

EASTERN KERN COUNTY PROPERTY ACQUISITION MITIGATION, MONITORING, AND REPORTING PLAN

This Mitigation, Monitoring, and Reporting Plan (MMRP) has been prepared for the Eastern Kern County Property Acquisition project pursuant to California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14), which state the following:

In order to ensure that the mitigation measures and project revisions identified in the Environmental Impact Report (EIR) or negative declaration are implemented, the public agency, [here, the OHMVR Division] shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. (CEQA Guidelines §15097(a))

The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. “Reporting” generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. “Monitoring” is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. (CEQA Guidelines §15097 (c))

The mitigation measures were identified in a Draft EIR prepared for the property acquisition in February 2013 and reflect modifications resulting from finalizing the EIR in September 2013. Furthermore, since the OHMVR Division is a state agency subject to compliance with public resources codes for protection of sensitive biological and cultural resources and for meeting soil conservation standards, several management measures were incorporated in the project to protect the resources. The application of these measures is assumed, and therefore they are not considered mitigation measures but rather resource protection measures that are part of the proposed project.

Management Measures Included in the Project Description

LAND USE

Upon acquisition of the project parcels, the OHMVR Division would implement a number of management measures aimed at ensuring visitor use of its property complies with relevant federal and state land use regulations. These are:

OHV Travel Route Designations. The OHMVR Division will inspect all designated travel routes on project parcels to identify areas of unauthorized OHV use. Off-trail entry points to non-designated areas will be flagged for closure. The OHMVR Division will develop a response plan for all undesignated routes occurring on the acquisition parcels including route restoration, signage, barriers, educational kiosks, and law enforcement patrols.

Public Education. Information regarding OHV opportunities and regulations will be made available at kiosks established at strategic trailhead locations throughout the park property. Maps and informational pamphlets will be available to the public depicting popular route locations and closed areas. The written material will explain applicable state and federal regulations and emphasize the “Tread Lightly” message. The OHMVR Division will explore opportunities to assist neighboring land management agencies (e.g., BLM, USFS, Kern County) and other partners with providing public education concerning OHV recreation issues.

Law Enforcement Program. The OHMVR Division provides law enforcement on all of its park lands and supports other agencies' law enforcement efforts through the Grants Program. The OHMVR Division actively investigates and enforces OHV laws and regulations related to the California Vehicle Code and the Public Resources Code. The mission of the Law Enforcement Program is to provide public safety and protection of natural and cultural resources. OHMVR Division law enforcement officers will work jointly with local authorities and federal agencies to address multi-jurisdictional issues. Upon acquisition of the project parcels, the OHMVR Division will assess law enforcement needs of the project area and assign law enforcement officers to the park property to provide daily patrols and onsite presence.

Pacific Crest Trail Corridor Protection. The OHMVR Division will actively collaborate with BLM and USFS to manage OHV recreation on state lands in a manner that maintains the natural resources and visual character of the properties associated with the Pacific Crest Trail corridor. The OHMVR Division will do as much as possible to maintain the Pacific Crest Trail free of motorized vehicles through the use of signs, fencing, enforcement actions, and joint efforts with the BLM, USFS, and local partners.

AGRICULTURAL RESOURCES

Due to the Kern County estray ordinance, cattle in the RCA and Piute allotment would move between federal and OHMVR Division lands, as they currently move between federal and ReNu lands. The OHMVR Division proposes to support the continuation of existing livestock operations on the project property. Presently, CDPR does not issue permits for commercial livestock grazing operations on park property (Section 4.1.4 of the EIR). Until a general plan can be developed for the property and policies governing any designated agricultural use are defined, the OHMVR Division would implement the following Management Measures.

Terms and Conditions of RCA Grazing Permit. The RCA grazing permit terms and conditions established by BLM will be applied to livestock operations on the acquisition property within the RCA for the duration of the current permit term (2/28/2018) and subsequent renewed permits, or until livestock operation policies are established in a general plan adopted for the project property. Permit conditions are attached in Appendix A below.

Monitoring Rangeland and Livestock Operations. The OHMVR Division will annually monitor forage conditions on parcels used for grazing and livestock operations. Rangeland health assessments on parcels within the RCA will be conducted on the project property using the BLM protocols utilized for public rangeland in the RCA.

AIR QUALITY

Strategic Plan Objective 1.5, Dust Monitoring and Management Plan. OHMVR Division ownership would result in management in accordance with the OHMVR Division's Strategic Plan. This plan describes five guiding principles and adopts a framework of six goals for the OHMVR Division to meet its legislative mandates (OHMVR Division 2009). The OHMVR Division will adhere to the guiding principles outlined in its Strategic Plan during management and operation of the acquired lands, including the principles of sustainability, transparency in decision making, and use of sound data for management decision making. Specifically, as outlined in Objective 1.5 of the Strategic Plan, this includes an aim to reduce the amount of dust generated by OHVs by 2014 through the implementation of a dust monitoring and management program.

In addition, as identified in Geology Management Measures below, the OHMVR Division would address potential erosion issues (and, by association, fugitive dust) in accordance with its 2008 Soil Conservation Standard.

BIOLOGICAL RESOURCES

OHMVR Division ownership of the project parcels would result in OHMVR Division biologists taking steps to ensure that sensitive resources are adequately protected. The OHMVR Division would implement the following Management Measures to remedy impaired resources from ongoing activity and prevent new adverse effects from project activity.

Wildlife Habitat Protection Program (WHPP) and Habitat Monitoring System (HMS).

Public Resource Code section 5090.35(c) requires the OHMVR Division to inventory wildlife populations and their habitats in each SVRA and to prepare a WHPP for the SVRA. The goals of the WHPP are to monitor and manage wildlife and plant populations and restore habitats where necessary to sustain a viable species composition within the SVRA. If the OHMVR Division determines that the WHPP is not being met in any portion of an SVRA, the OHMVR Division must close the noncompliant portion until the program is met. If the WHPP cannot be met, the OHMVR Division must close and restore the noncompliant portion.

Implementation of the WHPP is supported by the HMS, which is developed based upon scientifically accepted techniques and measures that are appropriate for the specific biological resources found within a particular SVRA. The HMS provides an inventory of study data, establishes monitoring protocols, and allows managers to make decisions on the basis of quantitative field data. The HMS is intended to be adaptive such that the HMS program itself and/or management practices are changed as more effective monitoring strategies are developed or new information is made available through monitoring.

While the project area is not currently proposed for designation as a SVRA, if the OHMVR Division acquires the properties, it will treat the acquired parcels as subject to WHPP requirements mandated by Public Resource Code section 5090.35. The WHPP and associated HMS are a major part of each SVRA's resource monitoring and evaluation program that includes standardized protocols tailored for the needs of the particular SVRA. Several special-status species and sensitive habitats occur within the project area, including riparian, wetlands, drainages, and other sensitive vegetation communities, and desert tortoise, Mohave ground squirrel, desert kit fox, American badger, and nesting birds. The OHMVR Division will perform additional, seasonally appropriate, resource surveys. These surveys, along with those already performed for this EIR, will inform the development of monitoring and management plans for special-status species and sensitive habitats as part of the general plan, WHPP, and HMS. During the development of the WHPP and HMS, OHMVR Division Environmental Scientists will assess the condition of and perform wetland delineations of jurisdictional waters, including waters regulated under the Porter-Cologne Act, and develop protective measures for regulated waters.

Protective measures for special-status species and sensitive habitats may include the following: placement of protective signs and/or interpretive signs; notification of park rangers and additional park staff to patrol sensitive area and contact visitors; overall increased law enforcement; closed or restricted access or trail re-routes; placement of protective fencing, barriers, or additional protection measures; and surveys for special-status species or habitats prior to constructing minor improvements, e.g., vault toilets, or conducting other ground disturbance. In order to prevent birds and other wildlife being trapped in various open pipes that

may be installed (e.g., vault toilets, fencing), the OHMVR Division will incorporate appropriate caps for fenceposts and other pipes into project design. The OHMVR Division will also incorporate information about pipes and trapped wildlife into educational materials. Additionally, the OHMVR Division will perform accurate mapping of existing fences on project parcels to understand where rare plant populations are currently protected and where they need protection. All fencing installed will allow wildlife passage.

The 2008 Soil Conservation Standard and Guidelines indicate the presence of special-status wildlife and vegetation should be assessed when developing effective soil conservation-related OHV projects. Special-status plant and animal surveys (including burrowing animals) will be conducted prior to commencement of repairs or installations. These management actions will be taken under supervision of a qualified Environmental Scientist to ensure soil conservation measures do not result in damage of biological resources.

Grazing Management. The acquisition parcels are included in the RCA and Piute allotments and actively grazed by the permittee (Hafenfeld Ranch). As the ownership of land in the area has a checkerboard pattern, and grazing is open range, cattle can occur on all ReNu parcels within either grazing allotment. The permit is attached in Appendix A below. As a Management Measure, the OHMVR Division will utilize the terms of the BLM permit as a baseline for management on the newly acquired parcels and work with the permittee to assure sensitive resources are protected while ensuring cattle have access to water and movement through the RCA is not unduly impeded.

The OHMVR Division is not the livestock operator or permittor and will not be required to gain or issue any permits specific to grazing. As described in detail in Chapter 4.0, grazing occurs on an open range basis. Open range grazing requires that landowners within an allotment that desire to exclude cattle from their property must fence cattle out. Although the OHMVR Division will not be a grazing operator, the OHMVR Division will monitor cattle grazing within its property and initiate management as warranted. The OHMVR Division will work with the BLM and permittee to ensure grazing is managed within the acquisition parcels, which at a minimum will include implementing the same standards that apply to BLM lands to the acquisition parcels. These standards specifically address riparian areas during Rangeland Health Studies. As OHMVR Division Environmental Scientists work to develop the WHPP, and the Soil Conservation Standard is implemented, areas requiring specific measures to address erosion or riparian impacts will be identified. To the extent those areas are affected by cattle grazing, the OHMVR Division will work with the permittee to address the condition, but any biological impacts will not be a result of this project. Rather, this project will ensure the resources receive suitable monitoring and management measures. The BLM and USFS will remain responsible for enforcing the terms of their respective permits.

CULTURAL RESOURCES

By bringing private property under public agency management, the proposed acquisition project would allow the OHMVR Division to improve management of OHV recreation and steward cultural and natural resources). OHMVR Division ownership would result in OHMVR Division archaeologists taking steps in accordance with its Cultural Resources Management Program to protect cultural resources. The Cultural Resources Management Program would address existing conditions, ensuring that resources are adequately protected, ongoing activities that are currently impairing resources are remedied, and new adverse effects do not arise from project activity.

Specifically, the OHMVR Division would implement the following Management Measures.

Cultural Resource Management Program. All historical and archaeological resources that exist within the project area will be incorporated into the OHMVR Division Cultural Resource Management Program. Resources will be evaluated for significance and protective measures prescribed as appropriate for their risk of disturbance by existing uses.

Cultural Resources Inventory. All areas not included in the recent cultural resource inventory (Perez 2012) will be surveyed for historical resources. If a complete cultural resource inventory is not feasible, all future projects proposed in areas that have not been surveyed for historical resources will require a cultural resource survey along with Native American consultation in accordance with CEQA, Public Resources Code Sections 5024 and 5024.5, and Executive Order B-10-11.

Annual Cultural Resource Management Training. Annual workshops will be held by OHMVR Division archaeologists to train additional Division staff such as Interpreters, Environmental Scientists, Park Rangers, and District Superintendents on the management of cultural resources. Workshops will educate park staff about the types of archaeology that is found within the area and how to distinguish between an artifact (an item modified by humans) and a natural object that has not been modified and used by humans.

OHMVR Division archaeologists instruct the field staff to abide by the following rules when an unanticipated resource is discovered: (1) document the geographical location of the resource, (2) take a photograph (although do not photograph human remains), (3) inform a supervisor, and (4) contact an OHMVR Division archaeologist. Most importantly, do not move or remove any element of the resource. In addition to these steps, it is important that the location of the resource is not discussed over the radio and the photographs are not duplicated and/or shared with park staff other than the supervisor.

Cultural Resource Monitoring. The OHMVR Division will implement a cultural resource monitoring program that includes annual site visits to historical resources and documenting adverse change to the resources because of either intentional destruction (e.g., visitor impacts, looting, vandalism) or inadvertently caused deterioration (e.g., erosion, natural causes, animal burrowing). Cultural resource monitoring will be implemented through the California Archaeological Site Stewardship Program (CASSP). The CASSP is a volunteer archaeological site stewardship program offered through the Society for California Archaeology. CASSP is comprised of trained volunteers to monitor cultural resources throughout the state and is utilized by federal, state, and local agencies to involve members of the public in an effort to better monitor, preserve, and manage archaeological sites. OHMVR Division archaeologists will establish the CASSP to recruit and train public volunteers to monitor the historical resources recommended for inclusion in an “Archaeological Site Stewardship Program.”

The frequency in which a historical resource is monitored is contingent on the amount of destructive influences in close proximity to the resource. For instance, if a resource is near visitor facilities, resource monitoring will occur more frequently to ensure site preservation and protection. CASSP volunteers will be trained by OHMVR Division staff in the following: CASSP goals, cultural prehistory and history pertaining to the specific region in which they will be volunteering, legal requirements, ethical and confidential requirements related to the treatment of archaeological resources, safety in the field, and basic knowledge of archaeological field surveying methods. CASSP volunteers will also be taught how to document a historical resource’s existing conditions using CASSP resource monitoring forms as well as through photography and geographic positioning system (GPS) equipment. The information recorded by CASSP volunteers will be reviewed by OHMVR Division archaeologists to determine historical

resources that require immediate preservation management, such as fencing for better protection. Additionally, OHMVR Division archaeologists will compile the CASSP monitoring documentation completed within a given fiscal year, including mitigations developed for better site preservation, and submit these findings to the Archaeology, History & Museums Division to be included in CDPR's annual report to the SHPO. The application of CASSP will reinforce the OHMVR Division's ongoing effort to preserve its historical resources.

Accidental Discoveries. In the event that a historical or archaeological resource is accidentally discovered during ground disturbance activities, the find will be immediately evaluated by a qualified state archaeologist. In the event the find is determined to be a historical or unique archaeological resource, avoidance measures or appropriate mitigations will be developed by the archaeologist. Work could continue in other parts of the project area while historical or unique archaeological mitigations take place (14 CCR §15064.5(f)).

In the event that human remains are accidentally discovered, activities at the find site must come to a complete stop and no further excavation or disturbance of the area or vicinity will occur. The county coroner is to be called immediately to determine if the remains are of Native American ancestry. If the coroner confirms that the remains are Native American, within 24 hours of the discovery the coroner is to contact the NAHC. The Commission will identify the person(s) believed to be the Most Likely Descendent (MLD), and the MLD will decide, along with the property owner, on appropriate treatment or disposal of the human remains and associated grave goods as provided in Public Resources Code 5097.98. If the NAHC cannot identify the MLD, the MLD fails to make a recommendation, or the property owner rejects the MLD's recommendations, the property owner can rebury the remains and associated burial goods in an area not subject to ground disturbance (14 CCR §15064.5(e)).

Native American Consultation and Monitoring. Native American consultation will continue during immediate project implementation, as well as for any future proposed projects. Regular consultation with California Indian Tribes and organizations that are culturally affiliated and connected to the region will ensure productive, collaborative working relationships, especially when considering management practices involving the project area's natural and cultural resources.

Preservation in Place. Planning construction to avoid archaeological sites is an example of how to ensure the preservation in place of archaeological sites, and it is CDPR's preferred manner for mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context, and most importantly this option can help to avoid conflict with religious or cultural values of groups associated with the site. Thus, the preferred method to avoid significant project impacts to known historical resources within the Eastern Kern County Acquisition project area is for no ground disturbing activities to occur within known cultural resource boundaries or culturally sensitive areas.

Historical Resource Protection Measures. Resource protection measures will be implemented to prevent significant adverse changes in the significance of identified potential historical resources occurring in the project area. These measures include the following:

- Placement of protective signs and/or interpretive signs
- Notification of park rangers and additional park staff to patrol sensitive area
- Restrict access; placement of protective fencing or additional protection measures
- Conduct a 5024 Review of proposed projects within and adjacent to sensitive areas; conduct Native American consultation

- Include the site within CASSP

Table 1 identifies the resource protection measures prescribed by the OHMVR Division, State Archaeologist for the proper resource management and preservation of the 29 known historical and archaeological resources found in the project area during the cultural resources inventory (Perez 2012). Implementation of these measures would prevent further impairment of known historical and archaeological resources resulting from existing designated and unauthorized trail access, visitor impact, and cattle grazing. Prescriptive measures have not been identified for isolated finds, such as single artifact finds, as they do not likely meet NRHP and CRHR criteria, and therefore do not require further resource management or protection.

Until a more formal evaluation of these archaeological resources according to the NRHP and CRHR criteria, the resource protection measures identified in Table 1 would address cultural resources that are presently being damaged by OHV access, visitor use, and cattle grazing. These protective measures would prevent significant adverse change to the physical characteristics of the archaeological resource that convey its historical significance and justify its inclusion in, or eligibility for, inclusion in the NRHP or CRHR.

Paleontological Resources Protection. The OHMVR Division will conduct a records search for the region focusing upon known fossil localities and their respective geological contexts (e.g., the Dove Springs Formation and others) using a qualified paleontologist. The paleontologist will compare the records search results with geological formations found within the acquisition area to identify potential areas where fossil localities might occur. The paleontologist will recommend protective measures for areas identified as holding a high potential for paleontological finds.

Table 1. Resource Management and Preservation Measures

Trinomial or Primary #/Site Name	Historical Resource (HR) or Archaeological Resource (AR)	Placement of Protection Signs and/or Interpretative Signs	Notify Park Rangers and Other Park Staff to Patrol Site	Restrict Access	Placement of Protective Fencing or Additional Protective Measures	Conduct 5024 Review of Proposed Projects	Native American Consultation	Include in Archaeological Site Stewardship Program
CA-KER-913	HR	X	X	X	X	X	X	X
CA-KER-5944H	HR	X	X	X	X	X		X
CA-KER-6393H	AR					X		X
CA-KER-7025	HR	X	X	X	X	X	X	X
CA-KER-7127H	AR					X		
CA-KER-8422	HR	X	X	X	X	X	X	X
CA-KER-8423H	AR					X		X
CA-KER-8424	HR	X	X	X	X	X	X	X
CA-KER-8425H	AR					X		X
CA-KER-8426	AR			X		X	X	X
CA-KER-8427	HR					X	X	X
CA-KER-8428	HR					X	X	X
CA-KER-8715H	AR		X			X		X
CA-KER-8716/H	HR	X	X	X	X	X	X	X
CA-KER-8718H	HR			X		X		X
CA-KER-8719H	AR	X	X	X	X	X		X
CA-KER-8720	HR					X	X	X
CA-KER-8721	HR					X	X	X
JBB-50H	AR		X			X		X
STH-01	AR					X		X
STH-02	AR					X	X	X
STH-03	HR					X		X
STH-04	AR					X		X
STH-05	AR					X		X
STH-06	AR					X	X	X
STS-01	AR					X	X	X
STS-02	AR					X		X
STS-03	AR					X		X
STS-04	HR					X	X	X

Table 1. Resource Management and Preservation Measures

Source: Perez 2012

GEOLOGY/SOILS

Under public agency ownership, the ongoing OHV and other recreation would be more fully managed to protect geologic and soil resources. The OHMVR Division would be required to implement the 2008 Soil Conservation Standard on all its lands. Upon acquisition, the OHMVR Division will need to prepare a soil conservation plan for the parcels; see Section 8.1.5 of the EIR for a description of the program. The first step will be an evaluation of the erosion hazard along the trail system by a soils conservation specialist. The evaluation would be done by overlaying the trail system on the Erosion Hazard Rating map at a high resolution to identify where the use is occurring in high erosion zones; those areas would be the highest priority for checking in the field. The evaluation process will likely consist of the following:

Assess Erosion Conditions. All water crossings that intersect designated routes will be checked to determine whether they are contributing sediment load. Ideally LIDAR (optical remote sensing technology that uses laser) and aerials would be used to identify where the actual use occurs. Hillclimbs will be evaluated by assessing gullying on the slopes and examining where eroded soils are being deposited. If eroded soil is still available to be replaced (i.e., is not being transported off-site), then the soil loss is not considered to not exceed restorability. However, if the eroded soils are flowing into a drainage swale or otherwise being transported offsite, then the site is not sustainable, and action must be taken.

Address Erosion Issues. Any areas found to be out of compliance with the 2008 Soil Conservation Standard would be remedied first. The process for repairing areas that are out of compliance must take into account the nature of the OHV recreation experience that is customarily carried out in the area. Simply shutting everything down often leads to illegal use. For example, in an area like the Jawbone Canyon Open Area, OHV recreationists come for the challenging hillclimbs. Simply closing all hillclimbs would likely lead to management problems in the project area or in adjacent lands. Instead, the hillclimbs will be evaluated, and a sustainable plan for the hillclimbs will be prepared. The plan will consider two key factors: 1) which areas can handle the activity from an erosion standpoint, and 2) which areas are located in places where crews can easily get in maintenance equipment. A goal is to reduce the number of individual, redundant hillclimbs. For example, if 20 hillclimb routes exist, then perhaps 15 would be closed, with the remaining 5 kept open. The use could then be rotated to other hillclimbs when the first five need restoring. At some sites, the landform would be recontoured and restored to a new, stable contour.

Recreationists would be directed to designated areas and prohibited from using lands that are more susceptible to erosion. This would be through:

- Education: use brochures and signs to explain to recreationists why a particular area is off limits
- Engineering and design: create a network of sustainable trails that can be maintained and are enjoyable to recreationists so riders will stay within authorized areas
- Enforcement: ultimately enforcement is necessary to ensure compliance for some visitors

Prepare Soil Conservation Plan. The trails will be subject to the requirements in Sections 1.3.1 and 1.3.2 of the 2008 Soil Conservation Standard consistent with PRC section 5090.35. Per

Section 1.3.1, staff will prepare: 1) a protocol for assessing and maintaining trails consistent with the Soil Conservation Standard, 2) a protocol for monitoring the trails, and 3) a compliance report. Trail maintenance procedures will be laid out in a soil conservation plan. Finally, monitoring of soils conditions will be conducted per established schedule; the minimum requirement is annual monitoring.

GREENHOUSE GAS

By bringing private property under public agency management, the proposed acquisition project would allow the OHMVR Division to better manage OHV recreation and steward greenhouse gas resources.

Strategic Plan Objective 1.3, Reduce Carbon Footprint. OHMVR Division ownership would result in management in accordance with the OHMVR Division's Strategic Plan. This plan describes five guiding principles and adopts a framework of six goals for the OHMVR Division to meet its legislative mandates (OHMVR Division 2009). The OHMVR Division will adhere to the guiding principles outlined in its Strategic Plan during management and operation of the acquired lands, including the principles of sustainability, transparency in decision making, and use of sound data for management decision making. Specifically, as outlined in Objective 1.3 of the Strategic Plan, this would include a goal, by 2020, to reduce the carbon footprint associated with SVRA management by 25% below 2009/2012 fiscal year levels.

HAZARDS AND PUBLIC SAFETY MANAGEMENT MEASURES

OHMVR Division ownership would result in OHMVR Division staff (Environmental Scientists and Law Enforcement Officers) taking steps to protect the public from potential hazards. The Hazards and Public Safety Management Program would address existing conditions, ensuring that resources are adequately protected, existing conditions that currently pose a public hazard are remedied, and new adverse effects do not arise from project activity.

Specifically, OHMVR Division would implement the following Management Measures:

Provide Educational Material to Visitors Regarding Valley Fever. Public Health Services of the County of Kern prepared a flyer for visitors to Kern County that explains information about valley fever in the County. C DPR would disseminate this flyer or prepare one of its own. The flyer will explain the fungus that causes valley fever, how it is contracted, and health risks,

Supplemental Phase I ESA. Geocon was unable to gain access to one parcel (K-13) to determine if there were any areas with hazardous materials of concern. C DPR will coordinate with its Phase I ESA consultant to visit parcel K-13 and determine the status of RECs on the property. If it is determined that RECs are present on that parcel, appropriate steps will be taken by OHMVR Division Environmental Scientists to remove and/or remedy the materials.

Closure of Open Pits and Shaft. Three parcels (A-2, A-7, and B-10) contain pits and a shaft that pose a danger to the public if left open. C DPR shall secure the pits and shaft by filling in the pits with earth and filling in or fencing and signing the shaft to prevent injury and ensuring that the pits and shaft no longer pose a safety hazard to the public.

RECREATION

Upon acquisition of the project parcels, the OHMVR Division would implement a number of management measures aimed at ensuring recreational use of its property complies with relevant

regulations. The following Recreation Resources Management Measures would be implemented as part of the acquisition project.

Firearms. The OHMVR Division recognizes that firearm use is a legal and popular form of recreation in the area. The OHMVR Division will assess the extent of hunting and shooting on the acquired parcels during post-acquisition planning, and develop standards and policies accordingly. Management actions to control firearm use may include such measures as posting signage at trailhead and campsite locations throughout park property for safety and compliance with state laws, restricting shooting in areas with a high concentration of public presence and recreation (campgrounds), and providing public outreach to educate visitors of CDPR policy on firearms. The OHMVR Division will monitor property for evidence of firearm use such as signage damaged by target shooting and discarded ammunition casings.

Rockhounding. Rockhounding within the project property will only occur with approval from the Parks Director. Individuals collecting rock material will be subject to the limits in the Department Operations Manual, currently no more than five pounds per day. To the extent necessary to address concerns, the OHMVR Division will post signage at trailhead locations throughout park property and at campsites educating visitors of state park policy on rockhounding. Such information will also be made available at contact locations, such as Jawbone Station.

Law Enforcement and Education Program. The OHMVR Division will staff the project area with peace officers who can educate the public on appropriate recreation, and where necessary cite illegal uses, including vehicle trespass in unauthorized areas, drunk driving, disorderly conduct, improper vehicle equipment, vandalism, and inappropriate use of firearms.

Special Events. Special events may take place on park property subject to a special event permit. Permits issued for special events must identify conditions including participant limits, number of concessions, need for safety personnel and facilities such as portable toilets, and identification of specific event routes, staging areas, etc. A fee may also be required to pay for cost of peace officers or other OHMVR Division personnel to further assure public safety and sensitive resource protection.

Impacts, Mitigation Measures, and Timing of and Responsibility for Implementing the Mitigation Measures

Table 2 lists the potentially significant impacts and proposed mitigation measure identified in the EIR. Table 2 also describes the timing of implementation of the mitigation measure (i.e., when the measure will be implemented) and the parties responsible for ensuring implementation of the measures and for monitoring the mitigation measures.

According to CEQA Guidelines Section 15126.4 (a) (2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” Therefore, the OHMVR Division will consider whether to adopt the mitigation measures when it considers whether to approve the project.

Table 2: Impacts, Mitigation Measures, and Timing of and Responsibility for Implementing the Mitigation Measures

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Impact: Desert tortoises are vulnerable to collision from high speed OHV recreation occurring during organized race events or from individual riders. The risk of collision with desert tortoise can be reduced by restricting high speed events, but cannot be eliminated from individual riders without eliminating the use. The projected 1% growth in annual visitation resulting from OHMVR Division acquisition would increase OHV recreation in areas that are known to support the desert tortoise. The increase in ridership would increase the possibility of take.</p> <p>Significance of Impact Before Mitigation: Significant Impact</p> <p>Significance of Impact After Mitigation: Significant Impact</p>	<p>Measure BIO-1: Competitive events requiring an OHMVR Division special event permit shall be restricted to the Jawbone Canyon Open Area and courses dedicated for such use in the CDCA Plan. No competitive special events shall be permitted in desert tortoise habitat on project parcels outside of the Jawbone Canyon Open Area. Organized trail-riding events may be allowed November 1 to March 1 while most tortoises are hibernating. The OHMVR Division shall provide education materials informing park visitors that very young tortoises may be encountered during the fall and winter, at the time of the event, and should be avoided. Organized trail-riding events shall only be allowed on open and seasonally limited routes with the application of standard protection measures, such as use the specified parking, staging and concession areas, and placement of monitors throughout the course. No cross-country travel shall be allowed outside of the OHV Open Areas. The OHMVR Division shall provide daily law enforcement presence and work with Friends of Jawbone and BLM to maintain fences and signs to prevent off-designated route travel in desert tortoise habitat. The OHMVR Division shall consult with USFWS to determine additional effective feasible mitigation measures to further reduce take of desert tortoise.</p>	<p>Implementation Responsibility: OHMVR Division, Hungry Valley District</p> <p>Timing: Competitive event restrictions would be implemented by BLM and the OHMVR Division through the issuance of special event permits prior to the event. Enforcement actions during the event would be coordinated between BLM and the OHMVR Division. Maintenance of fences and signs would be coordinated between Friends of Jawbone, BLM, and the OHMVR Division.</p>	<p>OHMVR Division biologist shall prepare a written record of avoidance measures implemented during special events including event monitoring efforts.</p> <p>The OHMVR Division shall maintain a log of daily patrol efforts and any enforcement actions taken.</p>	<p>Initials _____</p> <p>Date _____</p>