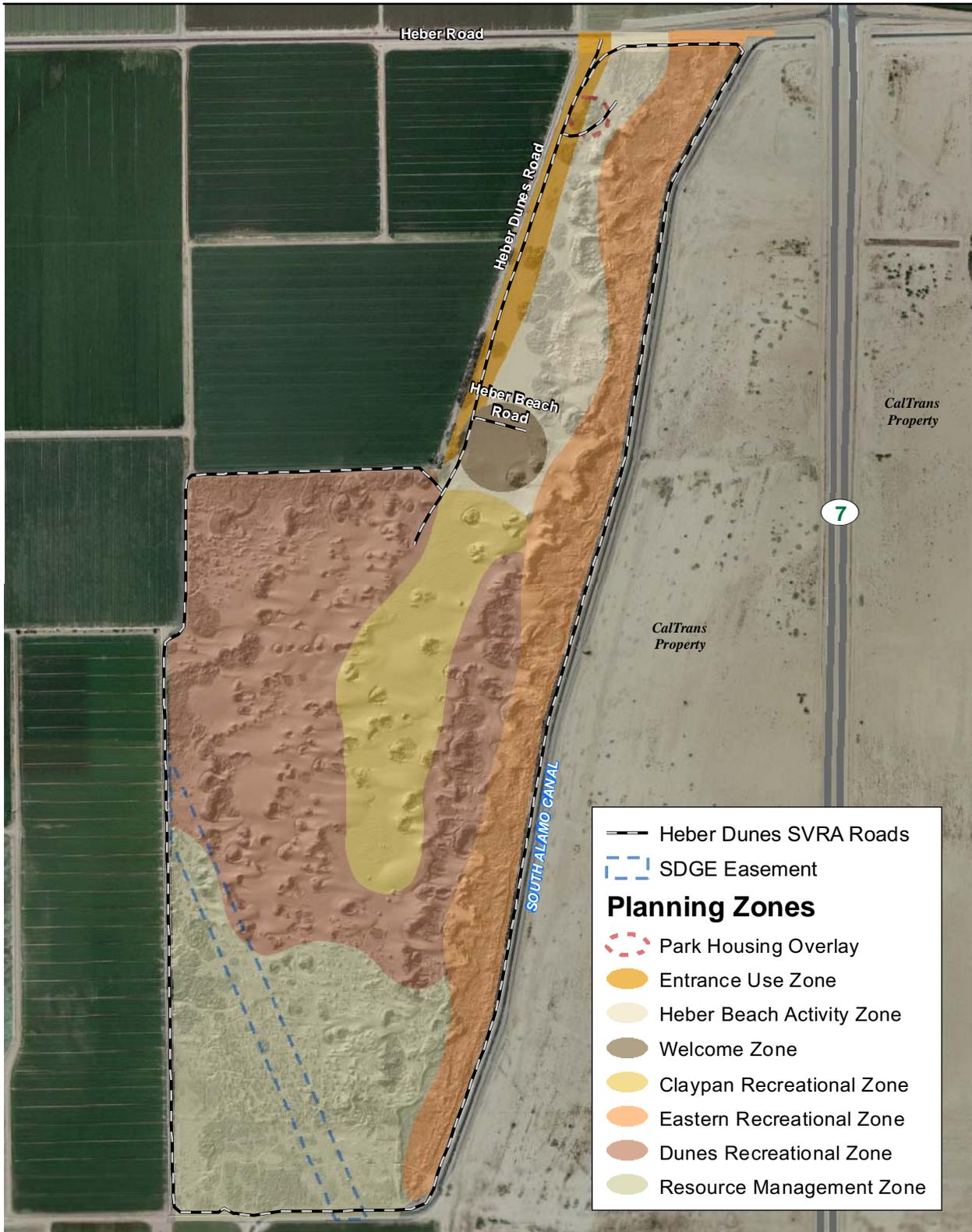
Source: California State Parks 2009; ESRI 2010



Attachment A Regional Location Map

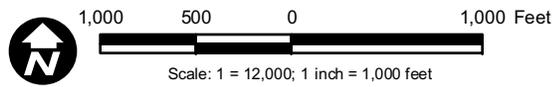


ATTACHMENT B
PLANNING ZONES



- Heber Dunes SVRA Roads
- SDGE Easement
- Planning Zones**
- Park Housing Overlay
- Entrance Use Zone
- Heber Beach Activity Zone
- Welcome Zone
- Claypan Recreational Zone
- Eastern Recreational Zone
- Dunes Recreational Zone
- Resource Management Zone

Source: California State Parks 2009; NAIP 2009



Attachment B Proposed Planning Zones





State of California - The Natural Resources Agency
 DEPARTMENT OF FISH AND GAME
 Inland Deserts Region
 78-078 Country Club Drive, Ste. 109
 Bermuda Dunes, CA 92203
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



October 11, 2011

Kirk Shea
 California Department of Parks and Recreation Off-Highway MVRD
 Ocotillo Wells District
 P.O. Box 360
 Borrego Springs, CA 92004

Subject: Heber Dunes State Vehicular Recreation Area General Plan (SCH #2010011067)
 Environmental Impact Report

Dear Mr. Shea:

F-1

The California Department of Fish and Game (Department) appreciates the opportunity to comment on the Heber Dunes State Vehicular Recreation Area General Plan (SCH # 2010011067) Environmental Impact Report (EIR). The General Plan is the primary management document for each unit of the California State Park System, establishing its primary purpose and a management direction for its future. Heber Dunes SVRA was operated by the County of Imperial for more than 30 years. It was deeded to California Department of Parks and Recreation in 2007. The majority of the site is dedicated to open sand dune and trail use. Existing recreation-supporting facilities include a ranger/staff area with a residence, a ranger/staff office and workshop/tool area, a parking area for Off-Highway Motor Vehicle Recreation (OHMVR) Division vehicles, a public restroom facility, and picnic facilities.

F-2

The proposed project site is located in potential habitat for the western burrowing owl (*Athene cunicularia*). This species is designated as California Species of Special Concern. Section 15380 of the California Environmental Quality Act (CEQA) requires the lead agency to treat sensitive species as though they were listed, if the species meets the criteria for listing described in the section. The Department believes that the proposed project could further the decline of the above sensitive species. This species must be treated as though it were listed and appropriate avoidance, mitigation, and compensation for impacts need to be identified.

Preconstruction surveys of suitable habitat for western burrowing owl should be conducted within 30 days prior to any ground-disturbing activities within the project area. Mitigation should be consistent with the 1995 Department Staff Report on Burrowing Owl Mitigation (attached) and should involve consultation with the Department prior to implementation. Because there is a possibility of direct impacts to burrowing owls, the Department recommends that potential area(s) for artificial burrow construction is identified within the EIR.

F-3

The proposed project site is located in potential habitat for migratory birds, which are protected under Fish and Game code 3513. The Department believes that the proposed project could negatively impact nesting migratory birds. Preconstruction surveys of suitable

Conserving California's Wildlife Since 1870

F-3 Cont ↑ habitat for nesting migratory birds should be conducted within 30 days prior to any ground-disturbing activities within the project area to avoid these impacts.

F-4 | The Department identifies the importance of the creosote scrub and saltbush scrub habitat on the southern end of the project site (identified as the Resource Management Zone) and would prefer that this area be protected and kept unfragmented to the extent possible.

F-5 | Additionally, the Department also recommends that possible impacts to birds that may roost and/or nest in the tamarisk trees be considered before any tamarisk-tree removal program is initiated.

F-6 | Thank you for the opportunity to comment on this document. If you have any questions please contact Mr. Jim Sheridan, Environmental Scientist, either via email at JSheridan@dfg.ca.gov or via phone at (760) 200-9419

Sincerely,



Michael D Flores
Senior Environmental Scientist

OHMVR Division Response to Comments

Letter F

California Department of Fish and GAME (CDFG)

F-1

This comment provides introductory comments and background information summarizing Heber Dunes history as an OHV park owned and operated by Imperial County and its subsequent acquisition by California State Parks and operation as an SVRA under the management of OHMVR Division. OHMVR Division began managing Heber Dunes in 1998 under a lease and assumed fee ownership in 2007. The introductory comments also address the overall management purpose of the proposed General Plan and the existing recreation and support facilities.

F-2

While the western burrowing owl (*Athene cunicularia*) has been observed in the surrounding agricultural areas, the species has only been observed in the Heber Dunes SVRA a few times in the saltbush scrub and arrowweed scrub areas. The areas where the owls have been previously documented are within the Resource Management Zone which has the most restrictive rules and regulation to ensure the highest resource protection. Approval of the proposed General Plan will change this area from open use to trails only and provide greater management direction within this area. However, OHMVR Division concurs with the comment that there is potential impact to this species, and the EIR identifies this impact as Biology-1a (General Plan) and Biology-1b (near-term facility improvements). NPR Guideline 1.4 requires that surveys and inventories of sensitive biological resources, including western burrowing owls, be conducted in areas subject to development. To provide additional avoidance and protection for this species, Mitigation Measure Biology-1 is included in the EIR. As suggested by the comment letter, this mitigation measure requires consultation with CDFG if western burrowing owls are present within a construction or operation area. The Ocotillo Wells District Environmental Scientist would provide initial monitoring of the site and, as specified, consult with CDFG to determine which course of action such as avoidance of breeding season, burrow exclusion, collapsing of burrows, creation of artificial burrows, or other measures would be recommended. Suitable habitat for artificial burrows exists within the Resource Management Zone. If deemed necessary, artificial burrows would be constructed in this designated area with the precise locations to be determined in consultation with CDFG. Consultation with CDFG will ensure that all appropriate and applicable guidelines and agency recommendations regarding western burrowing owl are followed.

F-3

At Heber Dunes SVRA, most of the potential habitat for nesting migratory birds is found within the areas included in the Resource Management Zone where habitat fragmenting will be reduced from the existing condition and resource protection will be maximized

per the goals and policies of the proposed General Plan. The only exception is the potential nesting habitat that is associated with the tamarisk trees that occur throughout Heber Dunes SVRA. As noted in the proposed General Plan (page 74), tamarisk vegetation, while nonnative and invasive, provides significant areas of valuable shade and reduces fugitive dust and thus, removal of tamarisk vegetation is not specifically proposed as part of the General Plan.

On page 3.7-4, the EIR identifies that nesting birds may be present within Heber Dunes SVRA; this could include protected migratory birds. As stated in the EIR, goals and policies of the proposed General Plan serve to adequately require protection of sensitive avian species and reduce potential impacts to below a level of significance. These policies include:

NPR Guideline 1.4:

Prepare and conduct surveys and inventories of natural resources in areas subject to development where sensitive biological resources are expected to occur based on monitoring efforts. These sensitive biological resources could include creosote scrub habitat, western burrowing owl, or other sensitive species identified under future monitoring efforts. Use survey and inventory results to guide adaptive management decisions.

NPR Guideline 1.5:

If any sensitive biological resources are found within the areas that would be affected by the proposed activities, plan and design such activities to avoid or mitigate potential impacts during construction and post-construction periods.

NPR Guideline 1.6:

In the event that some disturbance to sensitive biological resources is unavoidable, appropriate measures to offset those impacts will be identified and implemented in consultation with a qualified biologist and the appropriate resource agency.

F-4

OHMVR Division acknowledges the important biological resources in the southernmost portion of Heber Dunes SVRA and has designated that area as the Resource Management Zone as noted in the comment. As detailed in the General Plan and EIR, the Resource Management Zone has the most restrictive rules and regulations of all the planning zones to ensure resource protection. OHV access would only be allowed on identified trails to minimize habitat disturbance and fragmentation.

F-5

Please see response to comment F-3 above regarding the removal of tamarisk and the policies included in the proposed General Plan to reduce potential impacts due to disturbance of biological resources.

F-6

Thank you for your comments on the Draft EIR. OHMVR Division will continue to coordinate and work with CDFG.

RESOLUTION OF THE
CALIFORNIA OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
Adopted at its regular meeting in El Centro, California
December 1, 2011

AGENDA ITEM V. A.

**Review and Consideration of the Environmental Impact Report and
General Plan for the Heber Dunes State Vehicular Recreation Area**

WHEREAS: The Commission is a public body established within the California Department of Parks and Recreation having responsibility for advisory oversight of the California Off-Highway Motor Vehicle Recreation Program pursuant to Public Resources Code Section 5090.01 et seq., and

WHEREAS: As one of its duties pursuant to Public Resources Code Sections 5002.3 and 5090.15 (c), the Commission must hold a public hearing to consider and approve general plans prepared by the Off-Highway Motor Vehicle Division (Division) for State Vehicular Recreation Areas (SVRAs) operated by the Division, and

WHEREAS: The Division leased the Heber Dunes off-highway vehicle park from the County of Imperial in 1998 and established and commenced operation of the Heber Dunes SVRA and acquired title to the SVRA in 2007, and

WHEREAS: The Division proposes to undertake facility improvements to the Heber Dunes SVRA, and

WHEREAS: Pursuant to Public Resources Code Section 5002.2, prior to implementing the facility improvements the Division must prepare and submit to the Commission for consideration and approval a general plan containing elements defining and evaluating the proposed land uses, facilities, concessions, operation of the unit, any environmental impacts, and the management of resources to serve as a guide for the future development, management, and operation of the SVRA, and

WHEREAS: The Division prepared and submitted to the Commission for consideration and approval the General Plan for the Heber Dunes SVRA dated August 2011 together with the related Draft Environmental Impact Report (EIR), Final EIR, including Public Comments and Responses to Public Comments, Findings of Fact, and Mitigation Monitoring and Reporting Plan, and

WHEREAS: The EIR consists of two elements; the first element containing the general planning level environmental analysis for the Heber Dunes SVRA General Plan and the second element containing the project level environmental analysis for the near-term facility improvement projects to be undertaken by the Division, and

WHEREAS: Following consideration and certification of the general planning level environmental analysis in the EIR and approval of the Heber Dunes SVRA General Plan by the Commission, the Division will certify the project level environmental analysis in the EIR and approve the facility improvement projects for implementation, and

WHEREAS: Pursuant to public notice dated November 19, 2011, the Commission met in El Centro, California on December 1, 2011 to consider for approval the General Plan and consider the related environmental documents for the Heber Dunes SVRA, and

WHEREAS: The Commission members received a presentation from the Division summarizing the contents of the General Plan and related EIR and acknowledged they had independently reviewed the documents provided to them prior to the Commission meeting and had, additionally, participated the day previous to the meeting in a tour of the Heber Dunes SVRA, and

WHEREAS: As part of its consideration of the General Plan and related documents the Commission received comments from the public during the Commission meeting, and

WHEREAS: A motion was made and seconded making the Findings of Fact related to the EIR and approving the General Plan for the Heber Dunes SVRA dated November 2011.

NOW, THEREFORE, BE IT:

RESOLVED: That the Commission has independently reviewed and considered the environmental analysis and related comments and documents comprising the EIR presented in connection with the General Plan for the Heber Dunes SVRA, and be it

RESOLVED: That in connection with its review and consideration of the EIR prior to approving the Heber Dunes SVRA General Plan, the Commission finds that the EIR reflects the independent judgment and analysis of the Commission and has been completed in accordance with the California Environmental Quality Act, and be it

RESOLVED: That the Commission independently finds the environmental conclusions contained in the EIR are supported by the facts in the EIR, that the facts are based on substantial evidence in the record, and that mitigation measures, guidelines, operating policies, or other changes or alterations have been incorporated into the Heber Dunes SVRA General Plan that will avoid or substantially lessen the potential impacts identified in the EIR to the extent feasible, and be it

RESOLVED: That the Commission approves the General Plan for the Heber Dunes SVRA including the pertinent Mitigation Monitoring and Reporting Plan and policies submitted in connection with the general planning level environmental analysis in the EIR, and be it

RESOLVED: That the location and custodian of the Heber Dunes SVRA General Plan and other materials which constitute the record of proceeding on which the Commission's decision is based is: California State Parks, Off-Highway Motor Vehicle Recreation Division, 1725 23rd Street, Suite 200, Sacramento, California 95816; telephone (916) 324-4442; www.ohv.parks.ca.gov.

RESOLVED: That a Notice of Determination will be filed with the Office of Planning and Research within five days of the date of this Resolution approving the Heber Dunes SVRA General Plan.

Attest: This Resolution was duly adopted by the California State Parks, Off-Highway Motor Vehicle Recreation Commission on December 1, 2011 at the Commission's duly noticed public meeting at El Centro, County of Imperial, California.

By _____ Date: _____

Daphne Greene, Deputy Director
Off-Highway Motor Vehicle Recreation Division
for Ruth Coleman, Director
California State Parks
Secretary to the Commission