Eastern Kern County Property Acquisition
Final Environmental Impact Report

State Clearinghouse #2012091066

Volume 2: Comments and Responses on Draft EIR

October 2013

State of California
Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation (OHMVR) Division

Eastern Kern County Property Acquisition
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Volume 2: Comments and Responses on Draft EIR

October 2013

Prepared for:

State of California, Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation (OHMVR) Division
1725 23rd Street, Suite 200
Sacramento, CA 95816
(916) 324-4442
www.ohv.parks.ca.gov

Prepared by:

TRA Environmental Sciences, Inc.
545 Middlefield Road, Suite 200
Menlo Park, CA 94025
(650) 327-0429
www.traenviro.com

VOLUME 2: COMMENTS AND RESPONSES ON DRAFT EIR

EASTERN KERN COUNTY PROPERTY ACQUISITION ENVIRONMENTAL IMPACT REPORT

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CHAPTER 1 INTRODUCTION

This document is Volume 2 of the Final Environmental Impact Report (EIR) for the Eastern Kern County Acquisition Project. In accordance with CEQA Guidelines Section §15132, this document together with the EIR with Revised Text (Volume 1) and Technical Appendices (Volume 3) constitutes the Final EIR for the Eastern Kern County Acquisition Project.

This volume contains public comment received on the Draft EIR. Pursuant to CEQA Guidelines Section §15088, the California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division has evaluated the comments and prepared a written response describing the disposition of significant environmental issues raised. Where the responses to comments have resulted in a revision to the Draft EIR, text changes are listed in this volume as errata as well as incorporated into the Final EIR, Volume 1, EIR with Revised Text.

This volume has the following chapters, in addition to this Introduction:

Chapter 2 **Public Comment on Draft EIR.** This chapter contains copies of the comment letters and email communications received on the Draft EIR during the 45-day public review period from February 15 through April 1, 2013, as well as a summary of the oral comments made during the public hearing held by a subcommittee of the OHMVR Commission on March 16, 2013. The comment letters have been individually numbered. A list of those who commented is provided at the front of the chapter in Table RTC-1.

Chapter 3 **Responses to Comments.** This chapter provides a written response by the OHMVR Division as Lead Agency to each comment raising a significant environmental issue submitted on the Draft EIR.

Chapter 4 **Errata.** As a response to certain comments, changes have been made to the EIR text. The changes correct inaccuracies and clarify the analysis in the EIR. Text removed from the EIR is marked with ~~strike-out~~. New text is indicated by <u>underline</u>.

Attachment A. Red Rock West Boundary LAP Trail Inspection on Saturday April 20, 2013 by Ross Pistone, CDPR Emergency Medical Technician.

CHAPTER 2 PUBLIC COMMENT ON DRAFT EIR

Table RTC - 1. Comment Received on the Draft EIR		
Comment Letter No.	**Commenter**	**Comment Source**
Public Agencies		
1	Bureau of Land Management, Ridgecrest Field Office	Letter, April 22, 2013
2	U.S. Air Force, Edwards Air Force Base	Email, March 28, 2013
3	Native American Heritage Commission	Letter, March 4, 2013
4	Kern County Planning and Community Development Department	Letter, March 1, 2013
Organizations		
5	American Motorcyclist Association, District 36	Email, March 26, 2013
6	Americans for Responsible Recreational Access	407 form emails, various dates
7	Audubon California	Letter, March 28, 2013
8	California Association of 4 Wheel Drive Clubs	Letter, February 28, 2013
9	California Off-Road Vehicle Association	Letter, March 27, 2013
10	Community ORV Watch	Letter, March 31, 2013
11	Desert Protective Council	Letter, March 31, 2013
12	Kern Audubon Society	Letter, February 25, 2013
13	Kerncrest Audubon Society	Letter, undated (emailed March 25, 2013)
14	Motorcycle Industry Council (MIC), Specialty Vehicle Institute of America, and Recreational Off-Highway Vehicle Association	Letter, February 22, 2013
15	ORV Watch Kern County	Letter, March 30, 2013
16	Public Employees for Environmental Responsibility and Center for Biological Diversity	Letter, March 31, 2013
17	Sierra Club Kern-Kaweah Chapter and Western Watersheds Project	Letter, April 1, 2013
18A, B	Stewards of the Sequoia	Letter, February 21, 2013 Email, March 15, 2013
19	The Nature Conservancy	Letter, April 1, 2013
Individuals		
20	Nuri Benet-Pierce	Email, March 17, 2013
21A, B	Norman L. Beze	Email, March 21, 2013 Email April 1, 2013
22	Boswell Family	Letter, April 1, 2013
23	Mark R. Faull	Letter, April 1, 2013
24	Blair Groves	Email, April 1, 2013

Table RTC - 1. Comment Received on the Draft EIR		
Comment Letter No.	**Commenter**	**Comment Source**
25	Bruce Hafenfeld	Hand-delivered, March 20, 2013
26	Katherine Klemic	Letter, April 1, 2013
27	Stephen Re	Email, March 8, 2013
28A, B	Michael Sampson	Letter, March 19, 2013 Letter, March 29, 2013
29	Paul Slavic	Letter, March 28, 2013
30	Scott Spencer	Email, March 19, 2013
31	Edward Waldheim	Letter, March 25, 2013
Oral Comment		
32	Bruce Hafenfeld	Oral, public hearing, March 16, 2013
33	Robert Robinson	Oral, public hearing, March 16, 2013
34	Ed Waldheim	Oral, public hearing, March 16, 2013

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

April 18, 2013

Jeff Gaffney
California Department of Parks and Recreation
OHMVR Division
7800 Cienega Road
Hollister, CA 95023

Subject: Eastern Kern County Acquisition
SCH#: 2012091066

Dear Jeff Gaffney:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 2, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2012091066
Project Title Eastern Kern County Acquisition
Lead Agency Parks and Recreation, Department of

Type EIR Draft EIR

Description The OHMVR Division is proposing to acquire up to 60 privately-owned parcels (~28,500 acres) in eastern Kern County, California, from Renewable Resources Group. The parcels are largely interspersed with lands owned by the U.S. Bureau of Land Management in the western Mojave Desert, ~20 miles north of Mojave and west of State Route 14. Off-highway vehicle recreation occurs on many of the parcels, largely on designated roads and trails. The EIR for the proposed purchase will examine the direct and indirect environmental impacts associated with: 1) purchase of the parcels by the OHMVR Division from Renewable Resources Group, and 2) use and management of the parcels for ongoing recreation and resource protection. A general plan is not part of the current CEQA process.

Lead Agency Contact

Name Jeff Gaffney
Agency California Department of Parks and Recreation
Phone 661 248 7007 **Fax**
email
Address OHMVR Division
46001 Orwin Way
City Gorman **State** CA **Zip** 93243

Project Location

County Kern
City
Region
Lat / Long 35° 22' 9.1" N / 118° 4' 41.5" W
Cross Streets Jawbone Canyon Road and State Route 14
Parcel No. multiple (59 parcels)
Township 29,30S **Range** 34-37E **Section** many **Base**

Proximity to:

Highways Hwy 14
Airports
Railways Union Pacific
Waterways
Schools Red Rock ES
Land Use Motorized and non-motorized recreation, grazing/Agriculture (various), Recreation/Forestry, Estate (20 ac.)

Project Issues Air Quality; Biological Resources; Archaeologic-Historic; Flood Plain/Flooding; Geologic/Seismic; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Landuse; Agricultural Land

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Water Resources; Caltrans, District 9; Regional Water Quality Control Bd., Region 6 (Victorville); Native American Heritage Commission

Date Received 02/15/2013 **Start of Review** 02/15/2013 **End of Review** 04/02/2013

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter #1: Bureau of Land Management, Ridgecrest Field Office

From: Symons, Carl [mailto:csymons@blm.gov]
Sent: Monday, April 22, 2013 3:33 PM
To: Canfield, Dan@Parks
Cc: Jane Arteaga
Subject: Eastern Kern County Acquisition comments
Mr. Canfield,
Attached are the comments on your Eastern Kern County Acquisition project from the BLM Ridgecrest Office. I am looking forward to working with the California State Parks in the management of our lands. If you have any questions or concerns please contact me at 760-384-5405 or csymons@blm.gov.
--
Carl Symons
Field Manager
Ridgecrest Field Office
760-384-5400

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ridgecrest Field Office
300 South Richmond Road
Ridgecrest CA 93555
www.ca.blm.gov/ridgecrest

In Reply Refer To:
8340 (P)
CA.D050.05

Mr. Dan Canfield
California State Parks
Off-Highway Motor Vehicle Recreation Division
P.O. Box 942896
Sacramento CA 94296-0001

Dear Mr. Canfield:

#1-1 Thank you for the opportunity to comment on California State Parks' acquisition of the Onyx Ranch located within Kern County. The Ridgecrest Field Office supports the proposed acquisition as a contiguous block of land in public ownership provides an opportunity for collaborative management to better meet the mission of both our agencies.

The Ridgecrest Field Office manages public lands for multiple uses. Some of the activities occurring on BLM administered land adjacent to the proposed acquisition include livestock grazing, off-highway vehicle use (OHV), and renewable energy development. The Jawbone and Dove Springs OHV Areas receive a high concentration of OHV use. Additionally, BLM has partnered with the Friends of Jawbone to provide better service to the public and protect the resources on BLM lands within the area affected by the proposed land acquisition.

As discussed at our March 20, 2013 meeting, BLM is committed to the development of a Memorandum of Understanding (MOU) for the management of the BLM and State lands in conjunction with the proposed acquisition. Jim Kenna, BLM California State Director, has delegated me as the BLM point of contact. I am confident that we will develop a MOU that will provide for the cooperative management of the area and allow both our agencies to provide a better product for the public than what would have been possible working independently.

If you have questions or require additional information, contact me by phone at (760) 384-5400 or by email at csymons@blm.gov.

Sincerely,

Carl B. Symons
Field Office Manager

Comment Letter #2: United States Air Force, Edwards Air Force Base

From: Kiernan, Scott E Civ USAF AFMC 412 TW/XPO
To: Jones, Peter@Parks
Cc: anthony.parisi@navy.mil; dwight.deakin@navy.mil; Tim Fox; Cox, Samuel E Civ USAF AFMC 412 TW/CEV
Subject: R-2508 CSO Support for the East Kern County Property Acqusition
Date: Thursday, March 28, 2013 2:10:52 PM

Mr. Jones,

#2-1 The R-2508 Complex Sustainability Office (CSO) is in strong support of conservation
and the freedom enjoyed through public land use efforts. Both the Air Force and the
Navy operate over and in close proximity to the Onyx Range property and conduct various flight test operations that include low-level terrain following activity and functional airborne radar testing. The R-2508 CSO does not anticipate any additional adverse impact to military operations from the acquisition of Onyx Ranch and support the concept providing the use
of the property remains compatible with our military mission.

PS. Please advise if you require something more formal.

Thank you for the opportunity to comment.

VR,
Scott

_____
Scott Kiernan
Complex Sustainability Officer/
Encroachment Prevention Mgmt
412 TW/XPO
Edwards AFB, Ca 93524
O: (661) 277-3792
C: (661) 810-6662

Comment Letter #3: Native American Heritage Commission

STATE OF CALIFORNIA
Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
ds_nahc@pacbell.net
www.nahc.ca.gov
(916) 657-5390 - Fax

March 4, 2013

Mr. Jeff Gaffney, Project Planner
California Department of Parks & Recreation, OHMVR Division
46001 Orwin Way
Gorman, CA 93243

RE: SCH# 2012091066 CEQA Notice of Completion; Draft Environmental Impact Report (RDEIR) – "**Eastern Kern County Property Acquisition Project (by the California Department of Parks & Recreation);**" located in eastern Kern County , California

Dear Mr. Gaffney:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

#3-1 The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

✓ Contact the appropriate Information Center for a record search to determine:
- If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources, which we know that it has.
- The NAHC recommends that known cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.

#3-2 ✓ If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible.
- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

#3-3 ✓ Contact has been made to the the Native American Heritage Commission for:
- A Sacred Lands File Check, and cultural resources have been identified to your agency.
- A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter.
- Lack of surface evidence of archeological resources does not preclude their subsurface existence once ground-breaking activity begins. If that occurs, the NAHC suggests that inadvertent discoveries be coordinated with the NAHC;

#3-4 Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA)

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
ds_nahc@pacbell.net
www.nahc.ca.gov
(916) 657-5390 - Fax

#3-4 §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

Native American Contacts
Kern County
March 4, 2013

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville , CA 93258
chairman@tulerivertribe-nsn.
(559) 781-4271
(559) 781-4610 FAX

Yokuts

Tejon Indian Tribe
Katherine Montes Morgan, Chairperson
1731 Hasti-acres Drive,
Suite 108 ,
Bakersfield, CA 93309
661-758-2303
kmorgan@bak.rr.com
661-215-6530 - FAX

Yowlumne
Kitanemuk
Kawaiisu

Ron Wermuth
P.O. Box 168
Kernville , CA 93238
warmoose@earthlink.net
(760) 376-4240 - Home
(916) 717-1176 - Cell

Tubatulabal
Kawaiisu
Koso
Yokuts

Kawaiisu Tribe of Tejon Reservation
David Laughinghorse Robinson
PO Box 1547
Kernville , CA 93238

horse.robinson@gmail.com

Kawaiisu

Kitanemuk & Yowlumne Tejon Indians
Delia Dominguez, Chairperson
115 Radio Street
Bakersfield , CA 93305
deedominguez@juno.com
(626) 339-6785

Yowlumne
Kitanemuk

Kern Valley Indian Council
Julie Turner, Secretary
P.O. Box 1010
Lake Isabella, CA 93240
(661) 366-0497
(661) 340-0032 - cell

Southern Paiute
Kawaiisu
Tubatulabal
Koso
Yokuts

S an Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838
Newhall , CA 91322
tsen2u@hotmail.com
(661) 753-9833 Office
(760) 885-0955 Cell
(760) 949-1604 Fax

Fernandeño
Tataviam
Serrano
Vanyume
Kitanemuk

San Manuel Band of Mission Indians
Daniel McCarthy, M.S.., Director-CRM Dept.
26569 Community Center. Drive
Highland , CA 92346
(909) 864-8933, Ext 3248
dmccarthy@sanmanuel-nsn.gov
(909) 862-5152 Fax

Serrano

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012091066; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Eastern Kern County Property Acquisition Project by the California Department of Parks & Recreation OHMVR Division; located in Kern County, California.

Kern Valley Indian Council
Robert Robinson, Co-Chairperson
P.O. Box 401
Weldon , CA 93283
brobinson@iwvisp.com
(760) 378-4575 (Home)
(760) 549-2131 (Work)

Tubatulabal
Kawaiisu
Koso
Yokuts

Tubatulabals of Kern Valley
Robert L. Gomez, Jr., Tribal Chairperson
P.O. Box 226
Lake Isabella, CA 93240
(760) 379-4590
(760) 379-4592 FAX

Tubatulabal

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012091066; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Eastern Kern County Property Acquisition Project by the California Department of Parks & Recreation OHMVR Division; located in Kern County, California.

Big Pine Band of Owens Valley THPO
Bill Helmer, Tribal Historic Preservation Officer
P.O. Box 700 Paiute
Big Pine , CA 93513
amargosa@aol.com
(760) 938-2003
(760) 937-3331 - cell
(760) 938-2942 fax

Lone Pine Paiute Shoshone Reservation
Kathy Bancroft, Cultural Resources Officer
P.O. Box 747 Paiute
Lone Pine , CA 93545 Shoshone
406-570-5289
kathybncrft@yahoo.com
760-876-8302 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012091066; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Eastern Kern County Property Acquisition Project by the California Department of Parks & Recreation OHMVR Division; located in Kern County, California.

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Lorelei H. Oviatt, AICP, Director
2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301-2323
Phone: (661) 862-8600
FAX: (661) 862-8601 TTY Relay 1-800-735-2929
E-Mail: planning@co.kern.ca.us
Web Address: www.co.kern.ca.us/planning

DEVELOPMENT SERVICES AGENCY

Planning and Community Development
Engineering, Surveying and Permit Services
Roads Department

Comment Letter #4: Kern County Planning and Community Development Department

March 1, 2013

FILE: Eastern Kern County Acquisition EIR

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
Attn: Peter Jones
P.O Box 1360
Lebec, California 93243

RE: Comments on Draft EIR for the Eastern Kern County Property Acquisition (State Clearinghouse # 2012091066)

Dear Mr. Jones,

The Kern County Planning and Community Development Department appreciates the opportunity to provide comments on the Draft Environmental Impact Report for the of the Eastern Kern County Property Acquisition. The entire 28,500 acres is located in eastern Kern County and was originally part of the Rudnick Ranch holdings. Kern County is very supportive of expanded opportunities for recreational use in our desert areas, including motorized recreation and appreciates the efforts to establish a new OHV area. The following comments are provided for the record.

#4-1 The Summary, S.3.2 No Project Alternative, (Page S-9) states that "Should some of the parcels be developed for wind or solar energy, the adverse effects on wildlife, including avian migratory corridors, and recreation could be substantial" Under the No Project Alternative, the OHMVR Division would not acquire the 59 private parcels and the property would remain under the land use control of Kern County. This area is not eligible for any commercial wind projects as it is restricted by the Kern County Zoning Ordinance Section 19.08.160 Height of Structures to protect the military airspace complex. In addition, Kern County has experience with permitting of over 8000 MW including large scale commercial solar PV. The representation of this statement that the adverse impacts on wildlife and recreation from renewable energy development could be ""substantial" is prejudicial and unsubstantiated. It should be deleted from the summary. Staff notes it is not included in the body of the DEIR in Section 12.2 No Project and there are no other places in the document so a deletion will not affect the analysis required by CEQA.

Notification

Please provide the Kern County Planning and Community Development Department with all informational notices and documents and notices required under CEQA. Thank you for the opportunity to provide comment.

Sincerely,

Lorelei H. Oviatt, AICP
Director

cc: Kern County Board of Supervisors
CAO
County Counsel
Kern County Roads Department
Kern County Engineering and Survey Permit Services
Kern County Fire Department
Kern County Parks and Recreation
Grand Jury

Comment Letter #6: American Motorcyclist Association, District 36

#5-1 As the AMA Congressman for American Motorcyclist Association/District 36, I would like to wholeheartedly support the Off-Highway Motor Vehicle Recreation Division of California State Parks Department's acquisition of the Eastern Kern County property. This is a much needed facility in the area and will support the natural condition and environment in the area for perpetuity. The OHMVR is the Gold standard for environmental responsibility and motorized recreation combined. This may sound like a contradiction in terms, but the OHMVR State Vehicle Recreation Areas (SVRAs) are by law required to have the highest environmental responsibility of any State Park. This results in having an off-highway recreation facility that is sustainable while providing a safe interactive experience for the user.

District 36 and many others are excited to be partners in developing and supporting a new off-highway recreation area, as these activities bring together families and create an environment of self reliance, self esteem and executive function, not to mention physical fitness that's fast declining in this computer driven world.

The financial impact of this facility is undeniable, not only for local businesses but state wide. Many of the OHV recreational trailers and equipment are built (Weekend warrior, FMF, etc.) in California, providing jobs and sales taxes for the many social programs in the State.

The AMA and District 36 applauds the OHMVR for partnering with the BLM as well as others to create and enhance a facility for the betterment of all who might use this facility and for those who live and work nearby.

-----Original Message-----
From: Jerry Fouts [mailto:jerryfouts@gmail.com]
Sent: Tuesday, March 26, 2013 3:31 PM
To: Jones, Peter@Parks
Subject: Eastern Kern County Property Acquisition/Draft EIR

Comment Letter #6: Americans for Responsible Recreational Access

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Dale Aastrom <tgiford390@hotmail.com>
Sent: Wednesday, February 27, 2013 6:16 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 27, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

#6-1 As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Thank you for your consideration.

Sincerely,

Mr. Dale Aastrom
10209 Del Mar Ave
Montclair, CA 91763-3910
(626) 786-1097

Date	Name	Address	Phone	Email
2/27/2013	Aastrom, Dale	10209 Del Mar Avenue, Montclair, CA 91763-3910	(626)786-1097	tgiford390@hotmail.com
2/25/2013	Adan, Richard	1310 Homestead Ln, Hayward, CA 94545-3131		rick.adan@sri.com
2/28/2013	Afdahl, Tami	53 La Serena Ct, Alamo, CA 94507-2151	(925)855-9465	tamiafdahl@gmail.com
2/26/2013	Agoni, Anthony	15 Grenache, Irvine, CA 92614-5496	(949)679-7654	aaa@agoni.name
2/27/2013	Albright, Tom	1919 253rd St, Lomita, CA 90717-1813		allby842@hotmail.com
2/26/2013	Alcaraz, Richard	2801 Via Del Caballo Blanco, Bonita, CA 91902-1929		raddrich@sbcglobal.net
2/28/2013	Allen, Don	948 White Ln, Stockton, CA 95215-1217	(209)824-3415	dallen@delicato.com
2/26/2013	Allen, Michael	4272 Stonewall Dr, Riverside, CA 92505-3451		aw86maztravel@aol.com
2/25/2013	Allen, Paul	4047 Meadowbrook St, Orange, CA 92865-1407		sakahana@hotmail.com
2/25/2013	Allnutt, James	5229 La Corte Bonita, Concord, CA 94521-3116		jim@contracostaclimatecontrol.com
2/25/2013	Alonso, Ernest	4330 Maverick Rc, Shingle Springs, CA 95682-9466		ealonso@sbcglobal.net
2/26/2013	Anderson, Brian	19831 Larbert St, Canyon Country, CA 91351-1121	(610)621-1801	flynbbrian@aol.com
2/25/2013	Anderson, Eric	23391 Via Alondra, Coto De Caza, CA 92679-3906	(949)874-2645	knightrook3@yahoo.com
2/25/2013	Anderson, Larry	1218 Bennett Ln, Calistoga, CA 94515-9714		anderld47@aol.com
3/19/2013	Anondson, Mark	23121 Teil Glen Rd, Wildomar, CA 92595-7905	(951)609-9690	
2/25/2013	Araujo, Rick	3175 Matzley Ct, San Jose, CA 95124-2339	(831)475-0301	rickwheeler@earthlink.net
2/25/2013	Archer, Robert	268 Lake Sherwood Dr, Lake Sherwood, CA 91361-5148		bobbyo91361@yahoo.com
3/11/2013	Arlin, Paul	630 E Puente St, Covina, CA 91723-2824		pearlin@verizon.net
2/25/2013	Arnold, Cam	34 Cedar Tree Ln, Irvine, CA 92612-2203	(949)727-4211	carnold@mic.org
2/25/2013	Arnold, Kelly	PO Box 1574, 571 Gentry Hill Rd, Monterey, CA 93942-1574	(831)375-3991	polarismann500@aol.com
2/26/2013	Arnold, Scott	3041 Bighorn Dr, Corona, CA 92881-8769		dirtmerchant221@gmail.com
2/25/2013	Arrington, Kenneth	31 Amarillo Dr, American Canyon, CA 94503-1030		crf450dust@yahoo.com
2/25/2013	Ashley, Beverly	395 Sierra Madre Villa Ave, Pasadena, CA 91107-2902		bashley101@gmail.com
2/25/2013	Athanasiou, George	2499 Stockton St, Lodi, CA 95240-8819		qualfab@yahoo.com
2/25/2013	Austin, Chris	PO Box 1891, Idyllwood, CA 92549-1891		cj.austin2@verizon.net
2/25/2013	Baineau, Bryan	890 Kellog Ave, Goleta, CA 93111-1137		bryan_babineau@yahoo.com
2/25/2013	Baca, Michael	2433 San Pablo Ct, Santa Rosa, CA 95401-9038	(707)570-5880	baca707@mac.com
2/27/2013	Baer, Stephen	2450 W Sunnyview Dr, Rialto, CA 92377-3564		stephenbaer17@gmail.com
2/25/2013	Baker, Chip	844 Calle Ciruelo, Thousand Oaks, CA 91360-4809		chip@avanta.com
2/25/2013	Baker, Dana	24752 Toledo Ln, Lake Forest, CA 92630-2318	(949)586-0860	dbaker@lf2.org
2/25/2013	Balunda, Bob	4949 Florin Perkins Rd, Sacramento, CA 95826-4823		bbalunda@gmail.com
2/25/2013	Balunda, Bob	1229 Eastern Ave, Sacramento, CA 95864-5364		balunbb@saccounty.net
2/25/2013	Barclay, William	24219 High Knob Rd, Diamond Bar, CA 91765-4225		bnmbarclay@yahoo.com
2/25/2013	Barlia, Irving	17048 Yucca Rd, Apple Valley, CA 92307-1146		ibarlia@kittymail.com
2/26/2013	Barnes, Randy	3178 Deer Valley Ave, Newbury Park, CA 91320-5806		r.barnes3765@gmail.com
2/26/2013	Barnes, Richard	14182 Calle Domingo, Victorville, CA 92392-5452	(760)963-0991	richsband@aol.com
3/2/2013	Barrett, Rod	2067 E 600 S, Anderson, IN 46017-9500	(765)374-0429	rodb@comcast.net
2/25/2013	Bartle, Troy	10435 Telegraph Road, Ventura, CA 93004-1778		troy.bartle@navy.mil
2/27/2013	Becker, Craig	101 Keller Cir, Folsom, CA 95630-7614	(916)983-7031	manglerx@att.net
2/26/2013	Begin, John	133 E Bonita Ave Ste 201, San Dimas,CA 91773-3099	(909)261-6802	john@jbcontractors.com
2/25/2013	Begin, Mathew	740 E Edna Pl, Covina, CA 91723-1408	(626)732-0942	mbeginconst@msn.com
2/28/2013	Bell, Mike	16985 Nelson Rd, Jamestown, CA 95327-9710		mblt1@aol.com
2/25/2013	Beller, Kevin	2899 Stadium Dr, Solvang, CA 93463-9514		kevinb@seymourduncan.com
2/25/2013	Benefiel, Bruce	261 Euclid Ave, Long Beach, Ca 90803-6080	(562)434-9435	brucelbc@yahoo.com
2/25/2013	Berg, Dale	3702 Allred St, Lakewood, CA 90712-3527		dale.berg@goodridge.net
2/25/2013	Boardman, Jim	5837 Moraga Ave, San Jose, CA 95123-3832		jimb_83@yahoo.com
2/26/2013	Borman, Russ	27828 Slaughterhouse Rd, Ramona, CA 92065-5440	(858)386-9407	xjruss@hotmail.com
2/25/2013	Breese, Kenny	1479 Boxwood Ct, San Luis Obispo, CA 93401-7678		kbjustride@hotmail.com
2/25/2013	Brown, Chris	1155 Tropicana Ln, Brentwood, CA 94513-5165	(925)330-0245	unravels@gmail.com
2/25/2013	Brown, Gregory	3848 Township Ave, Simi Valley, CA 93063-1070	(805)522-4939	gregbro18@gmail.com
2/25/2013	Brown, Mike	21155 Via Los Laureles, Murrieta, CA 92562-7317		mike@rogue-corp.com
2/26/2013	Bumgarner, John	PO Box 2149, Rosamond, CA 93560-2149		wwwarmbloods@hotmail.com
2/25/2013	Burnham, John	PO Box 424, Frazier Park, CA 93225-0424	(661)733-3047	johnrb61@hotmail.com
2/25/2013	Burns, Robert	25241 Divinci Ave, Lancaster, CA 93536-9127	(310)502-9879	v6taco@verizon.net
2/25/2013	Burton, Scott	515 San Miguel Way, Sacramento, CA 95819-2719	(916)718-1488	smburton3@yahoo.com
2/25/2013	Busick, Gil	651 Walnut Ave, El Segundo, CA 90245-2063	(310)357-1717	gilbusick@hotmail.com
2/25/2013	Cabibi, Joshua	1015 Monterey St, Hollister, CA 95023-4704		joshgilroytoyota@hotmail.com
2/25/2013	Call, Gary	33830 Abbey Rd, Temecula, CA 92592-5607	(951)303-9759	shacall2@yahoo.com
2/25/2013	Camerano, James	14127 Fairchild Dr, Corona, CA 92880-9018	(909)815-0325	glamisjim@yahoo.com
2/25/2013	Cameron, Brad	28016 Sturbridge Dr, Castaic, CA 91384-3533		brad@renthal.com
2/25/2013	Campion, Nick	27681 Paseo Barona, San Juan Capistrano, CA 92675-2851	(949)240-5853	ncampion@aol.com
2/25/2013	Carter, Devin	134 Lupe Ave, Newbury Park, CA 91320-3226	(805)233-4834	devin_carter@verizon.net
2/25/2013	Caruso, Phil	39024 Blacow Rd, Fremont, CA 94538-1118		p.caruso@mossprecision.com
2/26/2013	Casey, Eli	15764 Kings Creek Rd, Boulder Creek, CA 95006-9649		fullsped@yahoo.com
2/26/2013	Casper, Adam	2598 Outlook Cv, Port Hueneme, CA 93041-1566	(805)382-2960	acasyam@hotmail.com
2/26/2013	Casteel, Chris	1140 Agnew St, Simi Valley, CA 93065-1913	(805)527-5939	chriscasteel@entechinst.com
2/25/2013	Chaffins, Curt	Begonia Ct, Indio, CA 92201		xtremexj@gmail.com
2/26/2013	Chambers, Darin	15010 Ashwood Ln, Chino Hills, CA 91709-2603		darin@sercomold.com
2/25/2013	Chaplin, Dan	12776 Nutwood St, Garden Grove, CA 92840-6310	(714)537-0076	cdchaplin@aol.com
2/26/2013	Cheney, Mike	3611 Camelot Ct, Pleasanton, CA 94588-3409	(925)462-1639	info@valleyplumbinginc.com

2/25/2013	Chestnutt, John	408 Chapala St, Santa Barbara, CA 93101-3410	(805)965-4814	cr500jack@cox.net
2/25/2013	Childs, Shane	7465 Pasito Ave, Rancho Cucamonga,CA 91730-1440		shanechildsrealestate@gmail.com
2/25/2013	Christensen, Marvin	5407 Arlene Way, Livermore, CA 94550-2346		marvin936@gmail.com
2/26/2013	Christensen, Richard	301 72nd St W, Rosamond, CA 93560-7225	(661)256-0556	olddezracer@antlelcom.net
2/25/2013	Christensen, Steve	38820 Judie way, Fremont, CA 94536-7331		stevechrist7@gmail.com
2/25/2013	Cody, Steve	13455 Julian Ave, Lakeside, CA 92040-4409		scody049@cox.net
2/25/2013	Colln, James	9333 Gardendale St, Bbellflower, CA 90706-2144		sanduners@aol.com
2/25/2013	Colwell, Matt	1668 Carol Ave, Chico, CA 95928-4115	(530)321-5429	mcolwell@southfeather.com
3/2/2013	Connet, Mike	2500 Carnegie Ln, Redondo Beach, CA 90278-3813		dunebuds@verizon.net
2/25/2013	Conway, Lori	10541 Hillside Rd, Rancho Cucamonga, CA 91737-2411		lconway@hra.com
2/26/2013	Cours, Russell	10891 Chestnut St, Los Alamitos, CA 90720		rustycours@gmail.com
2/25/2013	Creel, Thurman Jr	2911 Winery Ave, Clovis, CA 93612-4612	(559)348-1259	tjcjr61@sbcglobal.net
2/25/2013	Cucurullo, Jamie	17622 Cameron Ln Apt 14, Huntington Beach, CA 92647-6921		hb_hick@yahoo.com
2/26/2013	Cullen, Thomas	81101 Aurora Ave, Indio, CA 92201-6644	(760)347-3238	tcullen1@ix.netcom.com
2/25/2013	Curl, Larry	19752 Elmcrest Ln, Huntington Beach, CA 92646-3124		lcurlbikerider@yahoo.com
2/25/2013	Curry, Kevin	23 Los Felis Dr, Pomona, CA 91766-4772	(714)771-7663	roofsaver@msn.com
2/25/2013	Dan, James	3480 Condor Ridge Rd, Yorba Linda, CA 92886-6970		jrdan1@pacbell.net
2/25/2013	David, Christopher	508 Berwick St, Bakersfield, CA 93311-1153	(661)800-8368	chris.l.david@gmail.com
2/25/2013	Davis, James	5107 Levelside Ave, Lakewood, CA 90712-2221	(562)790-8990	randydavis1@ca.rr.com
2/25/2013	Dawson, Ryan	4301 Crownfield Ct, Westlake Village, CA 91361-4109	(818)879-7926	rcw.rdawson@gmail.com
2/25/2013	De Busk, Rick	12890 Le Grand Rd, Le Grand, CA 95333-9788		rickdebusk@sbcglobal.net
2/28/2013	Deal, James	8956 Tangerine Ave, Hesperia, CA 92345-6645		abigdeal@verizon.net
3/2/2013	Dean, Angela	84 Washburn St, Simi Valley, CA 93065-4055		ang.dean@att.net
2/25/2013	Deckard, Ralph	9933 2nd Ave, Hesperia, CA 92345-3146	(760)244-0360	res1w3c6@verizon.net
2/25/2013	Del Vecchio, Deanne	PO Box 13333, South Lake Tahoe, CA 96151-3333	(530)577-4622	deanne@deannedelvecchio.com
2/25/2013	Devlin, Mike	520 Bucknell Dr, San Mateo, CA 94402-3250		mike@mike-devlin.com
2/25/2013	DeWan, Evan	380 Oak Valley Ln, Escondido, CA 92027-5339		motopanino@msn.com
2/25/2013	Diaz, Roger	279 Davison, Mammoth Lakes, CA 93546		rogerjdiaz@gmail.com
2/26/2013	Dinslage, Scott	12624 Acacia Ter, Poway, CA 92064-3235		dinslage.s@gmail.com
2/25/2013	Dixon, Dave	212 Sherman Dr, Scotts Valley, CA 95066-3628		dmdxn4@sbcglobal.net
2/25/2013	Donaghy, Paul	3720w Los Altos, Fresno, CA 93711-0846		pauldonaghy@sbcglobal.net
2/26/2013	Downey, Wade	5344 Linda Dr, Torrence, CA 90505-3233		wade.downey@dsfgroup.com
2/25/2013	Downs, Tim	9108 Orchid Shade Dr, El Dorado Hills, CA 95762-6333	(916)947-1972	tddowns@dstoutput.com
2/25/2013	Drayton, Robert	27868 Calico Dr, Barstow, CA 92311-4371	(760)447-4371	easy48@yahoo.com
2/25/2013	Edwards, Mike	204 Sequoia Way, Santa Ana, CA 92703-4141		n6xtc@yahoo.com
2/25/2013	Eisele, Sarah	7006 Cascade Ave, Oak Hills, CA 92344-8112		sarahleisele@gmail.com
3/1/2013	Elliot, Don	3720 Citrus St, La Mesa, CA 91941-7611	(619)466-1750	delliott@ucsd.edu
2/25/2013	Estes, Janis	23075 Orangewood Ct, Grand Terrace, CA 92313-5567	(909)783-3468	jlegt@prodigy.net
2/25/2013	Estes, Robert	1917 E 22nd St, Oakland, CA 94606-4116	(510)910-3447	grumpyman66@gmail.com
2/25/2013	Evans, Cyndi	897 Avenida Ysidora, Chula Vista, CA 91910-6803	(619)261-5902	caesd65@aol.com
2/25/2013	Fageroos, Mark	11714 Silvergate Dr, Dublin, CA 94568-2210		extrmefisherman@comcast.net
2/26/2013	Farrell, Ed	9925 Scottsdale St, Ventura, CA 93004-3721		edsurffarrell@yahoo.com
2/25/2013	Farris, Gregory	18075 Olive Branch Ln, Morgan Hill, CA 95037-3416	(408)779-8189	gafarris@verizon.net
2/25/2013	Faul, Mark	644 E Wilson Ave, Orange, CA 92867-4933	(714)639-6565	lawbrkrrcn@sbcglobal.net
2/25/2013	Fergot, Dan	316 E Citrus Ave, Redlands, CA 92373-5217		tcbantique@aol.com
2/25/2013	Ferguson, Carrie	11767 Cibola Rd, Apple Valley, CA 92308-7696	(760)247-7668	clferguson57@msn.com
2/25/2013	Fernandez, Anna	30460 Curzulla Rd, Menifee, CA 92584-8743	(951)326-5612	miekfernandez@yahoo.com
2/25/2013	Ferro, John	1051 Rancho Vista Ln, Santa Paula, CA 93060-9743	(805)368-6938	jaferro@aol.com
2/27/2013	Finkle, Michael	11145 Charleston St, Alta Loma, CA 91701-7706	(908)948-9969	mike-finkle@msn.com
2/25/2013	Franklin, Brad	2581 Paseo Tortuga, Chino Hills, CA 91709-5016	(714)761-7842	brad_franklin@yamaha-motor.com
3/4/2013	Frantum, Kevin	45749 Classic Way, Temecula, CA 92592-6029	(951)693-2696	jethead69@hotmail.com
2/25/2013	Fry, John	2515 Taylor Ln, Byron, CA 94514-2513	(925)634-8647	jcfry43@yahoo.com
2/26/2013	Frye, Joyce	5075 Cardiff Ln, Atwater, CA 95301-8583	(209)777-7370	joycefrye99@yahoo.com
2/25/2013	Fulling, Jim	5006 Charter Rd, Rocklin, CA 95765-5121	(916)517-5854	jimjr@fulling.org
2/25/2013	Garmon, Michael	21632 Brookhurst St, Apt D, Huntington Beach, CA 92646-8161	(714)608-0743	paddlesurfmg@gmail.com
2/25/2013	Gates, Robert	12829 Bear Valley Rd, Victorville, CA 92392-9786	(760)949-4040	gates_robert@msn.com
2/26/2013	Geddes, Jim	1037 E Terrace Dr, Long Beach, CA 90807-1044	(562)310-2660	jimg@sause.com
2/25/2013	Gehr, Michael	20007 Parthenia St, Northridge, CA 91324-3223	(818)586-1961	michael.gehr@pwr.utc.com
2/25/2013	Gell, Thomas	33349 Stoneman St, Lake Elsinore, CA 92530-6335	(951)265-3296	onlemon@yahoo.com
2/26/2013	Gibbert, Greg	2320 Calle Mimosa, Thousand Oaks, CA 91360-6719		ggibbert@roadrunner.com
2/27/2013	Gillihab, Elizabeth	2151 Bonds Ct, Escalon, CA 95320-1857		lizl2151@yahoo.com
2/26/2013	Gillihan, Eric	2152 Bonds Ct, Escalon, CA 95320-1857	(209)838-2648	egrider1@sbcglobal.net
2/28/2013	Goulet, Dan	8144 Larga Ave, Atascadero, CA 93422-3736		dgoulet@slocity.org
2/26/2013	Graham, Jordan	1146 Elfin Forest Rd W, San Marcos, CA 92078-1078		jgraham5@gmail.com
2/26/2013	Granger, Jim	7004 Canby Ave, Reseda, CA 91335-4301	(818)345-4558	jgrc30@aol.com
2/25/2013	Guidinger, Craig	3113 Wildwood Dr, Concord, CA 94518-1410		craigg@amllp.com
2/25/2013	Gutierrez, Jesse	PO Box 25126, Fresno, CA 93729-5126	(559)288-4378	jag-11@hotmail.com
2/26/2013	Hallgren, Nelson	4495 59th St, Sacramento, CA 95820-3125		writenelson@hotmail.com
2/26/2013	Halloran, Brian	2973 Carradale Dr, Roseville, CA 95661-4050	(916)791-9694	brianhalloran@sbcglobal.net
2/28/2013	Hancock, Robert	PO Box 460553, Escondido, CA 92046-0553	(760)470-2784	alyshka@aol.com

2/25/2013	Harkenrider, Jay	1208 20th St, Manhatten Beach, CA 90266-2922		sharkjay@aol.com
2/25/2013	Harmon, Robert	PO Box 391333, Anza, CA 92539-1333		theanzakid@yahoo.com
2/25/2013	Harris, Mike	2223 Mount Shasta Dr, San Pedro, CA 90732-1330	(310)547-1621	mike.harris216@att.net
2/25/2013	Hart, Jeremy	1744 Iris Ave, Torrence, CA 90503-7222	(310)930-2342	jbksurf@aol.com
2/25/2013	Harvey, Keith	7601 Acacia Ave, Garden Grove, CA 92841-4003	(714)273-3630	sanddune911@yahoo.com
3/16/2013	Hatcher, David	540 Cheyenne Dr, San Dimas, CA 91773-1517	(626)840-5280	dave@rover4.com
2/25/2013	Havlik, Frank	7018 Norfolk Rd, Berkeley, CA 94705-1741	(510)845-0745	fhavlik@comcast.net
2/25/2013	Hawkins, David	PO Box 3627, Modesto, CA 95352-3627	(209)527-1265	hawkins_52@hotmail.com
2/25/2013	Hayward, John	PO Box 2716, Blue Jay, CA 92317-2716		jghayward@chaparralmotorsports.com
2/25/2013	Heinen, Steve	1497 Elle Way, Alpine, CA 91901-3981		steve.heinen@gerdau.com
2/26/2013	Heiser, Jeri	981 California St, Chico, CA 95928-6225		vancourt7027@sbcglobal.net
2/25/2013	Henry, Michael	5174 Mendip St, Oceanside, CA 92057-1847		a1mike1@yahoo.com
2/25/2013	Hernandez, Carlos	231 Angora St, Patterson, CA 95363-8807	(209)895-7235	carlos_hernandez@yahoo.com
2/25/2013	Higgins, Ralph	26851 Freezeout Rd, Duncans Mills, CA 95430-0079	(707)865-2032	ralph@higginscabinetry.com
2/25/2013	Hitt, Bryan	116 Valley Gate Rd, Simi Valley, CA 93065-5365	(805)584-2964	hittmang@aol.com
2/26/2013	Holland, Nathan	11074 Yakima River Ct, Rancho Cordova, CA 95670-2812	(916)524-2298	nateholland@hotmail.com
2/26/2013	Holmes, Thomas	1095 E Colorado Blvd, Pasadena, CA 91106-1402		tholmes@holmesbodyshop.com
2/26/2013	Hooper, Ran	44008 Kirkland Ave, Lancaster, CA 93535-3631	(661)951-7978	ran@qnet.com
2/25/2013	Hopkins, Donny	13601 Spring Mountain Ave, Bakersfield, CA 93314-9014	(661)330-2612	dhopkins@bolthouse.com
2/26/2013	Hughes, Duane	PO Box 24, Holy City, CA 95026-0024	(510)793-8157	nowutzup@aol.com
2/25/2013	Hughes, Larry	1204 Village Dr, La Habra, CA 90631-7446		lhughes@technip.com
2/25/2013	Hunt, Glenn	8123 Brampton St, Spring Valley, CA 91977-3707	(619)889-4239	mucket1h@netscape.net
2/25/2013	Hunt, Kenneth	27307 Trefoil St, Murrieta, CA 92562-2507		kjljdjsj48@verizon.net
2/25/2013	Hyde, Chris	395 Knottingham Cir, Livermore, CA 94551-1771		hydebuster@sbcglobal.net
2/26/2013	Hykes, John	321 E Greystone Ave, Monrovia, CA 91016-2368	(626)358-5467	jhykes@accu-sembly.com
2/25/2013	Ito, Brad	2603 Ohio Ave, Redwood City, CA 94061-3235	(650)556-9469	bito@stanford.edu
2/26/2013	Johnson, Kirk	10236 Parr Ave, Sunland, CA 91040-3225		capkj@yahoo.com
2/25/2013	Johnson, Ladd	27 Bay Laurel Ct, Scotts Valley, CA 95066-3972	(831)334-1641	ladd_johnson@yahoo.com
2/25/2013	Johnson, Lisa	11 Sequero, Rancho Santa Margarita, CA 92688-2720	(949)858-8052	l-m-johnson@cox.net
2/25/2013	Johnson, Peter	262 E Cypress Ave, Monrovia, CA 91016-4130	(559)908-3313	pjohnson1848@yahoo.com
2/26/2013	Johnson, Todd	11 Sequero, Rancho Santa Margarita, CA 92688-2720		todd@powertechelectric.com
2/25/2013	Jones, David	143 Ben Avon Ct, San Dimas, CA 91773-2806		daverjones@earthlink.net
2/25/2013	Jones, David	13025 Signature Pt, Apt 164, San Diego, CA 92130-1527		djones@microcellularsystems.com
2/26/2013	Jones, Kirsi	7527 Oak Hill Rd, Oak Hills, CA 92344-0610		krisij1030@gmail.com
2/25/2013	Jones, Paul	138 Nashua Ct, San Jose, CA 95139-1236	(408)483-8393	pjsparkey@yahoo.com
2/25/2013	Josephson, Robb	3844 Pruneridge Ave, Santa Clara, CA 95051-5853		robjoer@sbcglobal.net
2/25/2013	Jump, Robert	33 Coleman Dr, San Rafael, CA 94901-1917	(415)924-4800	themistersnoid@aol.com
2/25/2013	Kahn, Russ	101 Mesa Verde Ln, Nipomo, CA 93444-9576		kahnman@charter.net
2/26/2013	Keller, Frederic	2557 Riviera Cir, El Dorado Hills, CA 95762-4009		fishing202@aol.com
2/25/2013	King, Dan	7738 Rushlight Ave, Littlerock, CA 93543-3205		d56king@hotmail.com
2/25/2013	King, Jon	11912 Pine Forest Rd, Truckee, CA 96161-2724	(530)587-7982	jtkingsr@sbcglobal.net
2/27/2013	King, Michael	757 N Miami Ave, Clovis, CA 93611-7374	(554)298-3339	mltk@comcast.net
2/26/2013	Kirker, Andrew	21041 Avenida Albercon, El Toro, CA 92630-2206		intersky@aol.com
3/6/2013	Klenk, David	15227 Tricia Ln, La Mirada, CA 90638-5318		dklugnut10@sbcglobal.net
2/26/2013	Kudla, Ryan	5880 Fair Isle Dr, Apt 170, Riverside, CA 92507-8458		rkudl001@ucr.edu
2/25/2013	Kuppinger, Eric	52 17th St, Hermosa Beach, CA 90254-3408	(310)259-3692	e.kupp@verizon.net
2/25/2013	Langlo, Troy	6044 N Harrison Ave, Fresno, Ca 93711-2429		bvillercr@gmail.com
2/25/2013	Lappalainen, Markku	4648 Sherman Oaks, CA 91423		kulapp@gmail.com
2/25/2013	Lara, Jim	25218 Woodward Ave, Lomita, CA 90717-2248		jandlara@sbcglobal.net
2/25/2013	Larrus, Al	3520 Victor St, Santa Clara, CA 95054-2320	(408)988-3720	kladtech@sbcglobal.net
2/25/2013	Larsen, Jeff	391 Alpen Rose Way, Galt, CA 95632-2062		jeff.larsen@comcast.net
2/25/2013	Lee, David	430 Heenan Way, Placentia, CA 92870-7478	(714)854-7802	dplac@sbcglobal.net
2/25/2013	Lee, Nora	PO Box 70881, Richmond, CA 94807-0881	(650)504-2636	norajlee@earthlink.net
2/25/2013	Leite, Gregor	442 Dove Canyon Rd, Buellton, CA 93427-9660	(805)452-8731	gleite311@yahoo.com
2/26/2013	Lembright, Bill	10110 Highland Rd, Lucerne Valley, CA 92356	(760)248-7311	billlembright@thenewlight.net
3/11/2013	Leonhardt, Craig	10861 Hamden Ave, Stanton, CA 90680-2145		cleonhardt@socwa.com
2/25/2013	Leonis, Peter	650 Holloway Rd, Gilroy, CA 95020-7080	(408)641-1932	pjbiker@hotmail.com
2/25/2013	Lewis, Kevin	8149 Surrey Ln, Alta Loma, CA 91701-1259		knmas@aol.com
2/25/2013	Loftus, John	544 Maureen Ln, Pleasant Hill, CA 94523-2759		jessicaahahn@gmail.com
2/25/2013	Logan, James	2413 Leigh Ave, San Jose, CA 95124-1131	(408)377-3911	speedygonzales76@gmail.com
2/25/2013	Lorenz, John	1201 Sequoia Ct, Hollister, CA 95023-7561		j_lorenz@charter.net
2/25/2013	Mahoney, Sean	PO Box 1107, Camino, CA 95709-1107		sacirish@yahoo.com
2/25/2013	Maier, George	416 Crown Point Cir, Grass Valley, CA 95945-9558		georgem@maier-mfg.com
2/25/2013	Mair, John	PO Box 1902, Mammoth Lakes, CA 93546-1902	(760)937-8689	mammothjohn@yahoo.com
2/25/2013	Malyszek, Bryan	3251 E Imperial Hwy, Brea, CA 92821-6722		bmalyszek@suz.com
2/25/2013	Marcy, Will	9411 Wexford Dr, Tujunga CA 91042-3233	(818)321-0806	will@omniasalesinc.com
2/25/2013	Marion, Steve	18745 Hacienda Ln, Yorba Linda, CA 92886-2628	(714)693-3714	steve@marioncorp.com
2/27/2013	Martin, Dale	106 Gainsborough Cir, Folsom, CA 95630-1829		mya_dale@sbcglobal.net
2/25/2013	Martin, James	14756 Carlson St, Poway, CA 92064-3146		88jmartin88@gmail.com
2/26/2013	Martin, John	PO Box 65, Descanso, CA 91916-0065		jm91916@yahoo.com
2/25/2013	Martinez, Angel	1325 N Helen Ave, Ontario, CA 91762-1032		chevyeliminator@yahoo.com

2/26/2013	Mason, Larry	10 Buenvante Pl, Sacramento, CA 95835-2194	(916)515-4909	karin.mason1@sbcglobal.net
2/25/2013	Massingham, Dave	16269 Placid Dr, Whittier, CA 90604-3916	(562)324-3024	dwmassjr@yahoo.com
2/25/2013	Mattor, Jim	2516 Curtis Ave, Unit 4, Redondo Beach, CA 90278-2146	(310)542-4642	jim.mattor@verizon.net
2/25/2013	Maynard, Mark	4074 Capella St, Lompoc, CA 93436-1802	(805)733-2358	mark.m.maynard@ulalaunch.com
2/25/2013	McClung, Roland	7537 Lockhaven Ave, Rancho Cucamonga, CA 91730-1615		romcclung@charter.net
2/26/2013	McClure, John	13632 Paysen Dr, Westminster, CA 92683-2437		jmcclure@pacbell.net
2/25/2013	McElwee, Brent	22931 Soriente Trl, Coto De Caza, CA 92679-3601		brent@ahl.org
2/25/2013	McGill, Timothy	1600 Cortland Ave, San Francisco, CA 94110-5717		tim@amawning.com
2/25/2013	McGinness, Michael	3440 Harrison Ave, Lake Elsinore, CA 92530-1804	(714)833-7635	mrmoto876@yahoo.com
2/25/2013	McKinley, Jess	3745 Liberty Canyon Rd, Agoura Hills, CA 91301-3504	(818)851-9932	jess.mckinley@gmail.com
2/25/2013	Meaney, Brian	256 Maynard Ave, Newbury Park, CA 91320-4264		meaney77@gmail.com
2/25/2013	Medin, Andy	4828 El Camino Ave, Apt 224, Carmichael, CA 95608-4987	(916)308-4468	andymoto@pacbell.net
2/25/2013	Methot, Chris	1495 Kahler Ct, San Jose, CA 95132-3416		chris.methot@seagate.com
2/25/2013	Meyer, Gary	1426 School House Rd, Santa Barbara, CA 93108-1238	(805)448-5777	garygerda@cox.net
2/25/2013	Meyer, Michael	7851 Nancy Cir, La Palma, CA 90623-1647	(805)813-1973	ktmmike250exc@yahoo.com
2/25/2013	Miller, Brian	1224 Ramona Ave, Spring Valley, CA 91977-4350		vntgmxr88@aol.com
2/28/2013	Mills, Keith	13424 Silver Lake Dr, Poway, CA 92064-3715	(858)748-7323	cmills1334@cox.net
2/25/2013	Mittelstadt, John	17424 Rock Creek Rd, Nevada City, CA 95959-9410		johnmittelstadt@pacbell.net
2/25/2013	Moder, Michael	1111 Sunflower Ave, Glendora, CA 91740-6715	(951)201-7673	mjm.builders@verizon.net
2/27/2013	Molinari, Dave	8421 Lomond Dr, Huntington Beach, CA 92646-6912	(714)960-2843	dave@stompgrip.com
2/27/2013	Montee, Tracy	6208 Stow Canyon Rd, Goleta, CA 93117-1619	(805)964-3020	tracymontee@mac.com
2/25/2013	Mersarchik, Dana	4172 Milton Way, Livermore, CA 94551-0118	(408)691-6747	motomez@yahoo.com
3/5/2013	Mooney, Steve	PO Box 8305, Emeryville, CA 94662-0305		steve.mooney@comcast.net
2/25/2013	Moore, Jdeanne	185 Bosstick Blvd, San Marcos, CA 92069-5932	(760)560-2252	deanne@bajadesigns.com
2/25/2013	Moriarty, Tom	655 Esther Dr, Lancaster, CA 93535-1234	(661)400-8873	tompmoriarty@aol.com
2/25/2013	Morris, Derrick	9651 Martin Ln, Salinas, CA 93907-1506	(831)970-5562	dm@sygcorp.com
2/27/2013	Moss, Larry	1412 Centinela Ave, Apt 4, Inglewood, CA 90302-1146		larrylarry2574@sbcglobal.net
3/1/2013	Mowery, Shawn	390 Ogle St, Apt C, Costa Mesa, CA 92627-4737	(714)443-1411	shawnmowery1@gmail.com
2/25/2013	Murphy, Dave	131 Elena Ct, Turlock, CA 95380-4233		dave.murphy@sbcglobal.net
2/26/2013	Nay, Donn	1820 N Naomi St, Burbank, CA 91505-1221		nays5@sbcglobal.net
2/25/2013	Nay, Donn	1821 N Naomi St, Burbank, CA 91505-1221		donn.nay@district37ama.org
2/26/2013	Nelson, James	3740 Riverview Ct, Pittsburg, CA 94565-5773	(925)473-0600	jimpat23@comcast.net
2/25/2013	Ness, Eric	76621 California Dr, Palm Desert, CA 92211-7716		erics69mach@aol.com
3/2/2013	Nunn, Kyle	2401 Ventura Blvd, Camarillo, CA 93010-6650	(805)482-8963	kdnhomer@aol.com
3/1/2013	Nuss, Richard	1647 Broadland Ave, Duarte, CA 91010-2730		desertmc1@hotmail.com
2/25/2013	Oconnor, Liam	1719 Don Ave, San Jose, CA 95124-1905		liam_irish@yahoo.com
2/25/2013	Okerson, Nick	33180 Vino Way, Temecula, CA 92591-5093		rnick05@msn.com
2/25/2013	Oldham, Richard	385 Dennis Ln, Arroyo Grande, CA 93420-5063	(805)489-2495	oldmoto12@aol.com
2/25/2013	Oldham, Richard	385 Dennis Ln, Arroyo Grande, CA 93420-5063	(805)489-2496	oldmoto12@att.net
3/12/2013	Oliver, Dylan	13137 Sequoia Ave, Chino, CA 91710-4521		off_roader21@yahoo.com
3/15/2013	Packer, Colin	9800 Whirlaway St, Alta Loma, CA 91737-1646	(909)987-9556	cp9800@aol.com
2/25/2013	Pallies, Brad	4140 N Tangerine Dr, Rialto, CA 92377-2731		bpallies@yahoo.com
2/25/2013	Paluck, Mike	83108 Long Cove Dr, Indio, CA 92203-3092		mike.paluck@gmail.com
2/25/2013	Paniagua, George	4530 W Ridgecrest Blvd, Ridgecrest, CA 93555-8477	(760)377-3365	gpinddez@gmail.com
2/25/2013	Parisio, Alex	6407 County Road 48, Willows, CA 95988-9707		aeparisio@sbcglobal.net
2/25/2013	Pasero, Terry	13971 Bear Valley Trl, Redding, CA 96003-9139		terryvicki@c-zone.net
2/25/2013	Pave, Lars	1015 Park Ln, Piedmont, CA 94610-1124	(415)295-8536	sasha@setthemfree.com
2/25/2013	Peterson, Jay	36313 Cherrywood Dr, Yucaipa, CA 92399-5730	(909)790-0971	petersonj@scrra.net
2/25/2013	Petty, Justin	21046 Winchester Dr, Trabuco Cyn, CA 92679-3302	(949)246-0915	jpetty9@yahoo.com
2/25/2013	Pitner, Tim	9274 Lakeview Ter, Lakeside, CA 92040-4838	(858)864-2478	qstim@hotmail.com
2/25/2013	Postel, Peter	505 Walter Ave, Newbury Park, CA 91320-5057	(707)722-2325	peterpostel@juno.com
3/28/2013	Potter, Bryan	575 Brookline Ct, Valley Springs, CA 95252-9344		bkp73@comcast.net
2/25/2013	Powell, Damon	785 Tucker Rd, #g-182, Tehachapi, CA 93561-2523		damonpowell@live.com
2/25/2013	Prewitt, George	7355 Laurie Dr, Riverside, CA 92506-5415	(951)789-8747	1tom@earthlink.net
2/27/2013	Pulley, Phil	195 El Camino Dr, Ojai, CA 93023-2307		2philsforchrist@att.net
2/25/2013	Ranney, Clifford	598 Traverse Dr, Costa Mesa, CA 92626-3117		cranney@meaa.mea.com
2/25/2013	Rathlein, Oliver	1437 Morab Way, Norco, CA 92860-3934	(51)256-8300	orathlein@eibach.com
2/26/2013	Ratliff, Dan	20010 Tanager Ct, Santa Clarita, CA 91351-5561		dtm1970@gmail.com
2/26/2013	Rector, John	2715 Harvest Ln, Santa Rosa, CA 95401-9032	(707)576-8550	arbordogg@sbcglobal.net
2/25/2013	Redwoods, Jack	143 Ethel Ave, Mill Valley, CA 94941-2764	(415)383-9059	jpredwoods@yahoo.com
2/25/2013	Reeves, Ed	8929 Park Meadows Dr, Elk Grove, CA 95624-2709	(916)870-3250	edreeves@surewest.net
2/27/2013	Reiff, John	2567 Liberty Cv, Port Hueneme, CA 93041-1562		reiffj@yahoo.com
2/25/2013	Reyes, Richard	14140 Mesa Rd, Atascadero, CA 93422-6318	(805)462-1463	rsreyes@mesaroad.com
2/25/2013	Reynolds, Don	30502 Seminole Ct, Cathedral City, CA 92234-6107		dcreynolds@dc.rr.com
2/25/2013	Reynolds, Jon	34999 Jade Ct, Yucaipa, CA 92399-2965	(909)790-2987	jreynolds@kriegerandstewart.com
2/27/2013	Rich, David	422 13th St, Apt C, Huntington Beach, CA 92648-4542		davidr@iequus.com
2/25/2013	Rich, Robert	5831 Arapaho Dr, San Jose, CA 95123-3205		richfamily1@sbcglobal.net
2/26/2013	Richardson, Charles	16575 Mission St, Hesperia, CA 92345-5853		camaroiroc85350@yahoo.com
2/25/2013	Richter, William	5258 Westmont Ave, San Jose, CA 95130-2250	(408)866-8631	brichter@pacbell.net
2/25/2013	Riley, Felipe	15 Stasia Dr, Novato, CA 94947-1944		largefill15@gmail.com
2/25/2013	Riley, Richard	834 W Mariposa Ave, Stockton, CA 95204-4337	(209)944-9747	rriley5800@aol.com

2/25/2013	Rinker, David	3104 Cook Peak Rd, Lake Isabella, CA 93240-9745		djrinker@pacbell.net
2/26/2013	Rives, David	740 Larch Ln, Sacramento, CA 95864-5040		admits90835@mypacks.net
2/25/2013	Roberts, Regina	PO Box 2554, Valley Center, CA 92082-2554	(619)992-5328	kingkozy@gmail.com
2/26/2013	Robertson, Christophe	9760 Mountain View Ave, Cherry Valley, CA 92223-3625		glamishnd@yahoo.com
2/26/2013	Robinson, Clifford	3327 65th Ave, Oakland, CA 94605-2107		hmgrn1@yahoo.com
2/25/2013	Saenz, Albert	1397 Boysea Dr, San Jose, CA 95118-1902	(408)506-3889	albertsaenz@comcast.net
2/26/2013	Sampson, Brian	22521 Wakefield, Mission Viejo, CA 92692-4736	(949)768-7205	bcsampson@cox.net
2/25/2013	Sanchez, Daniel	2277 Denair Ave, San Jose, CA 95122-3017	(650)704-2696	mxr4lfe125@gmail.com
2/25/2013	Sanchez, Victor	4142 42nd St, Apt 401, San Diego, CA 92105-8500		victoratlas@yahoo.com
2/25/2013	Santiago, Jesus	1171 Camino La Madera, Camarillo, CA 93010-1755	(805)987-3505	jms.1975@gmail.com
2/26/2013	Satterlee, Kyle	3417 Canoga Pl, Camarillo Pl, Camarillo, CA 93010-3911		ksatterlee@bmwventura.com
2/25/2013	Schauer, Paul	4951 Everglades Park Dr, Fremont, CA 94538-3922		paul.schauer@gmail.com
2/25/2013	Schuler, Joel	64144 Hume Lake Rd, Hume, CA 93628-9600		jschuler1@gmail.com
2/26/2013	Schuler, Tony	12897 Glenmere Dr, Moreno Valley, CA 92553-5985	(626)523-9929	schulert@vmcmail.com
2/25/2013	Schultz, Rich	6737 West Avenue, H-12, Lancaster, CA 93536-3659	(661)902-1138	richs@wescoair.com
2/25/2013	Schulz, Les	346 N Lima St, Sierra Madre, CA 91024-1049	(626)355-4176	lschulz@wheelerandgray.com
2/25/2013	Schuster, Joe	3805 Denair St, Pasadena, CA 91107-1306	(626)351-6275	husky79or@gmail.com
2/26/2013	Scott, Michael	608 Petrol Rd, Bakersfield, CA 93308-9756	(661)332-5862	scottracing25@aol.com
2/25/2013	Seaborne, Brad	2348 Portsmouth Dr, Lodi, CA 95242-4721		bseabourne@f-hconst.com
2/25/2013	Seda, Greg	174 Longley Way, Arcadia, CA 91007-8525		czgreg@yahoo.com
2/25/2013	Shipley, Roger Jr	4548 Champagne Ct, Riverside, CA 92505-1506		shipleyr@dslextreme.com
2/25/2013	Sibis, Jim	11304 Torrey Pines Dr, Auburn, CA 95602-8005		wakecruiser@yahoo.com
2/26/2013	Sibley, Fred	7850 Trout Creek Ct, Sacramento, CA 95828-5273	(916)689-8176	foessc@comcast.net
2/25/2013	Sibley, Frederick	7850 Trout Creek Ct, Sacramento, CA 95828-5273	(916)689-8176	foessc@hotmail.com
2/25/2013	Silva, Chris	629 N 9th St, Lompoc, CA 93436-4929	(805)740-1549	chris.r.silva@ulalaunch.com
2/25/2013	Silveira, Phillip	1535 Chiri Ct, San Martin, CA 95046-9729	(408)621-9447	photophil@hughes.net
3/1/2013	Silverberg, Christina	214 Lewis Rd, Royal Oaks, CA 95076-5321		csilverberg@fiorebellainc.com
2/25/2013	Sira, Jesse	7878 La Merced Rd, Rosemead, CA 91770-3549		jessira@att.net
2/25/2013	Sissum, David Jr	118 Wild Oak St, Ojai, CA 93023-4027	(805)701-9885	awdsissum@att.net
2/26/2013	Smith, Don	13169 Spring Lake St, Redding, CA 96003-7845	(530)275-1424	aerbus@gmail.com
2/25/2013	Smolinski, Marc	413 N Wayne Ave, Fullerton, CA 92833-2420	(951)582-1666	marc@kendonusa.com
2/25/2013	Snyder, Lawrence	1105 Sanchez Way, Redwood City, CA 94061-2146	(650)299-9697	larry@motionpro.com
2/25/2013	Sontag, Jack	2536 Tapestry St, Manteca, CA 95337-8747		lookforjack@yahoo.com
2/27/2013	St George, Larry	21720 Don Gee Ct, Saugus, CA 91350-3977	(661)295-6899	elitemoldco@earthlink.net
2/26/2013	Stadden, Jeffrey	1618 Beech Ave, Torrance, CA 90501-3116		stadden440@yahoo.com
2/25/2013	Stalter, Dennis	4624 Sun Stone Ct, Salida, CA 95368-9059		dstalter2@yahoo.com
2/25/2013	Standley, Brad	7850 White Ln, #107, Bakersfield, CA 93309-7698	(661)979-0462	bradstandley@verizon.net
2/25/2013	Starr, Donna	3307 Petite Sirah St, Bakersfield, CA 93306-1881	(661)871-7679	dstarr@bakersfieldcollege.edu
2/26/2013	Steinkraus, Tom	335 W Northridge Ave, Glendora, CA 91741-2036	(626)914-3281	tlsteinkraus@roadrunner.com
2/25/2013	Stembridge, Charles	2153 Youngs Ct, Walnut Creek, CA 94596-6319		hwdinc@yahoo.com
2/25/2013	Stewart, Janeen	509 E Sample Ave, Fresno, CA 93710-5326		jstewart@retailassociates.com
2/25/2013	Stites, Terry	4023 W Ave, L-8, Quartz Hill, CA 93536-3413	(661)342-3277	desertgrl125@yahoo.com
2/25/2013	Strutz, Jeffrey	131 Sunset St, Yreka, CA 96097-3031	(530)340-3040	blacks@pirate4x4.com
2/25/2013	Summers, Jon	22932 Arija, Mission Viejo, CA 92691-2132		jasummers@earthlink.net
3/5/2013	Swallow, Blair	11045 Sevenhills Dr, Tujunga, CA 91042-1442	(818)353-5783	bswallow@verizon.net
2/25/2013	Tehaney, Paul	2103 Elderwoo Dr, Martinez, CA 94553-4806	(925)382-9251	redridersrip@hotmail.com
2/26/2013	Teunissen, Lyle	PO Box 874, Kernville, VA 93228-0874	(760)376-1669	lyletune@hotmail.com
2/28/2013	Thompson, Jim	5583 Arlene Way, Livermore, CA 94550-3554		jimmy.michael.thompson@gmail.com
2/26/2013	Tleimat, Wajih	12759 Misty Grove, Moorpark, CA 93021-3159		budskier@me.com
3/4/2013	Todd, Jeffrey	3506 Orangewood, Irvine, CA 92618-4000		jbrandontodd@gmail.com
2/25/2013	Toman, Chris	432 Franklin Ln, Livermore, CA 94551-9704	(925)443-8081	chrismotoman@sbcglobal.net
2/26/2013	Torgeson, Eric	319 Coleman Ave, Santa Barbara, CA 93109-1915	(805)455-6194	torgymon@yahoo.com
2/25/2013	Tucker, Scott	33948 Impatien Pl, Murrieta, CA 92563-3420	(951)704-4062	scotty1111@verizon.net
2/25/2013	Tufto, David	26534 Goldfinch Pl, Canyon Country, CA 91351-5549		dtuff@hotmail.com
2/25/2013	Valdez, Donald	7418 Monique Pl, Rohnert Park, CA 94928-3640		dvtrooper@hotmail.com
2/27/2013	Vallecorsa, Autumn	1235 Piedmont Dr, Upland, CA 91784-1053		lovingwine@yahoo.com
2/28/2013	Valliere, Jeff	1735 W 235th St, Torrance, CA 90501-5610		jeff.valliere@yahoo.com
2/25/2013	VanderMeeden, Richar	5309 Par Pl, Rocklin, CA 95677-4207		fastfri@sbcglobal.net
2/25/2013	Vaughan, Christian	81 Via La Cima, Newbury Park, CA 91320-6994	(805)338-0319	ce.vaughan@verizon.net
2/25/2013	Vidanes, Jimmy	2210 Norco Dr, Norco, CA 92860-1118	(951)738-0207	kadilakjim@aol.com
2/25/2013	Viscuso, Kenneth	7604 Whirlaway St, Bakersfield, CA 93307-8960		viscusok@gmail.com
2/27/2013	Vitrano, Dianna	18 Gardenia St, Ladera Ranch, CA 92694-1204		divitrano@me.com
2/25/2013	Vitrano, Paul	18 Gardenia St, Ladera Ranch, CA 92694-1204	(714)655-6927	pvitrano@me.com
2/25/2013	Vleisides, Nick	549 Navajo Pl, Danville, CA 94526-5135		nvleisides@yahoo.com
2/25/2013	von Hartman, Dana	58 Mancera, Rancho Santa Margarita, CA 92688-2718	(949)421-7238	danavh@cox.net
2/25/2013	Vowles, Bill	2576 Castellon Ter, El Cajon, CA 92019-3859	(619)672-2031	vowles@cox.net
2/25/2013	Waller, Dan	6150 Francis Botello Rd, Goleta, CA 93117-3260		precisionmoto@verizon.net
2/26/2013	Waltman, Darrell	8833 Kittering Rd, Oak Hills, CA 92344-9245		darrellwaltman@verizon.net
2/25/2013	Watson, Joseph	527 N Louise Ave, Azusa, CA 91702-2826	(626)969-4182	coolhuh73@cs.com
2/25/2013	Watt, Jim	9531 Smoke Tree Rd, Phelan, CA 92371-6199		jigggawatt@yahoo.com
2/25/2013	Whalley, Chris	20403 Paradise Ln, Topanga, CA 90290-3731	(424)234-9414	whalley_chris@hotmail.com

2/25/2013	Wheeler, David	5635 Marlin Dr, Discovery Bay, CA 94505-9383	(925)634-7010	davew99@sbcglobal.net
3/1/2013	Whitmire, Gary	4352 Wild Lilac Ct, Redding, CA 96001-6152		garf1007@yahoo.com
2/26/2013	Will, Russell	15725 Cattail Rd, San Diego, CA 92127-2343		rnrwill@juno.com
2/26/2013	Williams, Brian	3250 E Frontera St, Anaheim, CA 92806-2822		brian@dbwmetals.com
2/25/2013	Williams, Ben	2725 N Wright St, Santa Ana, CA 92705-6848	(714)997-3242	pgf750@yahoo.com
2/25/2013	Willis, William	1591 Via Buena Vis, San Lorenzo, CA 94580-3531	(510)276-0419	bjwillis@sbcglobal.net
2/25/2013	Wilson, Cliff	17745 De Witt Ave, Morgan Hill, CA 95037-4009		1cwilson@verizon.net
2/25/2013	Wilson, Todd	PO Box 46034, Escondido, CA 92046-0634		toddwilson67@yahoo.com
2/25/2013	Winter, Chris	8369 Beethoven Dr, Buena Park, CA 90621-3105		iceman4god@yahoo.com
2/25/2013	Wirt, Robert	233 Cabana Ct, Tracy, CA 95377-1135	(925)784-5206	rob@4airflow.com
2/28/2013	Wolfe, Gregory	17971 Road 232, Porterville, CA 93257-9503	(559)920-0705	gwolfeden@gmail.com
2/25/2013	Wood, Robert	7100 Raintree Dr, Citrus Heights, CA 95621-3744	(916)725-6270	toytender01@surewest.net
2/26/2013	Youngblood, John	1283 Mustang Dr, Danville, CA 94526-5147		blow0082000@yahoo.com
2/26/2013	Zamora, Steve	19480 Avenida Del Sol, Walnut, CA 91789-1610	(909)595-7324	szamora@walnutvalley.k12.ca.us
2/25/2013	Zesiger, Michael	863 Brea Ln, San Jose, CA 95138-1360		mjzesiger@yahoo.com
2/25/2013	Zolezzi, Keith	7941 McNulty Ave, Winnetka, CA 91306-2116	(818)554-5659	squali@earthlink.net
2/27/2013	Dubanks, Homer	1041 Cheryl Ln, San Marcos, CA 92069-3017		hebikes@aol.com

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Steve Aronson steveearonson@yahoo.com
Sent: Monday, February 25, 2013 11:08 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-2 My family, my friends, and their families all depend on these areas for camping, riding, education, and socializing. This is a huge part of our lives, and we greatly appreciate your efforts to maintain and improve access.

Thank you for your consideration.

Sincerely,

Mr. Steve Aronson
345 Lake Ave Ste C
Santa Cruz, CA 95062-4600
(831) 475-7730

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Geoffrey Beasley rubicon4wheeler@gmail.com
Sent: Tuesday, February 26, 2013 11:40 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-3 Please feel welcome and encouraged to work with and to solicit any and all needed assistance from 4x4 and motorcycle clubs. We appreciate your efforts to keep public lands open to all forms of recreation by

all members of the public, and we want to work with you to ensure future generations can also enjoy the wonders of the desert.

Thank you for your consideration.

Sincerely,

Mr. Geoffrey Beasley
3461a Sanford St
Concord, CA 94520-1510
(925) 285-4078

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Michael Behrens info@3medesign.com
Sent: Monday, February 25, 2013 8:08 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert. I look forward to taking my family to the area in the near future to enjoy off-road exploration. #6-4

Thank you for your consideration.

Sincerely,

Mr. Michael Behrens
5620 Columbia Ave
Richmond, CA 94804-5630

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Brian Berge bberge@rglobal.net
Sent: Monday, February 25, 2013 11:09 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

#6-5 I whole heartedly support this investment in our future. The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Thank you for your consideration.

Sincerely,

Mr. Brian Berge
6591 Cypress Ave
Rosamond, CA 93560-7202

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Devin Bragg juslookinround@yahoo.com
Sent: Monday, February 25, 2013 11:08 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities. The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-6 As an avid OHV user I fully support the continued use of existing and expanded OHV opportunities. The need for usable OHV land is increasing proportionally with the number of people involved in the sport. More space means less wear on the trail systems and reduced accidents due to over crowding.

Thank you for your consideration.

Sincerely,

Mr. Devin Bragg
5733 Hot Springs Ct
Marysville, CA 95901-823

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Dan Combs <danc@fluidcomponents.com>

Sent: Monday, February 25, 2013 1:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Kern County. #6-7

Thank you for your consideration.

Sincerely,

Mr. Dan Combs
1513 Lower Lake Ct
Cardiff By The Sea, CA 92007-1142

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of John Compton mrjgc@yahoo.com
Sent: Monday, February 25, 2013 12:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

#6-8 I TOTALLY SUPPORT THE INCLUSION OF THIS LAND IN A ATV AND OFF ROAD USER FRIENDLY MANAGEMENT PLAN.

Off road vehicles allow older and differently abled Americans to access the wilderness resources or our beautiful country. Please don't restrict access just to the young and strong hikers and horse riders.

To continue,

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Thank you for your consideration.

Sincerely,

Mr. John Compton
2118 Wilshire Blvd # 511
Santa Monica, CA 90403-5704

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Alan Cook alanbrucecook@gmail.com

Sent: Wednesday, March 06, 2013 9:12 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Mar 6, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-9 I have enjoyed riding in Mojave for years and I hope that when I am older I will be able to take my kids there and share the same experiences which I have had with my father.

Thank you for your consideration.

Sincerely,

Mr. Alan Cook
2163 Midwick Dr
Altadena, CA 91001-2826
(805) 512-0367

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Steven Costello scostello@fncinc.com
Sent: Monday, February 25, 2013 11:08 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-10 OHV recreation is very important to me, my family, and friends. It is rare that we get an opportunity to add to the limited inventory of land available for this kind of activity. I urge you to take over the management of this area.

Thank you for your consideration.

Sincerely,

Mr. Steven Costello
1309 El Encanto Dr
Brea, CA 92821-1969
(562) 697-7501

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Robin Down robinrdpro@yahoo.com
Sent: Tuesday, February 26, 2013 6:44 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-11 As so many of our public lands get closed by special-interest groups, I hope this action will allow the public use of this land to continue for future generations.

Thank you for your consideration.

Sincerely,

Mr. Robin Down
261 Saint Francis Dr
Boulder Creek, CA 95006-9229
(831) 239-3350

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Frank Esposito frank.esposito@kendonusa.com
Sent: Monday, February 25, 2013 4:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and

#6-12 maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert. This is not just about Off Highway Vehicle Recreation. It is about doing the right things for Americans and the land owners (private or public) and doing so responsibly. This rewards responsible behavior and also has a positive economic impact on the recreational vehicle industry. More places to play responsibly makes for happier citizens who cheerfully spend ther hard earned dollars that helps drive our economy forward. This is a very good common sense draft. My compliments.

Thank you for your consideration.

Sincerely,

Mr. Frank Esposito

5555 Camino Tecate
Yorba Linda, CA 92887-5509
(714) 485-2371

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Gary Flint flint@mac.com
Sent: Wednesday, February 27, 2013 9:49 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 27, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-13 As an avid four-wheeler I think it is important to preserve existing access to OHV areas and expand them when possible for the enjoyment of current and future generations. Public land should be accessible to the public when used and managed in a responsible manner.

I am a resident of Northern California and a frequent visitor to Southern California due to the OHV opportunities offered in the southern portion of our great state.

Gary Flint

Thank you for your consideration.

Sincerely,

Mr. Gary Flint
PO Box 1325
Cupertino, CA 95015-1325
(408) 250-9919

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Gerald Fogel gnfogel@gmail.com
Sent: Tuesday, February 26, 2013 5:43 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-14 Its EXTREMELY sad how such a healthy sport that so manny responsible people and families enjoy have to battle unfair attacks and unfounded or exaggerated accusations from most environmentalist. OHV'ers continue to make our bikes quieter, reduced pollution from exhaust and maintain trails, yet NOTHING seems acceptable. Please find a true balance. Everyone has rights, everyone including responsible tax paying OHV'ers, not just the environmentalists.

Thank you for your consideration.

Sincerely,

Mr. Gerald Fogel
4980 Indian Ln
Foresthill, CA 95631-9225

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Jeff Gillis jefgil123@yahoo.com
Sent: Monday, February 25, 2013 2:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert. I lhope that private land owners will be justly compensated for their land, and will not have to worry about illegal OHV use. #6-15

Thank you for your consideration.

Sincerely,

Mr. Jeff Gillis 115 Broadleaf Ln
Carson City, NV 89706-1905
(530) 208-8297

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Lynn Grimstad lynngrim@aol.com
Sent: Tuesday, February 26, 2013 2:43 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-16 I feel that a publically vetted plan for management of lands is necessary to insure fair assess to all stakeholders.

Thank you for your consideration.

Sincerely,

Mr. Lynn Grimstad
755 Gold Point Way
Sacramento, CA 95827-1015
(916) 857-0824

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of brad hart bradhart@gmail.com
Sent: Monday, February 25, 2013 1:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

#6-17 We need to add more trails and keep open the OHV trails that we have, it sickens me to see our trails being closed at such a rapped pace!

I own land on kelso valley Rd in weldon ca, we have been riding dirt bikes for the last 30 years there, and due to all the closures it is getting harder to find places to ride, this saddens us greatly.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Thank you for your consideration.

Sincerely,

Mr. brad hart
1735 Elm Ave
Torrance, CA 90503-7211

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Ronald Howard rhoward@stanford.edu
Sent: Monday, February 25, 2013 5:08 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-18 People need to recreate in the beauty of the desert.

Ron Howard

Thank you for your consideration.

Sincerely,

Dr. Ronald Howard
646 Tennyson Ave
Palo Alto, CA 94301-3841
(650) 327-4692

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Kathleen Kampschmidt kdkampy@sbcglobal.net
Sent: Monday, February 25, 2013 8:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-19 It is good to see efforts to keep public lands for public use - our family has been responsiblitly off roading for 40 years.

Thank you for your consideration.

Sincerely,

Mrs. Kathleen Kampschmidt
6439 County Road 48
Willows, CA 95988-9707
(530) 934-4749

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of John Kerrigan kerriganrider@aol.com
Sent: Monday, February 25, 2013 3:08 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this

#6-20 land and therefore reduce uncertainty about continued OHV use in the Mojave Desert. Please dont let them close us out.

Thank you for your consideration.

Sincerely,

Mr. John Kerrigan
10111 Blanche Cir
Buena Park, CA 90620-4506
(715) 808-1111

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Jared Knowles jared.knowles@gmail.com

Sent: Monday, February 25, 2013 1:08 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-21 This will be an appropriate acquisition for the type and location of this land, and will place it into the correct hands for management. It will allow for the best utilization of that area by allowing the OHV community a better recreational experience due to the larger land resource.

Thank you for your consideration.

Sincerely,

Mr. Jared Knowles
24264 Censor Ave
Harbor City, CA 90710-1718

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Tracey Mari tjsbab6@verizon.net
Sent: Wednesday, February 27, 2013 6:46 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 27, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

#6-22 Please don't take our beautiful riding trails away!

Thank you for your consideration.

Sincerely,

Mrs. Tracey Mari
4225 Balboa St
Lake Isabella, CA 93240-9393
(760) 417-9973

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Ned McNabb nmcnabb@hughes.net
Sent: Friday, March 01, 2013 5:03 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Mar 1, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-23 This action will also help OHV users like myself and my family because it will support responsible, legal OHV activity.

Thank you for your consideration.

Sincerely,

Mr. Ned McNabb
25838 N. Bayne Dr.
Valyermo, CA 93563-0006

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Matthew McVickar mjmcvickar@sbcglobal.net
Sent: Sunday, March 03, 2013 10:41 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Mar 4, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-24 It is important to maintain adequate OHV access in order to prevent overcrowding of existing areas in the interest of public safety and to minimize impact to the environment. The public deserves sound management of public resources and I applaud this effort.

Thank you for your consideration.

Sincerely,

Mr. Matthew McVickar
2040 Caddington Dr
Rancho Palos Verdes, CA 90275-2013

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Duane Nevitt duane.v.nevitt@ulalaunch.com
Sent: Monday, February 25, 2013 1:08 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

#6-25 Please support our continued effort to help regain much of the lost riding areas in our State. Please provide your support for this measure to help hold onto our already limited OHV riding areas. The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Thank you for your consideration.

Sincerely,

Mr. Duane Nevitt
4785 C laybrook Ct.
Orcutt, CA 93455-4885
(805) 258-9452

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Colin Packer colin@mtnride.com
Sent: Wednesday, February 27, 2013 11:48 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 27, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and

maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-26 Like most off road riders, I love and respect the Mojave desert. Hard core environmentalists will disagree, but offroaders are environmentalists as well. Please consider our desires and keep the desert open and available to off road riding.

Thank you for your consideration.

Sincerely,

Mr. Colin Packer
9800 Whirlaway St
Alta Loma, CA 91737-1646

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Thomas Petersen srfintom@yahoo.com
Sent: Monday, February 25, 2013 6:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-27 We need more OHV riding areas. This is a good use for green sticker funds instead of using the money to close areas for OHV use. So I am all for purchasing this lamd.

Thank you for your consideration.

Sincerely,

Mr. Thomas Petersen
26146 Los Viveros Apt A
Mission Viejo, CA 92691-2886

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Howard Phelps hp_simi@yahoo.com
Sent: Tuesday, February 26, 2013 9:09 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. After reviewing the map of the parcels, it's a no brainer to move forward and I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert. #6-28

Thank you for your consideration.

Sincerely,

Mr. Howard Phelps
3118 Scottys Ter
Simi Valley, CA 93063-1010

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Mark Putnam markyandkaren@hotmail.com
Sent: Monday, February 25, 2013 6:08 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

I am thankful for this opportunity to expand our access for OHV usage in Kern County.This will be a mixed usage area as is the rest of the the BLM land I believe.With OHV being the fasted growing form of recreation in the country,it should be a priority to expand access to public land.As has been the case in others areas of the Mojave Desert where OHV access has been reduced,local economies have suffered.Kern County will reap the benefits of being up to date with this growing trend.Please consider this as a positive move on behalf of recreationists and local economies,thank you. #6-29

Thank you for your consideration.

Sincerely,

Mr. Mark Putnam
926 N Milpas St
Santa Barbara, CA 93103-2332
(805) 280-6162

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Jeffrey Quick quicfix500@yahoo.com
Sent: Tuesday, February 26, 2013 10:09 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert. Thank You for supporting our children and grandchildren's offroad riding family time. #6-30

Thank you for your consideration.

Sincerely,

Mr. Jeffrey Quick
9360 N Blackstone Ave Spc 275
Fresno, CA 93720-1125
(559) 960-5086

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Chris Real, CLS chrisreal@aol.com
Sent: Monday, February 25, 2013 12:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

Expanding the Kern County OHV will be a positive use of the land and funds. My family and I have enjoyed our OHV activities in the Mojave area for 40 years, and want to continue to do so. #6-31

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Thank you for your consideration.

Sincerely,

Mr. Chris Real, CLS
1160 Dewey Way Ste D
Upland, CA 91786-1105
(909) 981-5228

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Dennis Scroggins scroggy12@yahoo.com
Sent: Monday, February 25, 2013 8:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert. We loose land everyday to the radical enviros agenda, so any chance we have to gain back some ground is money well spent.

#6-32

Thank you for your consideration.

Sincerely,

Mr. Dennis Scroggins
744 Kimball St
Oakdale, CA 95361-2514
(209) 847-3472

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Ronald Sobchik ron.sobchik@gmail.com
Sent: Monday, February 25, 2013 2:38 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and

maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-33 As a long time motorcycle rider and user of this area I appreciate the purchase of. Private lands interspersed in Blm holding to create a clear legal areA to ride in. My onlyquestion is why did it take so long toz happen ?

Thank you for your consideration.

Sincerely,

Mr. Ronald Sobchik
607 Santa Barbara Ave
Fullerton, CA 92835-2449
(714) 335-9810

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Douglas Starr dstarr@calcot.com
Sent: Monday, February 25, 2013 11:08 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-34 I and my family frequently participate in OHV recreation in eastern Kern County. We make every effort to do so legally, and we appreciate the opportunities that OHMVR helps to provide. I support any effort to continue to provide OHV recreation opportunities while reducing conflicts with other users and the environment, and I hope you will make every effort to make this proposed acquisition a reality.

Thank you for your consideration.

Sincerely,

Mr. Douglas Starr
3307 Petite Sirah St
Bakersfield, CA 93306-1881
(661) 871-7679

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Alex Wagner-Jauregg akwagner@me.com
Sent: Monday, February 25, 2013 2:38 PM
To: Jones, Peter@Parks

Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 25, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-35 OHV use areas are becoming a rare commodity, and all agencies need to work together to preserve and expand out opportunities.

Thank you for your consideration.

Sincerely,

Mr. Alex Wagner-Jauregg
5344 Calderwood Ln
San Jose, CA 95118-2902

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of David Williams dbwmarketing@dbwmetals.com
Sent: Tuesday, February 26, 2013 2:43 PM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-36 Law enforcement has done nothing but scare the kids and has created hazards to riding. There are often hidden fences in the middle of trails, there is reduced space, therefore forcing crowding in riding areas with a much higher collision potential.

Thank you for your consideration.

Sincerely,

Mr. David Williams
3250 E Frontera St

Anaheim, CA 92806-2822
(714) 630-8551

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Jay Young jays2nd@yahoo.com
Sent: Tuesday, February 26, 2013 9:09 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 26, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-37 As an avid desert racer and activist for Equal use. It is important we are good stewards of our shared land. I encourage you to consider this proposal.

Thank you for your consideration.

Sincerely,

Mr. Jay Young
1260 Sage Ct
Ridgecrest, CA 93555-2622
(760) 446-8981

From: Americans For Responsible Recreational Access <webmaster@arra-access.com> on behalf of Sharron Zoyhofski sharronxt225@yahoo.com
Sent: Wednesday, February 27, 2013 6:46 AM
To: Jones, Peter@Parks
Subject: Support for OHMVR Division Acquiring and Managing OHV Opportunities in the Mojave Desert

Feb 27, 2013

Park and Recreation Specialist Peter Jones

Dear Park and Recreation Specialist Jones,

As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

#6-38 As a responsible motorcyclist I support continuing to provide opportunities for off-highway riding.

Thank you for your consideration.

Sincerely,

Ms. Sharron Zoyhofski
966 Clinton Pl
Pleasanton, CA 94566-7500
(510) 295-8589

Comment Letter #7: Audubon California

Audubon CALIFORNIA

765 University Avenue
Sacramento, CA 95825
Tel. 916-649-7600
www.ca.audubon.org

March 28, 2013

Peter Jones, Park and Recreation Specialist
OHV State Parks Division
P.O. Box 1360
Lebec, CA 93243

Dear Mr. Jones,

RE: Audubon California comments and recommendation regarding the Eastern Kern County Acquisition DEIR for the parcels under the ownership of ReNu.

#7-1 On behalf of Audubon California and our more than 150,000 members and supporters throughout California we support the "Exclusion for Resource Protection Alternative" which we believe is the best plan to address both the type of recreational activity desired along with protection of highly valued natural resources.

The DEIR states:

> *No expansion of OHV recreation opportunities is proposed by the project: therefore, the project would not result in new OHV disruption of non-motorized recreation activities such as hiking, horseback riding, and camping. Any future changes in the use of the state park property would be determined by a park general plan developed in a separate process subsequent to this project.* (DEIR 11.3.5)
>
> *The OHMVR Division acquisition project would not contribute additional roads or trails in the Piute Mountains area, but should increase resources for outreach, education, and enforcement of rules in that area.* (DEIR 3.4)
>
> *Unauthorized OHV use has occurred throughout much of the project area, on public and private lands."* (DEIR 3.3.4.4) In addition, *"Since the property boundary markers are largely non-existent in the Jawbone-Butterbredt ACEC, many of the ReNu parcels are already used by the public for OHV recreation, camping, and possibly other recreation.* (DEIR 11.2.1)
>
> *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.* (DEIR Pages 3-12)

The Project has Audubon's support if the following criteria are met:

#7-2 1. No new infrastructure, development, transmission line, or utilities are developed except as necessary for the management of public recreation in the form of OHV use, camping, hiking, mountain biking and horseback riding.

#7-3 2. No renewable energy projects or transmission lines are permitted on the Property after acquired by the state.

#7-4 3. Burrowing owls: The report does not offer enough analysis of the location of burrowing owl nest sites and ways to mitigate destruction of these sites. The only reference to this species is the request that large OHV staging events shall avoid burrows. This is insufficient. A mitigation measure of fencing these locations and re-routing of trails and events should be discussed thoroughly.

#7-5 4. There is cooperative management of the adjacent BLM and USFS lands to increase the success of management actions in this multiple ownership landscape.

#7-6 5. Adequate immediate and long-term staffing will be available for management including law enforcement with daily patrols.

#7-7 6. Outside of the open management areas, vehicular travel is permitted only on designated routes of travel.

#7-8 7. None of the area of the project is used as mitigation for DRECP or in any way allows greater development in the planning area.

#7-9 8. As stated on 2-7 any support for the Project is contingent on the promise of resource management being implemented to benefit natural and cultural resources by installing and maintaining sensitive habitat protection fences, closure areas, wildlife monitoring and management, vegetation management, exotic pest plant removal and restoration plantings before the development of a general plan.

#7-10 9. Resource management will be implemented to protect sensitive resource from unauthorized OHV use prior to the development of a general plan.

   a. Resource management is enacted to reduce OHV impacts to the desert tortoise including eliminating unauthorized use in known occupied areas. Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management under OHMVR Division ownership.
   b. Resource management is implemented to protect areas known to be occupied by Mohave ground squirrel from OHV impacts. Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management under OHMVR Division ownership.
   c. Resource management is implemented to protect known springs, wetlands and riparian areas from OHV impacts. Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management under OHMVR Division ownership.
   d. Resource management is implemented to protect known populations of rare plants from OHV impacts.
   e. Efforts are made to eliminate OHV impacts to areas with no designated trails/routes that overlap with sensitive species habitat and springs and riparian areas.

2

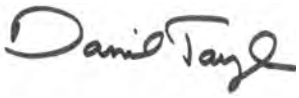
#7-11 10. State Parks must address the issue of OHV use on Red Rock Canyon State Park and ensure that management of the Eastern Kern County Property results in a net benefit to the resource on that park by reducing trespassing and decrease the demand or OHV use on that park.

#7-12 11. Ensure all management activities, future projects and designated routes and open riding areas are designed and managed in such a manner as to minimize impediments to wildlife movement and bird migrations.

#7-13 Audubon recognizes that there is an existing and growing off-highway recreational vehicle use in the area and that this use has historically included trespass on private lands, proliferation of illegal trails and resource degradation. We believe that State Parks OHMVR in coordination with BLM, USFS and private groups can significantly improve the protection of the natural and cultural resources on these lands. We therefore support this purchase and the subsequent establishment of an OHV park that meets the criteria listed above.

Thank you for your consideration of our comments.

Sincerely,



Daniel Taylor
Director of Public Policy

cc: Reed Tollefson, Kern River Preserve
Kern Audubon Society
Kerncrest Audubon Society

Comment Letter #8: California Association of 4 Wheel Drive Clubs

From:	John Stewart
To:	Jones, Peter@Parks
Cc:	John Stewart
Subject:	Eastern Kern County Acquisition - Draft EIR Notice of Availability
Date:	Wednesday, March 06, 2013 9:55:06 AM
Attachments:	ekca.pdf ATT00001.htm

These comments are submitted on behalf of the California Association of 4 Wheel Drive Clubs (CA4WDC) and its membership. CA4WDC represents clubs and individuals within the State of California that are part of the community of four-wheel drive enthusiasts. Many of our members and supporters live in and/or recreate in the area covered by the proposed California Department of State Parks and Recreation Off Highway Motor Vehicle Recreation Division Eastern Kern County Acquisition. This document shall not supplant the rights of other CA4WDC agents and organizational or individual members from submitting their own comments and the agency should consider and appropriately respond to all comments received to this proposed planning project.

CA4WDC appreciates the opportunity to comment on these important plans. CA4WDC is eager to assist land managers to formulate balanced and enforceable land use plans and we hope these comments have been helpful in beginning your journey. We understand comments such as these are not as clear or concise as they could be. Please do not hesitate to contact John Stewart, (619) 508-8840 if you have any questions or require clarification.

Comment Letter #8: California Association of 4 Wheel Drive Clubs

California Association of 4 Wheel Drive Clubs
Natural Recourses Consultant - South

Over 50 years advocating for recreation

February 28, 2013

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
1725 23rd Street, Suit 200
Sacramento, CA 95816

Hungry Valley State Vehicle Recreation Area
46001 Orwin Way
Gorman, CA 93243

E-mail: Peter.Jones@parks.ca.gov

Subj: Eastern Kern County Acquisition - Draft EIR Notice of Availability

Dear Parks and Recreation Specialist Peter Jones:

#8-1 These comments are submitted on behalf of the California Association of 4 Wheel Drive Clubs (CA4WDC) and its membership. CA4WDC represents clubs and individuals within the State of California that are part of the community of four-wheel drive enthusiasts. Many of our members and supporters live in and/or recreate in the area covered by the proposed *California Department of State Parks and Recreation Off Highway Motor Vehicle Recreation Division Eastern Kern County Acquisition*. This document shall not supplant the rights of other CA4WDC agents and organizational or individual members from submitting their own comments and the agency should consider and appropriately respond to all comments received to this proposed planning project.

While the main focus of CA4WDC is to protect, promote, and provide for motorized recreation opportunities on public and private lands, many of our members participate in multiple forms of recreation; including but not limited to hunting, fishing, camping, hiking, horseback riding, bicycle riding, and gem and mineral collection.

We recognize the positive health and social benefits that can be achieved through outdoor activities. We also recognize that motorized recreation provides the small business owners in the local communities a significant financial stimulus. And, our members are directly affected by management decisions concerning public land use.

Our members subscribe to the concepts of: 1) public access to public lands for their children and grandchildren; 2) condition and safety of the environment; and 3) sharing our natural heritage. The general public desires access to public lands now and for future generations. Limiting access today deprives our children the opportunity to view the many natural wonders of

8120 36th Avenue
Sacramento, CA 95824
ca4wdc@cal4wheel.com
www.cal4wheel.com
(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

#8-1

public lands. The general public is deeply concerned about the condition of the environment and personal safety. They desire wildlife available for viewing and scenic vistas to enjoy. They also want to feel safe while enjoying these natural wonders. Lastly, the public desires to share the natural heritage with friends and family today as well as in the future. How can our children learn and appreciate our natural heritage when native species are allowed to deteriorate and historic routes are routinely blocked or eradicated from existence?

CA4WDC supports the concept of managed recreation and believes it is prudent and appropriate management to identify areas where off-highway vehicle use is appropriate. Such use must be consistent with the public lands management plans, the Plan Standards, and all other requirements found in the Plans, as well as state and federal regulations. Recreation, especially recreation off of paved or gravel roads, is the leading growth in visitors to public lands. Improvements in the planning processes help minimize conflicts and potential resource damage while providing for recreation access to public lands.

The OHMVR Division proposes purchasing 59 ReNu parcels totaling 28,275 acres using Southern California Opportunity Purchase Funds approved by the California State Legislature and Governor in the 2010/2011 Fiscal Year Budget Act. The California Public Works Board is responsible for approving the acquisition. The Acquisition and Development Division of CDPR would process the land transfer documents after Public Works Board approval.

CA4WDC supports the proposed acquisition of 59 parcels totaling 28,275 acres located on the western edge of the Mojave Desert near the southern Sierra Nevada and Piute Mountains.

This proposed acquisition will consolidate management of the current checkerboard of BLM public lands and private lands. This proposal will eliminate potential user trespass with private property and provide for cohesive recreation management policy in the region.

The proposed acquisition is capable of supporting a large-scale OHV recreation site in the greater Mojave area where no other is available. Additionally, OHV recreation is already established in the project area, and the OHMVR Division would provide additional management, including law enforcement resources.

The proposed acquisition of the ReNu parcels would provide better overall management of the lands by allowing land managers increased access to these currently private lands that support recreational uses and sensitive biological and cultural resources. This proposed project would result in a higher level of protection to cultural and biological resources and allow the OHMVR Division to establish an extensive data gathering and management program after acquisition.

California's southern desert region is a premier and important OHV recreational opportunity area, but lands available for OHV recreation in Southern California have been greatly reduced due to alternative energy projects, rural development, and other closures. This project is specifically designed to provide public OHV recreation in Southern California, enhance the management of the lands, and protect OHV opportunity in this critical region of California.

CA4WDC appreciates the opportunity to comment on these important plans. CA4WDC is eager to assist land managers to formulate balanced and enforceable land use plans and we hope these comments have been helpful in beginning your journey. We understand comments such

8120 36th Avenue
Sacramento, CA 95824
ca4wdc@cal4wheel.com
www.cal4wheel.com
(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

as these are not as clear or concise as they could be. Please do not hesitate to contact John Stewart, (619) 508-8840 if you have any questions or require clarification.

Thank-you,

John Stewart
Natural Resources Consultant
California Association of 4 Wheel Drive Clubs

8120 36th Avenue
Sacramento, CA 95824
ca4wdc@cal4wheel.com
www.cal4wheel.com
(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Comment Letter #9: California Off-Road Vehicle Association

Amy Granat,
Managing Director CORVA
1500 El Camino #352
Sacramento, CA 95833
916-710-1950
amy.granat@corva.org

March 27, 2013

Peter Jones
Parks and Recreation Specialist
P.O. Box 1360
Lebec, CA 93243

Via email to: mailto:peter.jones@parks.ca.gov

Thank you for the opportunity to comment on the Eastern Kern County Property Acquisition (Acquisition), Draft Environmental Impact Report (DEIR), released to the public on February 14, 2013 on behalf of the California Off-Road Vehicles Association (CORVA), our members, member clubs and affiliate members. The submission of these comments do not infringe on the rights of any of the previously named entities from submitting their own comments that shall then be entered into the public record.

#9-1 CORVA has an over 40 year history of advocating on behalf of public access for motorized access and off-road recreation opportunities in the State of California. We promote multiple use of public land, and vehicular access as a means to pursue both motorized and non-motorized activities. All forms of recreation have an equal importance to the people in California, and CORVA sees the Eastern Kern County Property Acquisition project as an opportunity to enhance all forms of recreation, while keeping ecological and environmental issues of the forefront of management efforts.

The California Department of Parks and Recreation (CDPR) proposes to purchase 59 parcels that are interspersed in between land currently owned by the Bureau of Land Management, the Forest Service and various private land owners. CDPR has worked hard bringing those various entities together along with public stakeholders, in a manner that must be recognized for its acknowledgment of competing land uses and consideration of individual management styles. But the most important aspect to CORVA and our members is the continuation of existing off-road recreation opportunities.

#9-2 The DEIR recognizes that with a checkerboard land ownership pattern there are issues and controversies that will need to be addressed that are described in S 4. As written on page S-1 of the Summary, a management plan that would consider options such as expansion of the route system is not part of the current environmental review, but we would be remiss if we did not mention the importance of enhanced opportunities in the greater scheme of this expansion.

#9-3 The Acquisition is forecast to bring a 1% increase in traffic to the area. This estimate is speculative, and may be an underestimate because of other proposals in the California desert area that may serve to decrease OHV opportunities, such as changes to the management of the Johnson Valley OHV Area. CORVA feels that changing anticipated traffic to a figure of 2% would require little more in the

way of mitigation other than the acknowledgement that increased enforcement activities may be needed on busy weekends, but should still be noted in the DEIR. We agree that changes in management may at the same time encourage visitation or discourage visitation which leaves the prospect of forecasting visitation somewhat in question; that fact acknowledged, being prepared for a bit more of an increase would not be difficult.

#9-4 This Acquisition is also unique in that recreation, both motorized and non-motorized, is already occurring on the parcels proposed for purchase. Therefore no new activities are being proposed, and page 2-8 of the Project Description contains a complete listing of proposed management measures which seems quite adequate per the project description. Using the nearby Hungry Valley State Vehicular Recreation Area as a model, the CDPR has managed that area for a number of sensitive species while at the same time creating a multitude of challenging and engaging off-road activities for vehicles of all types. Management of a similar nature in the proposed Acquisition area would equally succeed.

#9-5 As noted in the Land Use Plans and Policy Section, beginning on page 3-12, the DEIR accurately assesses in detail various incursion sites associated with OHV recreation. The increased management proposed by CDPR would actually help curtail those activities because of the availability of increased education and enforcement, and bring a very real benefit to residents of the surrounding areas. Management of OHV incursions around the Pacific Crest Trail and Red Rock Canyon Park areas has proved elusive at times, so the Acquisition would go a long way to helping solve those problems. In a very measurable way, the Acquisition will improve conditions and compliance in the parcels under consideration.

#9-6 CORVA is aware that there has been some community resistance to the proposed acquisition, and advises the CDPR to engage in serious negotiations regarding an upcoming management plan to occur after the Acquisition project is completed. It is imperative that all uses in the community be respected, and any objections posed by heard and addressed in the management plan. As far as the current proposed Acquisition project, CORVA supports the purchase of the 59 parcels currently under consideration as the best possible method to continuing off-highway vehicular recreation and access in those areas.

Sincerely,

Amy Granat
Managing Director
California Off-Road Vehicle Association
1500 W El Camino#352
Sacramento, CA 95833
916-710-1950
amy.granat@corva.org

Comment Letter #10: Community ORV Watch

From: Philip M. Klasky
To: Jones, Peter@Parks
Cc: steering@orvwatch.com
Subject: Comments on DEIR, Eastern Kern County Land Acquisition
Date: Monday, April 01, 2013 7:40:42 PM

Community ORV Watch
www.orvwatch.com

March 31, 2013
Peter Jones
Park and Recreation Specialist
P.O. Box 1360
Lebec, CA 93243

Via Email Transmission: Peter.Jones@parks.ca.gov

Re: Comments on Draft Environmental Impact Report, Eastern Kern County Land Acquisition

Dear Mr. Jones,

Community ORV Watch takes this opportunity to submit comments on the Draft Environmental Impact Report for the CA Department of Parks and Recreation (DPR) proposed Eastern Kern County 28,000-acre acquisition.

#10-1 Community ORV Watch is a non-profit organization concerned about the impacts of off-road vehicles on private and public lands. We have serious concerns about the DEIR Project Summary since it contains a number of undocumented assumptions about the potential serious impacts of ORVs, and little detail about how these serious impacts will be mitigated, instituted or funded. In fact, the document appears to make assumptions rather than based on solid science and the lessons learned from years of ORV abuse of private and public lands. This document also appears to lack objective analysis and reads more like it was written by an ORV industry advocate than a document that, by law, is mandated to detail the potential impacts of ORVs in and around the acquisition. Studies indicate that ORVs breach established routes, damage natural resources, destroy roads and floor control infrastructure, regularly trespass on private and public lands and create clouds of PM 2.5 to PM 10 dust that represent threats to public health.

#10-2 It has been demonstrated that ORV law enforcement in Kern County is lacking and that private property and public lands regularly experience trespass by illegal ORV activity. A review of law enforcement statistics indicates that despite citizen complaints regarding ORV trespass, the Sheriff's Department, Bureau of Land Management, OHMVR Division and other law enforcement agencies have failed to prioritize ORV enforcement. Riders continue to break the law with impunity, yet the DEIR fails to adequately address this problem. The DEIR is devoid of specifics about how law enforcement will deal with the influx of ORVs and the damage and lawlessness that accompany them. The DEIR fails to provide specific information about how additional law enforcement will be funded and allocated.

#10-3 In addition, the DEIR fails to address the potential impact of this influx of ORVs on the Pacific Crest Trail, a national treasure that is being destroyed by hundreds of ORV riders who

#10-3 ignore no trespassing signs, cut fences and harass hikers and equestrians on the Trail. The state OHMVR has shown that it cannot successfully deal with the problem and the acquisition will only exacerbate the situation.

#10-4 The DEIR is inaccurate, insufficient and incomplete. Our view is that there should be no additional lands sacrificed to ORVs until local, state and federal agencies can prove that they can control and manage ORV recreation.

#10-5 Our following comments are particular to this inadequate and flawed DEIR:
In Table S- **1**-Summary of Project Impacts and Mitigation Measures, Land Use Plans and Policies: The OHMVR Division claims that there might be a 1% increase in visitor use to the area and could add to existing levels of unauthorized OHV use on the Pacific Crest Trail, Red Rock Canyon State Park, BLM land, and private property and that implementation of Land Use Management Measures would more than offset any increase in intrusions.

1- How does the Division arrive at this 1% estimate in increase of use? This estimated increase of use is not corroborated and conflicts with other agencies information:
o Documentation obtained from the Kern County Sheriff's Office indicates that between October 2011and September 2012, Kern County recreation areas had approximately 841,000 visitors. This is an increase of close to 36,950 from the previous year and is almost equal in number to the entire population in Kern County. It is a fact that Kern County experienced a 4.4% increase of 841,000 visitors, not 1% of 180,000 OHV visitors as the DEIR contends.

#10-6 2-What management measures would be put in place to manage any increase in illegal use?
o We are concerned that the OHV Division is not able to properly protect and manage our cultural, paleontological and natural resources at its existing SVRAs. We would need to see a detailed plan regarding how the Division will be able to take on yet another OHV management area before endorsing an acquisition of additional area to manage.
o As an example of the Division's lack of management in other SVRAs, at Ocotillo Wells SVRA, 20,000 acres of that SVRA is under an MOU with the BLM for travel on designated routes of travel for protection of sensitive resources. The OHV Division has been unable or unwilling to conform to the terms of this MOU and instead manages the entire 80,000-acre Ocotillo Wells area as an open area, which has resulted in extreme damage to the alluvial soils, areas of desert pavement and to the cryptobiotic crust throughout that SVRA. Unacceptable air quality impacts in Imperial County have been created that managing Ocotillo Wells as an open area.
o Another example is the failure of law enforcement to protect the private and public lands in the Morongo Basin where ORVs damage sensitive habitats, wilderness areas, areas of critical environment concern, and public lands off-limits to ORVs. The Poste Homestead Natural and Cultural Area in Wonder Valley has been significantly damaged by ORVs that ignore both route closed signs and physical barriers to trespass on fragile sand dunes that contain sensitive species.
This area is not adequately visited by law enforcement and trespass continues with impunity. There can be no more ORV areas unless and until the OHMVR can guarantee a significant increase in law enforcement.

#10-7 3- It is contrary to available evidence that, considering the possible increase in visitation and consequent impacts to the acquired parcels and the impacts from additional unauthorized trespass issues in the Jawbone/Butterbredt Canyon/ Red Rock Canyon State Park area that the

DEIR lists these issues as having less than significant impacts not requiring mitigation.

#10-8 Table S-1 states that impacts to air quality from additional motorized recreation in this area will not be significant and that implementation of the Soil Conservation Standards would address potential erosion issues associated with existing OHV use levels, which contribute to fugitive dust. We are not reassured by these claims, based on the OHV Division's poor record of implementation of soil conservation standards at the existing SVRAs. At Ocotillo Wells, the SVRA with which we are most familiar, there is absolutely no implementation of soil conservation standards.

#10-9 Impacts to Biological Resources are also considered to be less than a significant impact with no mitigation required.

THIS CONCLUSION HAS NO BASIS IN FACT. ORVs have a tremendous adverse impact on Biological Resources. This DEIR is lacking in objectivity and solid research and science. One has to wonder about the political influences reflected in this document.

This is another outreageous statement considering the variety of birds, rare and sensitive plants and other species known to visit and inhabit the area.
o In particular desert tortoises reside here and are extremely vulnerable to impacts from motorized recreation. The DEIR states that impacts to the desert tortoise are unmitigable and tortoises will be killed. The imperiled desert tortoise has been taking a huge hit across the Mojave Desert from remote, industrial scale renewable energy projects. Taking into account the declining numbers of our state reptile and the current ongoing cumulative impacts from bulldozing its habitat and from translocation it is un- conscionable to allow additional take of the tortoise in pursuit of additional motorized recreation opportunities. Regarding treatment of cultural resources: Existing and potential Impacts to Red Rock Canyon State Park (RRCSP), home to significant cultural and paleontological resources have not been adequately addressed in the DEIR.

#10-10 o The California Department of Parks and Recreation (DPR) has for years now delayed the General Plan process for RRCSP. That delay has resulted in increasing OHV use within the park and ongoing damage to irreplaceable natural and cultural resources, as documented by DPRs own archaeologists. In addition to important archaeological sites, uplifted lakebeds in Red Rock Canyon hold preserved important vertebrate fossils over 60 million years of age. This fossil assemblage is important because the Paleocene epoch is poorly recorded in the west.

o In the 1994 Desert Protection Act, the BLM gave the Red Rock Canyon's "Last Chance Addition" lands to DPR to manage as part of Red Rock Canyon State Park "for maximum protection" of their resources. DPR's response has been to allow OHV use to continue in the area with only excuses to offer for neither protecting the lands nor completing the RRC General Plan that could provide the means for evaluating and protecting them. These new lands pose new and additional threats to resources at RRCSP.

o Considering the ongoing damage and lack of management of OHV intrusions into RRCSP and at Butterbredt Spring, unmanaged OHV impacts to other sensitive riparian areas and on other BLM lands and private lands in the vicinity, DPC can only support the "No Project Alternative" of this EIR. We must oppose this acquisition until OHV use is completely removed from Red Rock Canyon State Park and protection for park resources is assured. We will not support acquisition of additional lands until DPR completes the General Plan for Red

Rock.

#10-11 Impacts to the Pacific Crest (PCT) Riding and Hiking Trail and to BLM land from illegal OHV use: We have personally reviewed the extensive ORV damage to the PCT and have observed that OHV riders in Kern County continue to seek out less impacted riding areas, which causes proliferation of damage to soils, cultural and natural resources and creates a larger and larger territory for the Kern County Sheriff's Department. The proposed DPR acquisition will consequently further stretch limited law enforcement resources.

THE EIR MUST INCLUDE AN AERIAL PHOTO OF THE PCT TO ILLUSTRATE THE EXTENSIVE DAMAGE BY ORVS ON THIS NATIONAL TREASURE. IT IS SIMPLY TRAGIC THAT THE OHMVR AND OTHER AGENCIES CONTINUE TO ALLOW ORVS TO DAMAGE THE PCT.
o BLM's Ridgecrest Field Office asserts that locations continue to be heavily impacted by illegal OHV use. "Some OHV users continue to disregard signs and barriers in the surrounding limited use and private lands within the ACEC and near the Kelso Valley area. Unlawful "off-route" travel through sensitive desert habitat, into wilderness areas, through ACECs and onto private lands continues to occur." In 2012, the BLM Ridgecrest Field Office hired a contractor to survey and document conditions on the Pacific Crest Trail between Highway 178 and Highway 138. The map from the survey and written documentation as well as ongoing documentation by the Kern County ORV Watch group depicts shocking and growing OHV damage to the PCT within BLM managed parcels.

#10-12 **In conclusion**, this DEIR does not provide convincing evidence that DPR and the OHMVR Division have either the resources and the political will to tackle the management challenges presented by the proposed acquisition parcels. Until the DPR can produce an EIR that spells out in detail how DPR will succeed in its management goals and until the California Department of Parks and Recreation has completed the General
Plan for Red Rock Canyon State Park, and until the DPR and the OHV Division have effectively worked with the BLM to reduce the unauthorized, damaging OHV trespass throughout Kern County, Community ORV Watch supports the **No Project Alternative** of the DEIR for this proposed acquisition.

In fact, unless this document includes accurate information, details on potential impacts and realistic and detailed mitigation, the DPR will be vulnerable to legal action using the requirements of the National Environmental Policy Act.

Please add Community ORV Watch to the list of interested public with regards to notices for any meetings or documents associated with this acquisition.
Sincerely,

Philip M. Klasky
Community ORV Watch
www.orvwatch.com
PO Box 1722
29 Palms, CA 92277
pklasky@igc.org

The Desert Protective Council, Inc.
P.O. Box 3635, San Diego, California 92163-1635
protectdeserts.org

Comment Letter #11: Desert Protective Council

March 31, 2013

Peter Jones
Park and Recreation Specialist
P.O. Box 1360
Lebec, CA 93243

Via Email Transmission: Peter.Jones@parks.ca.gov

Re: Comments on Draft Environmental Impact Report, Eastern Kern County Land Acquisition

Dear Mr. Jones,

The Desert Protective Council thanks you for the opportunity to submit comments on the Draft Environmental Impact Report for the CA Department of Parks and Recreation (DPR) proposed Eastern Kern County 28,000-acre acquisition.

The Desert Protective Council (DPC) is non-profit 501(c)(3) membership organization, incorporated in 1954 with members in California and throughout the United States. The mission of the Desert Protective Council is to safeguard for wise and reverent use by this and succeeding generations, those desert areas of the American southwest that are of unique scenic, scientific, historical, cultural, spiritual and recreational value and to educate children and adults to a better understanding of the desert.

Over the decades, the Desert Protective Council has participated in the California Off-Highway Motor Vehicle Recreation (OHMVR) Division's General Plan Process for several of the SVRAs. From 2000-2004, DPC participated in the review and improvement of the California OHV regulations through the OHMVR Division's Stakeholder Roundtable. This stakeholder process resulted in the unanimous passage of AB2274 in 2003, which overhauled California's OHV Program regulations.

DEIR Problems:

#11-1 Starting with the DEIR Project Summary, the Desert Protective Council finds the Eastern Kern County DEIR full of undocumented assumptions and statements of serious impacts deemed not worthy of mitigation and proposed mitigation of impacts without any detail as to how these mitigation measures will be carried out or funded.

The mission of the Desert Protective Council is to safeguard for sustainable use by this and succeeding generations those desert areas of Southern California that are of unique or significant scenic, scientific, historical, spiritual, and recreational value, and to educate both children and adults to a better understanding of the desert.

For example, In Table S- **1-Summary of Project Impacts and Mitigation Measures, Land Use Plans and Policies:** The OHMVR Division claims that there might be a 1% increase in visitor use to the area and could add to existing levels of unauthorized OHV use on the Pacific Crest Trail, Red Rock Canyon State Park, BLM land, and private property and that implementation of Land Use Management Measures would more than offset any increase in intrusions.

#11-2 **1- How does the Division arrive at this 1% estimate in increase of use? This estimated increase of use is not corroborated and conflicts with other agencies information**:

- Documentation obtained from the Kern County Sheriff's Office indicates that between October 2011and September 2012, Kern County recreation areas had approximately 841,000 visitors. This is an increase of close to 36,950 from the previous year and is almost equal in number to the entire population in Kern County. It is a fact that Kern County experienced a 4.4% increase of 841,000 visitors, not 1% of 180,000 OHV visitors as the DEIR contends.

#11-3 **2-What management measures would be put in place to manage any increase in illegal use?**

- The Desert Protective Council is concerned that the OHV Division is not able to properly protect and manage our cultural, paleontological and natural resources at its existing SVRAs. We would need to see a detailed plan regarding how the Division will be able to take on yet another OHV management area before endorsing an acquisition of additional area to manage.
- As an example of the Division's lack of management in other SVRAs, at Ocotillo Wells SVRA, 20,000 acres of that SVRA is under an MOU with the BLM for travel on designated routes of travel for protection of sensitive resources. The OHV Division has been unable or unwilling to conform to the terms of this MOU and instead manages the entire 80,000-acre Ocotillo Wells area as an open area, which has resulted in extreme damage to the alluvial soils, areas of desert pavement and to the cryptobiotic crust throughout that SVRA. Unacceptable air quality impacts in Imperial County have been created that managing Ocotillo Wells as an open area.

#11-4 **3- It is astounding, considering the possible increase in visitation and consequent impacts to the acquired parcels and the impacts from additional unauthorized trespass issues in the Jawbone/ Butterbredt Canyon/ Red Rock Canyon State Park area that the DEIR lists these issues as having less than significant impacts not requiring mitigation**.

Table S-1 states that impacts to air quality from additional motorized recreation in this area will not be significant and that implementation of the Soil Conservation Standards would address potential erosion issues associated with existing OHV use levels, which contribute to fugitive dust. The Desert Protective Council is not reassured by these claims, based on the OHV Division's poor record of implementation of soil conservation standards at the existing SVRAs. At Ocotillo Wells, the SVRA with which we are most familiar, there is absolutely no implementation of soil conservation standards.

#11-5 **Impacts to Biological Resources are also considered to be less than a significant impact with no mitigation required.** This is another astounding statement considering the variety of birds, rare and sensitive plants and other species known to visit and inhabit the area.

- In particular desert tortoises reside here and are extremely vulnerable to impacts from motorized recreation. The DEIR states that impacts to the desert tortoise are unmitigable and tortoises will be killed. The imperiled desert tortoise has been taking a huge hit across the

Mojave Desert from remote, industrial scale renewable energy projects. Taking into account the declining numbers of our state reptile and the current ongoing cumulative impacts from bulldozing its habitat and from translocation it is un- conscionable to allow additional take of the tortoise in pursuit of additional motorized recreation opportunities.

#11-6 **Regarding treatment of cultural resources:** Existing and potential Impacts to Red Rock Canyon State Park (RRCSP), home to significant cultural and paleontological resources have not been adequately addressed in the DEIR.

- The California Department of Parks and Recreation (DPR) has for years now delayed the General Plan process for RRCSP. That delay has resulted in increasing OHV use within the park and ongoing damage to irreplaceable natural and cultural resources, as documented by DPRs own archaeologists. In addition to important archaeological sites, uplifted lakebeds in Red Rock Canyon hold preserved important vertebrate fossils over 60 million years of age. This fossil assemblage is important because the Paleocene epoch is poorly recorded in the west.
- In the 1994 Desert Protection Act, the BLM gave the Red Rock Canyon's "Last Chance Addition" lands to DPR to manage as part of Red Rock Canyon State Park "for maximum protection" of their resources. DPR's response has been to allow OHV use to continue in the area with only excuses to offer for neither protecting the lands nor completing the RRC General Plan that could provide the means for evaluating and protecting them. These new lands pose new and additional threats to resources at RRCSP.
- Considering the ongoing damage and lack of management of OHV intrusions into RRCSP and at Butterbredt Spring, unmanaged OHV impacts to other sensitive riparian areas and on other BLM lands and private lands in the vicinity, DPC can only support the "No Project Alternative" of this EIR. We must oppose this acquisition until OHV use is completely removed from Red Rock Canyon State Park and protection for park resources is assured. We will not support acquisition of additional lands until DPR completes the General Plan for Red Rock.

#11-7 **Impacts to the Pacific Crest (PCT) Riding and Hiking Trail and to BLM land from illegal OHV use:** The Desert Protective Council notes in documentation by the Kern County Sheriff's Department that, similar to patterns of use all over the California Desert, OHV riders in Kern County continue to seek out less impacted riding areas, which causes proliferation of damage to soils, cultural and natural resources and creates a larger and larger territory for the Kern County Sheriff's Department. The proposed DPR acquisition will consequently further stretch limited law enforcement resources.

- BLM's Ridgecrest Field Office asserts that locations continue to be heavily impacted by illegal OHV use. "Some OHV users continue to disregard signs and barriers in the surrounding limited use and private lands within the ACEC and near the Kelso Valley area. Unlawful "off-route" travel through sensitive desert habitat, into wilderness areas, through ACECs and onto private lands continues to occur." In 2012, the BLM Ridgecrest Field Office hired a contractor to survey and document conditions on the Pacific Crest Trail between Highway 178 and Highway 138. The map from the survey and written documentation as well as ongoing documentation by the Kern County ORV Watch group depicts shocking and growing OHV damage to the PCT within BLM managed parcels.

#11-8 **In conclusion, this EIR does not provide convincing evidence** that DPR and the OHMVR Division have both the resources and the will to tackle the management challenges presented by the proposed acquisition parcels. Until the DPR can produce an EIR that spells out in detail how DPR will succeed in its management goals and until the California Department of Parks and Recreation has completed the General Plan for Red Rock Canyon State Park, and until the DPR and the OHV Division have effectively worked with the BLM to reduce the unauthorized, damaging OHV trespass throughout Kern County, the Desert Protective Council can only support the No Project Alternative of the DEIR for this proposed acquisition.

Please add the Desert Protective Council to the list of interested public with regards to notices for any meetings or documents associated with this acquisition.

Thank you very much for your attention.

Sincerely,

Terry Weiner
Imperial County Projects and Conservation Coordinator
Desert Protective Council
P.O. Box 3635
San Diego CA. 92163
(619) 342-5524 cell
(858) 273-7801 FAX
terryweiner@sbcglobal.net
www.protectdeserts.org

Comment Letter #12: Kern Audubon Society

"PROTECTING OUR GREAT NATIONAL HERITAGE"

THE KERN AUDUBON SOCIETY

P. O. Box 3581 Bakersfield, CA 93385

February 25, 2013

Peter Jones, Park and Recreation Specialist
OHV State Parks Division
P.O. Box 1360
Lebec, CA 93243

Dear Mr. Jones,

The Kern Chapter of the Audubon Society wishes to make comments and recommendation regarding the Eastern Kern County Acquisition DEIR for the parcels under the ownership of ReNu.

Preface:

#12-1 The initial reading of the DEIR and summary description of the project are very rewarding. *"No expansion of OHV recreation opportunities is proposed by the project: therefore, the project would not result in new OHV disruption of non-motorized recreation activities such as hiking, horseback riding, and camping. Any future changes in the use of the state park property would be determined by a park general plan developed in a separate process subsequent to this project."* (DEIR 11.3.5) *"The OHMVR Division acquisition project would not contribute additional roads or trails in the Piute Mountains area, but should increase resources for outreach, education, and enforcement of rules in that area"* (DEIR 3.4) The purchase of private property that is interspersed between government (BLM) property creates an area for which a management plan would have a greater chance of success in preserving the natural attributes of the area. Therefore, since riding trails and riding areas would not be increased by the purchase, the amount of protected land within the proposed park would be of such a size as to protect fragile areas, habitat for endangered species and species of concern, and to provide non-motorized recreation opportunities (hiking, birding, etc.)

Overall, in the document, there is a covert admission that the current OHV use in the area has not been properly monitored nor have regulations regarding proper riding procedures been established. The statement that the current trail system trespasses over private property is an indicator that current management practices and policies have failed. The owner of the public land, BLM, has relegated its regulatory role to a non-profit organization- The Friends of Jawbone Canyon. ***Therefore, the prospect of a state operated, managed park is far superior to the present situation.***

Inaccurate Assumptions:

#12-2 The DEIR indicated that existing trails (numbered on the map as SC) would be the only trails in the park and would not be expanded after the park is established. However, as noted in the document, these trails exist on both public land (BLM) and private land (ReNu). Therefore, one can assume that these trails are user created over time. This means that they were not created using any of the trail protocols that the OHV Parks Division uses. None of the necessary attributes such as steepness, soils, vegetation, and avoidance/protection species habitat were applied in the development of these trails. Therefore, there must be an analysis of the present trails to render if they adhere to OHV Park trail guidelines. If applied, one can assume that some of the existing trails would be modified, re-routed, or closed. ***This must be addressed in the EIR***. In addition, the BLM has historically been under-funded and under-manned with it comes to its OHV monitoring program. The ridership within the proposed park boundaries has been, for the most part, unmanaged. This is evidenced by the frequent illegal riding incursions into Red Rock Canyon State Park. As stated in the DEIR: *"Unauthorized OHV use has occurred throughout much of the project area, on public and private lands."* (DEIR 3.3.4.4) In addition, *"Since the property boundary markers are largely non-existent in the Jawbone-Butterbredt ACEC, many of the ReNu parcels are already used by the public for OHV recreation, camping, and possibly other recreation."* (DEIR 11.2.1) Thus the correct conclusion is the portions or all of the trails on private property are definitely user created.

#12-3 Hill climbs, a feature found in the open riding areas of Jawbone Canyon and Dove Springs are, by nature, short lived, meaning that the soils are soon rutted to the point that the safety of riders is in jeopardy. When this has occurred, riders have selected other non-ridden hills, with vegetation and habitat, to proceed with hill climbs. This has increased the area affected by this type of activity. None of the alternatives addresses this fact nor offered the type of mitigation required to reduce the impact. The DEIR assumes that riders would accept a degraded activity and would note seek to impact other areas. Evidence from other OHV parks (e.g. Hungry Valley) indicates the riders want quality hill climbs. ***The DEIR must include mitigation measures specifically aimed at the erosion issues in the open riding areas***.

Relationship to Red Rock Canyon State Park:

#12-4 The DEIR mentions many times Red Rock Canyon State Park and the problems ii has incurred as a neighbor to the current riding activity on its border. It needs to retain its integrity as a state park in relationship to its neighbors: Dove Springs and Jawbone Canyon Open Riding Areas. The proximity of these areas to the park has resulted in numerous border intrusions by illegal OHV activity. The park is under a 2007 mandate to address these issues with a comprehensive management plan. Such a plan has not been formulated. Therefore, a state OHV park that is adjacent to Red Rock Canyon SP has the responsibility to ameliorate the problem by initiating steps on its side of the boundary line. ***Therefore, Alternative 12.5 Exclusions for Resource Protection is the best model to affect the necessary changes***.

Relationship to the Pacific Crest Trail:

#12-5 The PCP is a highly used trail on which users seek a pristine, quiet experience. The trail is highly regarded as a trail to experience a variety of terrains and vegetation. In addition, it is highly valued and used by people from outside of California. It is an

#12-5 economic and recreational jewel for the state. This justifies modifying the parcels that adjoin the PCT. Parcel B-1 has two OHV trails (SC124 and SC123) joining here. SC124 approached the PCT within half a mile. To mitigate the problem associated with noise and visual impairment with use of the PCT, SC124 should be re-routed so that it joins SC123 closer to parcel B-2.

Issues not addressed in the DEIR:

#12-6 1) *Burrowing owls*: The report does not offer enough analysis of the location of burrowing owl nest sites and ways to mitigate destruction of these sites. The only reference to this species is the request that large OHV staging events shall avoid burrows. This is insufficient. A mitigation measure of fencing these locations and re-routing of trails and events should be discussed thoroughly.

#12-7 2) ***Desert tortoise***: A mitigation measure that would insure a very low degree of mortality is to place a tortoise proof fence below traditional fencing along trails. Such fencing can be found in use in the Desert Tortoise Preserve near California City.

Mitigation Measures:

#12-8 Measure B10-1 indicates that enforcement officials will be increased on 'busy weekends'. There is no definition of 'busy'. Since weekend use always has the highest use and the highest potential for infractions, enforcement should always be high on all weekends. Therefore, admission of this fact necessitates the removal of the word 'busy'.

Alternative: Exclusion for Resource Protection

#12-9 This alternative is both the ***environmentally superior alternative*** and the one that ***best fits the entire mission of the OVH Parks***: "*...The OHMVR Division works to ensure quality recreational opportunities remain available for future generations by providing for education, conservation, and enforcement efforts that balance OHV recreation impacts with programs that conserve and protect cultural and natural resources*."(Mission Statement, OHV Parks and Recreation) This alternative considers the historical problems of ridership adjacent to the Red Rock Canyon State Park and provides a solution: removal of adjoining parcels (S-3, S-8). A recommended change to this Alternative is to retain parcel S-4 since it does not border RRCSP. The DEIR has included important data about the biological resources within the Butterbredt Springs area, especially its global status designation. Avian surveys of the region indicate that a variety of species use this resource, thus making protection imperative. Only this alternative addresses protection mitigation measures by removing parcels B-9 and B-10 from any OHV use. This would require a re-routing of SC123 in parcel B-9. The other parcels to be removed by this alternative are D-2, near the Dove Spring open area and parcels A-4, A-6, and A-7. All of these areas are located in terrain with high biological values and deserve full protection.

Missing data:

#12-10 1) The only visuals associated with the proposed project are photographs taken from a few locations and maps. The DEIR needs to have **aerial photographs** which show the current trails and levels of use. Such photographs would indicate width of trails, amount of illegal off trail use, vegetation degradation, and terrain changes. Since the DEIR states that the current trails will be the proposed OHV state park, it is critical to have visual evidence of current use.

3

#12-11 2) The DEIR assumes a 1% increase in use after the establishment of a state OHV park in the area. However, there needs to be a **table and graph indicating the number of visitors** for each month for the past 10 years. BLM should have this data. Weekends should be tabulated separately. If a lax, inefficient, or non-existing monitoring program has been in place for the last 10 years, it should be noted with an explanation.

#12-12 **Summary of recommendations:**

1. Trails currently within the boundaries of the proposed park need to be evaluated as to their compliance to OHVMVR guidelines
2. Protection plan to protect Red Rock Canyon State Park from illegal intrusions by OHVs.
3. Remove parts of trails that encroach on the integrity of the Pacific Crest Trail (PCT).
4. Protection of the habitat and nesting zones of burrowing owls.
5. Apply currently used mitigation measures to protect the desert tortoise.
6. Revise Mitigation Measure B10-1.
7. Adopt a revised Exclusion for Resource Protection as the preferred alternative.
8. Provide aerial photographs of the current trail system and open areas and data, and, in table and chart form, provide 10 year data on OHV visitation and usage of the project area.

#12-13 **Conclusion:**

The EIR needs to reflect the changes offered or an explanation as to why they are rejected. Members of the Kern Audubon Society are frequent visitors to the Butterbredt Springs area. The unique habitats and natural resources of the area need to be protected from degradation by OHV use. As the DEIR states, the nature of this type of motorized recreational activity has caused extreme negative changes in the landscape.

We therefore support an OHV park that is created with this in mind. The Exclusion for Resource Protection Alternative is the best plan to address both the type of recreational activity desired along with protection of highly valued natural resources.

Sincerely,

Harry Love
Conservation Chairman

Contact information:
love3@bak.rr.com
13500 Powder River Ave.
Bakersfield, CA 93314

Comment Letter #13: Kerncrest Audubon Society

Kerncrest Audubon Society
P.O. Box 984
Ridgecrest, CA 93556

Response to Draft Environmental Impact Report (EIR) for the Eastern Kern County Property Acquisition, State Clearinghouse No. 2012091066

Peter Jones, Park and Recreation Specialist

P.O. Box 1360

Lebec, CA 93243

Dear Mr. Jones,

The Kerncrest Audubon Society offers the following comments for your consideration in response to the OHMVR proposal to acquire and manage 59 privately-owned parcels from ReNu Resources, LLC. Our comments are in response to the Draft Environmental Impact Report (EIR) for the Eastern Kern County Property Acquisition, State Clearinghouse No. 2012091066.

#13-1 The Kerncrest Audubon Society, which has a membership of 200 members, supports the acquisition of the 59 privately-owned parcels as described in the Draft EIR with reservations. Kerncrest Audubon supports responsible off-road vehicle (OHV) recreation; however, we are opposed to expansion of open area OHV use outside of the immediate Bureau of Land Management (BLM) Jawbone Canyon Open area. We are also very concerned that wind turbine development in the area will kill many birds and possibly lead to extirpation of Golden Eagles in this area. Wind turbines located to the south of the proposed acquisition have already killed eagles at an alarming rate. Kerncrest Audubon would rather see limited OHV use rather than expansion of wind turbine farms in this area. With these concerns in mind we support the acquisition and recommend:

#13-2

#13-3

1. That none of the acquired parcels (except those in the Jawbone Canyon open area) become open to unrestricted off road vehicle use.

2. That no new OHV routes or trails be established in any of the parcels.

3. That redundant OHV routes and dead end trails be closed in these parcels.

4. That riparian and spring areas be fenced in some manner to exclude OHV use and grazing access.

5. That on-going studies be conducted to inventory wildlife in the area to study the impact of OHV use upon the wildlife so corrective actions can be implemented as needed.

6. That no rights-of-ways which would support wind energy development be authorized within the acquired parcels.

7. That Butterbredt Springs be managed and protected as a globally important bird area.

8. That joint management plans or agreements between the BLM and the OHMVR are developed for the intermingled parcels.

#13-4

Kerncrest Audubon is concerned over the fact that the 59 privately-owned parcels (approximately 28,275 acres) are interspersed or "checkerboard" with federal lands managed by the BLM. Although we support the acquisition, we are concerned that the Draft EIR does not specify that a joint management plan or a Memorandum of Agreement with the BLM will be required should the acquisition be completed. The BLM is currently undertaking a court-ordered route transportation plan amendment that will address OHV impacts within the California Desert Conservation area and which includes the Jawbone Area of Critical Environmental Concern. Important biological, cultural, and other natural resources (including soils) are being impacted by significant noncompliance with the designated trail system on the BLM management lands as well as the privately-owned parcels. The Kerncrest Audubon Society believes that the best way to address the impacts caused by OHV recreation within the privately-owned parcels and the BLM land is through a joint management plan or agreement. In addition to the above list, the joint plan should identify open areas, camping areas, designated open routes, illegal trails and routes that will be closed to motorized use, and identify areas to be restored. The combined area should be subject to joint law enforcement efforts. This would provide consistent OHV management between the OHMVR Division and the BLM.

#13-5

Another concern we have is that the interspersed federal lands managed by the BLM are subject to federal wind testing and development policies. Our review of the BLM's wind energy applications, some of which are pending and some that have been authorized, shows that there are six wind testing applications covering over 100,000 acres in proximity of the 59 private property parcels proposed for acquisition. There are several wind testing applications, which have been approved by the BLM, that cover federal lands located north, south, and west of the proposed acquisition parcels. And there are several wind testing applications that are "checkerboard" with the privately-owned parcels. Federal wind development policies allow proponents holding wind testing applications to apply for wind turbine right-of-ways after three years or sooner. If the OHMVR Division acquires the 59 privately-owned parcels and the BLM authorizes wind testing and/or development on the interspersed federal lands, the management of the privately-owned parcels will be inconsistent with the management of the BLM-managed federal lands. Management for just OHV recreation on the acquired parcels will be difficult if the BLM is allowing wind energy development on the federal lands in proximity.

If you have any questions regarding our response, please do not hesitate to contact Hector Villalobos, Kerncrest Audubon Board Member for Alternative Energy at: havillalobos@msn.com, or (760) 446-4908.

Comment Letter #14: Motorcycle Industry Council, Specialty Vehicle Institute of America, and Recreational Off-Highway Vehicle Association

February 22, 2013

Peter Jones
Park and Recreation Specialist
P.O. Box 1360
Lebec, CA 93243

Dear Mr. Jones:

#14-1 On behalf of the Motorcycle Industry Council (MIC), the Specialty Vehicle Institute of America (SVIA) and the Recreational Off-Highway Vehicle Association (ROHVA) we write in support of the California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division's proposal to acquire from ReNu Resources, LLC and manage approximately 28,275 acres in eastern Kern County, California. By and large the off-highway vehicle (OHV) community in California supports the good work done by OHMVR Division on other riding areas and is excited about the prospect of the Division managing this opportunity in the Mojave Desert.

MIC, SVIA and ROHVA are the trade associations that represent the powersports industry including the manufacturers of on- and off-highway motorcycles, all-terrain vehicles and recreational off-highway vehicles - also known as side-by-sides. Our member companies, and the customers who purchase their products, have a vested interest in the management of public lands.

#14-2 As it stands the privately owned parcels in Kern County are interspersed in a checkerboard fashion with both Bureau of Land Management and U.S. Forest Service land. As noted in the draft EIR, "…the divisions between private and public lands are usually indistinguishable on the ground," and, "…recreation uses authorized on adjacent BLM or USFS land may occur on the ReNu parcels even if the activities are not formally approved by ReNu." We are pleased that OHMVR Division will manage the area in such a way that makes it clear to OHV enthusiasts that the trails they are riding on are open for use and are being maintained by Division. Further, we appreciate that the draft EIR recognizes that existing OHV uses currently occurring on the ReNu lands, "…are expected to continue upon OHMVR Division acquisition of the ReNu parcels."

We are also encouraged that the draft EIR delineates only one significant effect as defined by the California Environmental Quality Act found as a result of the impact analysis. We share your desire to protect the desert tortoise and think the mitigation strategies outlined in the draft EIR will provide for protection of this important species. We note that the EIR states, "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." We would also note that the draft EIR states in another section that, "The project is *not expected to*

• 2 Jenner • Suite 150 • Irvine, CA 92618-3806 • PH: (949) 727-4211 •

#14-2

significantly change the number of visitors. However, to account for possible increased interest in the project area due to OHMVR Division ownership and in a future planning process, the draft EIR assumes OHV recreation visits *could* increase by up to 1% (emphasis added)." While we expect that all reasonable efforts to implement the mitigation strategies outlined in the draft EIR should be undertaken, we believe tailoring strategies to assume a 1% increase in use would be premature at this time.

Thank you for undertaking this effort. We appreciate all that the OHMVR Division does to provide sustainable OHV recreation opportunities in California, and are excited that this proposal will ensure that responsible OHV recreation in the Mojave Desert will continue into the future.

Sincerely,

Duane Taylor
Director, Federal Affairs
Motorcycle Industry Council

Kathy Van Kleeck
Senior Vice President, Government Relations
Specialty Vehicle Institute of America

Paul Vitrano
Executive Vice President
Recreational Off-Highway Vehicle Association

ORV Watch Kern County
http://www.orvwatchkerncounty.com
661-878-7838

Comment Letter #15: ORV Watch Kern County

March 30, 2013

Peter Jones, Parks and Recreation Specialist
P.O. Box 1360
Lebec, CA 93243

Subject: OHMVR proposed East Kern land acquisition DEIR

Dear Mr. Jones;

The DEIR is inaccurate to the point of rendering the document unfunctional.

#15-1 S-1, Page S-1 states: The project won't significantly change the number of visitors. However, to account for possible increased interest in the project, the DEIR *assumes* OHV recreation visits could increase by up to 1%.

Page S-8, Table S-1: The annual increase of 1,800 visitors equates to 35 visitors per weekend. An increase in conflicts between user groups above baseline conditions would be negligible.

<u>The assumed recreation visits are speculative, not fact-based</u>

This random percentage is not only inaccurate but speculative. And it is absurdly low. The 1% number used throughout the document permits the DEIR to dismiss legitimate concerns including, but not limited to, the following:

- Hazardous materials and public safety.
- Degradation of riparian areas.
- Cultural resources.
- Geology and soils.
- Impact to non-motorized recreation.
- Impact to the Pacific Crest Trail, BLM, and Red Rock Canyon State Park.

#15-1

Over the last 5 years law enforcement has submitted requests for escalating amounts of taxpayer dollars and Green Sticker Funds for manpower and equipment to fight increasing OHV damage to Kern County resources and public property. However, S-2 ejects this real and ongoing concern over the destruction of our public lands with "No mitigation required," and "Less than significant impact."

S-2: OHMVR Division acquisition ***could*** result in a 1% increase in visitor use to the project area and ***could*** add to existing levels of unauthorized OHV use on the Pacific Crest Trail, Red Rock Canyon State Park, BLM land, and private property. Implementation of Land Use Management Measures would more than offset any increase in intrusions associated with the 1% visitor use increase and is expected to reduce existing intrusion levels.

The 1% number was extracted from the total sum of approximately 180,000 OHV recreationists *officially accounted for* by BLM staff in a given year. The data listing the number of OHV visitors to Kern County BLM OHV sites is maintained in the BLM Recreation Management Information System. The data for the Jawbone Canyon and Dove Springs is collected from traffic counters located within these areas.

#15-2

<u>The OHMVR projected percentage increase conflicts with other agencies</u>

According to Steve Bonar, the Acting Recreation and Wilderness Branch Chief for the Ridgecrest Field Office, "The visitation number for the Spangler Hills area is based upon the number of visitors associated with Special Recreation Permitted events, and is included in the visitation number. Casual use by weekend visitors *is not accounted* as there are currently no traffic counters for this area. There are no permits associated with visitation to these areas and there is no requirement to check in at the Jawbone Station Visitor's Center as there are many available routes to enter these areas for OHV riding."

The Kern County Sheriff's Office details the sobering ***official*** facts. **From October 2011 to September 2012, Kern County Recreation areas had approximately 841,000 visitors. This is an increase of close to 36,950 from the previous year and is almost equal in number to the entire population in Kern County.** It is a fact that Kern County experienced a 4.4% increase of 841,000 visitors, not 1% of 180,000 OHV visitors as the DEIR contends.

The Kern County Sheriff's Department goes on to say, that riders continue to search for less impacted riding areas, increasing the Dirt Team's territory by 5,000 to 6,000 acres, and that the OHMVR land acquisition will consequently stretch limited resources and increase law enforcement response time.

#15-2 BLM's Ridgecrest Field Office officially confirms the Kern County Sheriff's Office data, and also asserts that locations continue to be heavily impacted by illegal OHV use. "Some OHV users continue to disregard signs and barriers in the surrounding limited use and private lands within the ACEC and near the Kelso Valley area. Unlawful "off-route" travel through sensitive desert habitat, into wilderness areas, through ACECs and onto private lands continues to occur."

Last year Ridgecrest BLM contracted an individual to survey and document conditions on the Pacific Crest Trail between Highway 178 and Highway 138. Continuous OHV damage to the PCT within BLM parcels is stunning. The general map is attached with this documentation.

Staff from the Kern River Ranger District in the Sequoia National Forest complain, "Lower Kern Canyon has experienced proliferation and expansion of unauthorized routes resulting in significant impacts to sensitive resources. Recreation use will continue to increase steadily as individuals, primarily from the heavily populated areas in Southern California, seek open space and abundant recreational opportunities." They go on to say, "The Chief of the Forest Service identified unmanaged recreation as one of the key threats facing the nation's forests."

The OHMVR projections mask attempts to avoid mitigation measures

#15-3 The irrefutable data flies in the face of the OHMVR Division's projected yearly increase of 1,800 OHV visitors to the new SVRA. The DEIR authors struggle awkwardly, yet without embarrassment, to avoid obvious mitigation measures which need to be honestly and directly addressed here.

In a San Jose Mercury News piece dated March 11, 2013, Randy Caldera, Superintendent of Carnegie SVRA, is quoted as stating that recent numbers of OHV visitors are up and expected to return to peak levels. "We're exceeding our capacities here," he said. "Attendance has gotten so high on weekends we're wondering, where's our threshold?"

The Pacific Crest Trail issue

#15-4 What shall be done to protect the Pacific Crest Trail from the continued onslaught of deliberate dirt bike destruction?

Page3-11, 3.2.2 states: The OHMVR division designed a kiosk to make the structures sturdy enough to withstand the harsh environment of the desert. The kiosks were installed at intersections with authorized OHV routes and PCT access areas in October 2012.

ORV WATCH members and volunteers have participated in several meetings, field trips, and discussions about the proposed kiosks. **No kiosks, however, have been installed**.

#15-4 The Pacific Crest Trail has been hit harder this year by illegal OHV activity than in recent years, which can be attributed to the 36,950 increase in OHV visitors to Kern County. Through-hikers and equestrians visiting Kern County must face another year of negotiating dirt bike moguls, OHV noise, dust, and trespass on a Federal non-motorized trail dedicated to quiet recreation.

BLM parcels within WEMO are continuously degraded by unhampered, illegal dirt bike use. You may view photos of the BLM parcels and the Pacific Crest Trail on our ORV WATCH website and here:

http://www.flickr.com/photos/60447938@N07/

Acquisitions in Caliente: placeholders for "future generations?"

#15-5 The DEIR did not respond to the observations we submitted during the Scoping period regarding three acquisition parcels located in Caliente.

These parcels which are located in Caliente are problematic:

APN 442-03-001
APN 442-02-020
APN 442-04-001

These sections in particular, should not be considered for OHV use; off-road vehicle activity within the Caliente community is in direct conflict with rural residents' lifestyle, horse and cattle ranching, and cattle grazing. We strongly object to these parcels being utilized for OHV activities. We have listened to members of the off-road community indicate that the OHMVR Division hopes to ultimately link these Caliente sections with dirt bike trails to and from Jawbone Canyon. At the October 17th OHMVR meeting in Lancaster, Mr. Canfield stated that these parcels specifically will "ensure OHV recreation for future generations". We object to these parcels being used as placeholders for future cross country dirt bike trails from Jawbone Canyon to Caliente and beyond. We need to strike a balance between OHV use of public lands and quiet recreation.

#15-6 The DEIR did not address the concern that Red Rock Canyon State Park's general plan *must* be completed before an adjacent SVRA is established. Work on the general plan was suspended in 2009 due to budgetary issues. Completing the plan should be a priority.

Conclusion

#15-7

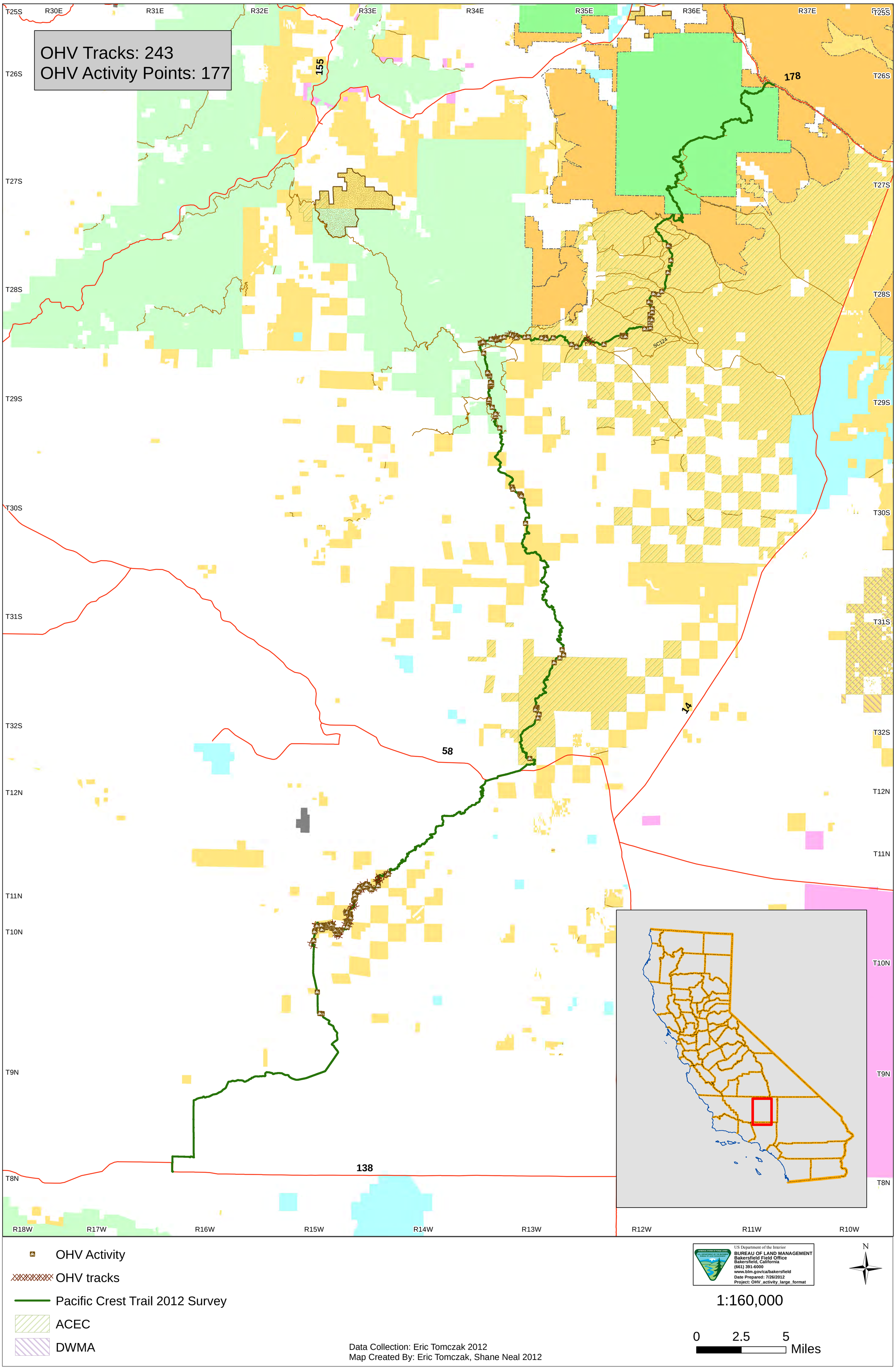
Authors of OHMVR's DEIR are playing fast and furious with fuzzy math. Private property owners and law enforcement officials are going to be left holding the bag when it becomes abundantly clear that many more than 35 OHV riders per weekend will ultimately visit Kern County's new SVRA.

The public has had enough of lawless riders destroying Kern County's natural resources. Do the math using Kern County Sheriff's official numbers. Add tens of thousands new visitors who will inevitably be attracted to the new SVRA. What we have is the perfect storm for increased conflicts and OHV trespass without any mitigation measures in place.

All things considered, the DEIR's glaring flaws, omissions, and discrepancies open the door to litigation. The document must be declared invalid and rejected in its entirety. We choose the only viable option at this time, the 'No Project' alternative.

Sincerely,
ORV WATCH KERN COUNTY
Contact: Mesonika Piecuch
P.O. Box 550
Tehachapi, CA 93581

PCT Survey 2012: OHV Activity



Comment Letter #16: Public Employees for Environmental Responsibility and Center for Biological Diversity

March 31, 2013

Peter Jones
Park and Recreation Specialist
P.O. Box 1360
Lebec, CA 93243

By email to: Peter.Jones@parks.ca.gov

Re: Comments on Draft Environmental Impact Report, Eastern Kern County Property Acquisition, State Clearinghouse #2012091066

Dear Mr. Jones:

On behalf of Public Employees for Environmental Responsibility (PEER) and the Center for Biological Diversity (CBD), we submit the following comments on the Draft Environmental Impact Report (DEIR) for the Eastern Kern Property Acquisition.

#16-1 While we see potential benefit to having these parcels in public ownership, we believe the proposed acquisitions are better suited for conservation as mitigation acquisitions for impacts from off-road-vehicle (ORV) activities, both lawful and unlawful, in the surrounding areas that have already degraded and impacted rare species habitat, air quality, water quality, soils and other environmental and human health issues. In order to achieve the goals stated in the DEIR regarding the acquisition parcels and based on the documented uniqueness of the landscape, plethora of rare and threatened species and habitats present on the parcels, and experience of State Parks in the area, we believe that Red Rock Canyon State Park would be the appropriate manager of these lands especially considering their current adjacency to the proposed acquisition area.

We have several significant concerns regarding the proposed acquisition and DEIR:

- Status of these lands under future State ownership is too vague
- The scope of the DEIR is improperly limited to a change in ownership, rather than explore the results of these lands becoming part of a large OHV "destination" area.

- The DEIR does not address how or whether the State can afford to manage the area if it is acquired;
- Impacts to the state-listed threatened desert tortoise are predicted to be significant and mitigation measures are vague and inadequate to protect this imperiled species;
- Existing and potential Impacts to Red Rock Canyon State Park are not adequately addressed.
- The extensive number of rare and threatened species and unique habitats are downplayed and remain unanalyzed for impacts.
- Cumulative impacts are not adequately addressed
- Additional Feasible Alternatives are not considered in the DEIR

These issues are discussed in greater detail below.

1. Status of these lands under future State ownership is too vague.

#16-2

According to the DEIR, "Neither a general plan nor SVRA classification are proposed at this time. "(DEIR, p. 3-13) This would leave these lands in a regulatory limbo, neither subject to the PRC provisions for a SVRA, nor subject to those governing grant-funded areas. DEIR assurances that the State "will treat the acquired parcels as subject to WHPP requirements mandated by Public Resource Code section 5090.35. " are not reassuring. It requires us to trust the State to comply voluntarily with PRC provisions it virtually ignores in actual SVRAs. The Soil Standards have been so weakened in the 2008 revisions, they offer little protection for soil resources. According to the OHMVR Division, so-called "red" trails" no longer need to be closed until they are repaired. In some SVRAs "red" trails" continue to be used for years without scheduling either repair or closures.

The HMP's have become nothing more than lip service to wildlife protection; after years of public complaints about the failure to implement these properly in existing SVRAs, the OHMVR Division gave itself a "do-over" with a new HMP protocol. Furthermore, nothing would require these lands be managed with even these minimal standards because they only apply to SVRAs or agency –managed, grant-funded OHV areas. These lands would be classified as neither.

2. The scope of the DEIR is improperly limited to a change in ownership, rather than explore the results of these lands becoming part of a large ORV "destination" area.

#16-3

According to the DEIR, the first two objectives of the acquisition of the ReNu parcels are to:

• Establish broader public land ownership in and around an existing large-scale ORV recreation area in Southern California; and

• Facilitate the provision of a "destination" desert-oriented ORV recreation area that provides a broad spectrum of experiences and skill levels. (DEIR, p. 2-2)

The DEIR assumes that annual visitation will increase 1% from 2012 specifically due to the acquisition project. Nowhere in the DEIR is there any rationale provided for this determination. We believe this projection misrepresents the potential use of these proposed acquisition lands, because currently NO public access is supposed to be occurring on these parcels. Even at existing ORV visitor levels, opening the acquisition parcels to ORVs will significantly increase impacts to these parcels. If the area becomes an ORV "destination" area, it is quite likely use will increase substantially, as will impacts to the many sensitive resources, unless very specific protection measures are identified and enforced. A supplemental DEIR must specify how it will accomplish its objectives, including identifying costs and funding sources.

The DEIR fails to adequately analyze the direct, indirect, and cumulative impacts of the increased ORV activities on the environment. The State must ensure adequate environmental information is gathered and that the environmental impacts of a proposed project are fully identified and analyzed before it is approved. "To conclude otherwise would place the burden of producing relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the information contained in the report simply by excluding such information." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 724.) Environmental review documentation is more than a set of technical hurdles for agencies and developers to overcome. [Its] function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account." (*Laurel Heights I*, *supra*, 47 Cal.3d at pp. 391-392.) For the [environmental review documentation] to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450.) The environmental review documents must "contain facts and analysis, not just the agency's bare conclusions or opinions." (*Laurel Heights Improvement Assn. v. Regents* (1989) 47 Cal. 3d 376, 404 [and cases cited therein].) The environmental review documents "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Id*.)

Because the DEIR is deficient as an informational document the State has failed to comply with CEQA. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 717-718 [holding that a misleading impact analysis based on erroneous

3

information rendered an EIR insufficient as an informational document]; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 357-58 [where baseline was inaccurate "comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts which would result."].)

Moreover, the State must look at reasonable mitigation measures to avoid impacts in the DEIR but failed to do so here. Even in those cases where the extent of impacts may be somewhat uncertain due to the complexity of the issues, the State is not relieved of its responsibility under CEQA to discuss mitigation of reasonably likely impacts at the outset.

#16-4

3. The DEIR does not address how or whether the State can afford to manage the area if it is acquired, or potential impact to budgets in existing SVRAs.

The recent Little Hoover Commission Report on State Parks[1] finds that the State has acquired new lands without adequate funding for managing those lands; this purchase appears to continue that trend. The DEIR includes no discussion of the cost of managing these lands should they be purchased. One objective of the purchase is to bring sensitive resources into public ownership in order to provide them greater protection. While we support this objective, we see nothing in the DEIR that explains how this will be accomplished, given the complexity of resource issues and the challenges of managing ORV use. It is not being accomplished now in existing SVRAS, such as Carnegie or Ocotillo Wells, and the excuse given by OHMVR management is the lack of staff and inadequate budgets. How does the State propose to pay for appropriate management and protection; and how will the diversion of funds to these lands affect budgets in existing SVRAs? A supplemental DEIS will need to include these important management-related issues

Furthermore, the DEIR indicates that this area is not an SVRA (DEIR at 6-54) and it is unclear that funding and resources for management of the proposed acquisition lands will be a high priority. In fact, lacking a management plan that includes 1) a more comprehensive evaluation of the existing resources 2) an identification of goals and objectives for the acquisition lands and 3) a management framework for activities in support of the goals and objectives, we find it very unlikely that appropriate conservation management would be done in an area already troubled by chronic ORV trespass issues and related environmental impacts.

#16-5

4. Impacts to desert tortoise are predicted to be significant and mitigation measures are vague and inadequate to protect this imperiled species.

According to the DEIR, "current land use on the northern parcels where fencing

[1] http://www.lhc.ca.gov/studies/215/FinalReport215.pdf

along access roads and washes inhibits OHV use appears to benefit individual tortoises and contribute to their persistence in those areas. Southern parcels within the Open Area are exposed to high levels of uninhibited OHV use that results in extensive areas with disturbed vegetation that lowers habitat quality for the desert tortoise or results in direct mortality. These conditions would not change as a result of the project. However, if cattle are no longer raised on the RRG parcels after the acquisition, impacts associated with cattle grazing would not occur resulting in a net benefit to the habitat and desert tortoise. Alternatively, lack of maintenance of the fencing that inhibits access to some parcels would eventually lead to gaps that would allow OHV access to areas that were previously inaccessible. Desert tortoises occurring in these areas would be subjected to detrimental impacts associated with OHV use, including road kill. Obviously, opening of the RRG parcels to widespread OHV use by CDPR in the future would have the same effect." (DEIR Appendix F, p. 9)

Although the DEIR notes that impacts to the state listed threatened desert tortoise (also the State reptile) is significant (Table S-1 at pg. S-5), clearly there are mitigation measures available to reduce impacts to non-significant levels by managing desert tortoise habitat for desert tortoise conservation and recovery in compliance with federal and state law. Therefore, a Desert Tortoise Recovery alternative needs to be included that focuses management of the proposed acquisition lands on implementation of recovery actions that would benefit the desert tortoise and minimize impacts to it. New data is available on the success in recovering the desert tortoise in habitat nearby the southeastern acquisition parcels and includes fencing and maintaining that fencing to exclude ORVs and associated activities[2]

A decision to purchase these lands, if it is to meet the objectives of improving conditions for sensitive resources, must include provisions to actually improve those conditions. These should include an end to grazing on important desert tortoise habitat, protective fencing, maintaining closure of RRG parcels with desert tortoise habitat, minimizing or eliminating routes in desert tortoise habitat and a strictly enforced designated route system on the entire ORV area.

#16-6

5. Existing and potential Impacts to Red Rock Canyon State Park (RRCSP) are not adequately addressed.

For years now, the California Department of Parks and Recreation (DPR) has inexcusably delayed the General Plan process for RRCSP. That delay has resulted in increasing OHV use within the park and ongoing damage to irreplaceable natural and cultural resources, as documented by DPRs own archaeologists. [3] In addition to

[2] Berry et al. 2012

[3] Samson, Michael P. Associate State Archaeologist, California State Parks. The Effects of Off-Highway Vehicles on Archaeological Sites and Selected Natural Resources of Red Rock Canyon State Park. June 2007

important archaeological sites, uplifted lake beds in Red Rock Canyon hold preserved important vertebrate fossils over 60 million years of age. This fossil assemblage is important because the Paleocene epoch is poorly recorded in the west.[4]

Red Rock's "Last Chance Addition" lands were given to DPR by the Bureau of Land Management (BLM) in the Wilderness Act 0f 1994 to manage as part of Red Rock Canyon State Park "for maximum protection" of their resources. DPR's response has been to allow damaging ORV use to dominate the landscape, with excuse after excuse for neither protecting the lands nor completing the General Plan that could provide the means for evaluating and protecting them. These new lands pose new and additional threats to resources at RRCSP. Accordingly, we must oppose this acquisition until OHV use is completely removed from Red Rock and protection for park resources is assured. If DPR has funds to acquire 28,500 acres of new lands for ORV use, it should have the money to complete the General Plan for Red Rock.

At the September 2012 OHV Commission in Placerville, Phil Jenkins, in answer to a question about access to the new parcels, responded that access could be through RRCSP. This is absolutely unacceptable. Existing ORV use in the park needs to be stopped, in order to protect the incredibly important natural and cultural resources therein. The ORV Division, through the interference by former Deputy Director Daphne Greene, succeeded in preventing both the General Plan process and interim protection for RRCSP resources. With this proposed acquisition, impacts to the RRCSP resources are even more threatening. The Department of Parks and Recreation should, as partial mitigation for this acquisition, immediately ban "green sticker" vehicles from Red Rock and immediately re-start the General Plan process.

The DEIR defers most management decisions to a future General Plan. We have been waiting 15 years for the Red Rock Canyon General Plan, and several years for the Ocotillo Wells General Plan update. ORV damage in both parks continues to run rampant, and all concerns are brushed aside with promises of addressing these in a General Plan that seems never to come.

According to the DEIR "the project does not propose construction of new facilities to support the existing land uses, although minor projects are foreseeable such as repairs to existing facilities, installing vault toilets, kiosks, and signage, or ensuring ADA compliance at existing facilities (see Chapter 2, Section 2.5). Such minor projects could be proposed prior to completion of a general plan. " This language suggests the area will experience the type of "mission creep" we see at SVRAs without current General Plans. While we understand you don't want to write a General Plan prior to acquiring these lands, simply describing the resources, the recreation uses and general good

[4] Schoenherr, Allan A., A Natural History of California. University of California Press. 1992. P. 55

#16-6

intentions with regard to managing the area aren't convincing and don't supply the requisite disclosure.

Monitoring of the effectiveness of mitigations would be by the OHMVR Division, but the DEIR provides no monitoring plan, including frequency of monitoring. Nor does it offer an action plan should monitoring disclose impacts.

Cultural Resources. Again, the DEIR makes big promises, but if the Division is to be judged by its actions at RRCSP, its role there was as an obstruction to cultural resource protection.

Similarly, BLM lands adjacent to Ocotillo Wells SVRA are managed by the OHMVR Division under a Memorandum of Understanding (MOU), wherein vehicle travel on the land is required to be restricted to designated routes. However, supervisors and law enforcement personnel at the SVRA allow open riding on the BLM lands, as well as in the rest of the SVRA, in direct conflict with the MOU.

With DPR's history of big promises but dismal record with regard to resource protection, the DEIR fails to provide very convincing evidence that DPR and OHMVR Division have both the resources and the will to tackle the management challenges presented by the proposed acquisition parcels. The DEIR fails to spell out in detail how DPR will succeed in its lofty management goals.

#16-7

6. The extensive number of rare and endangered species and unique habitats are downplayed and remain unanalyzed for impacts.

The DEIR recognizes and affirms the incredible biological and ecological values of the proposed acquisition parcels and documents numerous rare species and unique habitats. Virtually all but 10 acres of the proposed acquisition are within the boundaries of the Jawbone-Butterbredt Area of Critical Environmental Concern (JBACEC) which was designated by the BLM to protect wildlife and the Native American values in the area. Because much of the proposed acquisition area was and currently is in a checkerboard public and private land ownership pattern and is currently about half of the area is designated as closed to public access, this management strategy was put in place due to the conflicts that arose between ORV impacts and cattle grazing. The closure has maintained a robust and relatively environmentally intact landscape that needs to be maintained if the proposed acquisition moves proceeds. Opening up the areas to new ORV activities or legitimizing illegally created ORV routes without a full assessment of their impacts, will irrevocably deteriorate the environment due to direct and indirect impacts from ORV recreation, including fragmentation of habitat, spread of non-native plants, degradation of soils and cryptobiotic soil crusts and other impacts that are well documented to be associated with ORV recreation. Because of the current recognition of the importance of the wildlife habitat and Native American values for which the JBACEC was established, the acquisition and use of the area for ORV activities appears

to immediately set up a conflict between conservation values and ORV access if management is for resources is not the highest priority. The DEIR fails to adequately explore the impacts to the acquisition areas. In fact it bases its analysis on a projected 1% increase in ORV activities, but fails to identify how this projection was determined. This analysis should be provided in a supplemental DEIR.

While the DEIR documents that many rare species, included the state-listed desert tortoise and Mohave ground squirrel, occur on the site, the tone of the DEIR suggests that the status quo land "management" including illegal route proliferation, trespass on these private lands, and grazing is appropriate. We disagree, because the current "management" puts these species in danger of incidental take. The proposed acquisition will need to pursue an incidental take permit from the wildlife agencies and we believe higher conservation goals will need to be implemented in order to avoid, minimize and mitigate impacts to these imperiled species.

The acquisition parcels include a world-renowned migratory bird stopover spring – Butterbredt Springs.[5] This unique location has been recognized and managed specifically for conservation purposes for decades cooperatively between the private land owner, the Bureau of Land Management and the Audubon Society. The values of this crucial spring is already being impacted by wind farm development in the area, and further impacts through management changes to accommodate off-road vehicle access could further threaten the spring area and the migratory birds that use these critical springs. While the EIR identifies the wildlife values of Butterbredt Springs, it fails to provide additional protections and enhancement of this critical resource.

Additional requirements that should be included in a supplemental EIR include:

- A management plan that includes costs of implementation;
- All habitat for desert tortoise be unavailable to ORV activities based the scientific literature (see above);
- No new ORV routes or trails be established, illegal routes be rehabilitated; redundant routes be closed and rehabilitated;
- Springs, seeps and other areas with riparian-type values be protected from impacts (ORV and/or grazing);
- All acquired parcels be unavailable for rights-of-way for wind and solar development, including transmission.

7. Cumulative Impacts are not adequately addressed.

#16-8

Cumulative impacts analysis is a critical part of any CEQA analysis.

> [t]he cumulative impact analysis must be substantively meaningful. "'A cumulative impact analysis which understates information concerning the

[5] http://www.kern.audubon.org/Butterbredt_birding.htm

> severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval. [Citation.]' [Citation.] [¶] While technical perfection in a cumulative impact analysis is not required, courts have looked for 'adequacy, completeness, and a good faith effort at full disclosure.' (Cal. Code Regs., tit. 14, § 15151.) "A good faith effort to comply with a statute resulting in the production of information is not the same, however, as an absolute failure to comply resulting in the omission of relevant information." [Citation.]" (*Mountain Lion Coalition v. Fish & Game Comm.* (1989) 214 Cal. App. 3d 1043, 1051-52.)

(*Joy Road Area Forest and Watershed Assoc. v. Cal. Dept. of Forestry* (2006) 142 Cal. App. 4th 656, 676.) Where, as here, the impacts of a project are "cumulatively considerable" the agency must also examine alternatives that would avoid those impacts and mitigation measures for those impacts. (CEQA Guidelines §15130(b)(3).) In some cases the potential cumulative impacts will be best addressed by compliance with existing regulations (such as land use plans, conservation plans, or clean air act standards), in other cases avoidance and mitigation measures will be site specific, and in some cases new regulations or ordinances may be needed to address cumulative concerns.

The DEIR takes a very localized view of cumulative impacts and fails to evaluate additional projects that affect rare and sensitive plant and animal species. For example, it fails to include a cumulative analysis for the Mohave ground squirrel (MGS) and the impacts that are occurring or proposed within its habitat, including the development of pistachio farms near Inyokern, other solar developments and water developments in the Fremont Valley etc. These projects will negatively affect MGS and coupled with this project and the others in Table 13-1.

8. Additional Feasible Alternatives Not Considered in the DEIR

#16-9

Under CEQA, a lead agency may not approve a project if there are feasible alternatives that would avoid or lessen its significant environmental effects. (Public Resources Code §§ 21002, 21002.1(b).) To this end, an EIR is required to consider a range of potentially feasible alternatives to a project, or to the location of a project, that would feasibly attain most of the project's basic objectives while avoiding or substantially lessening any of the project's significant environmental impacts. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1456.) Clearly in this case, the supplemental DEIR should include a Desert Tortoise Recovery alternative as described above.

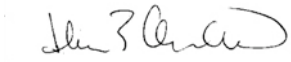
Alternative that would make protection of and recovery for the declining desert tortoise as a goal for the management of the proposed acquisition parcels. In conjunction with the "Exclusion for Resource Protection" alternative included in the DEIR, the

supplemental DEIR will truly have an alternative – the Desert Tortoise Recovery and Resource Protection Alternative - that will protect the unique and varied resources of this exceptional area.

Thank you for the opportunity to provide these comments, and we look forward to their incorporation into a supplemental DEIR. Please keep us on the list of interested public with regards to notices for any meetings or documents associated with this acquisition.

Sincerely,

Karen Schambach
California Field Director
Public Employees for Environmental Responsibility
P.O. Box 4057
Georgetown, CA 95634
capeer@peer.org
530-333-2545



Ileene Anderson
Biologist/Public Lands Desert Director
Center for Biological Diversity
8033 Sunset Blvd., #447
Los Angeles, CA 90046
ianderson@biologicaldiversity.org
323-654-5943

cc: (via email)
Major General Anthony Jackson, Director, California State Parks director@parks.ca.gov
Julie Vance, CDFW jvance@dfg.gov
Ray Bransfield, USFWS Ray_Bransfield@fws.gov
Phil Jenkins, Division Chief, OHMVR pjenkins@parks.ca.gov

Reference:

Berry, K.H., L. Lyren and T. Bailey. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

Berry, K.H., et al. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

#16-10

A Comparison of Desert Tortoise Populations and Habitat on Three Types of Managed Lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/ Fremont Valley, Desert Tortoise Research Natural Area, and Private Parcels

FINAL REPORT

Kristin H. Berry[1], Lisa Lyren[2], and Tracy Bailey[3]
[1]U.S. Geological Survey, Western Ecological Research Center, Riverside, CA 92518
E-mail: kristin_berry@usgs.gov; phone, 951-697-5361
[2] U.S. Geological Survey, Western Ecological Research Center, Carlsbad, CA 92011
[3]619 Pinon Court, Ridgecrest, CA 93555

Abstract: We surveyed an area of ~260 km^2 in the western Mojave Desert to evaluate relationships between condition of Agassiz's desert tortoise populations (*Gopherus agassizii*) and habitat on lands that have received different types of management. The land management was of three types: public lands administered by the Bureau of Land Management (BLM) in the Rand Mountains and Fremont Valley on desert tortoise critical habitat, the federally designated and fenced Desert Tortoise Research Natural Area (DTRNA), and undeveloped and unoccupied privately-owned lands adjacent to the DTRNA recently acquired by a non-profit organization. We established 240 one-hectare plots using random sampling, with 80 plots in each of the three types of managed lands for a 0.92% sample. Surveys were conducted in spring 2011, and data were collected on live tortoises, shell-skeletal remains, other signs of tortoises, perennial vegetation, predators, and evidence of human use. The density for subadult and adult tortoises on all 240 plots was 5.46/km^2 (95% CI = 5.4–5.6). Densities for subadults and adults differed significantly by management area: 10.2/km^2 (95% CI = 9.9–10.4) for the DTRNA plots, 2.4/km^2 (95% CI=2.3–2.6) for the Rand Mountains and Fremont Valley; and 3.7/km^2 (95% CI=3.6–3.8) for plots on private lands. Juvenile and immature tortoises were found only on the plots within the DTRNA. Counts of tortoise sign were highest on the DTRNA and lowest on private lands.

Logistic regression models indicated that presence of tortoise sign (live and dead tortoises, burrows, scat, etc.) was significantly and negatively correlated with anthropogenic disturbances measured by counts of sheep scat, vehicle tracks, trash, and total disturbed surface area. Private lands had higher counts of vehicle tracks, sheep scat, and trash, as well as total amount of land with surface disturbances. The Rand Mountains/Fremont Valley management area was intermediate in terms of counts of vehicle tracks and total disturbed surface area, and lowest in counts of trash and evidence of shooting. The DTRNA had lower counts of vehicle tracks and total disturbed areas than the other two management areas but higher counts of common ravens and sign of mammalian predators. Neither the Rand Mountains/Fremont Valley nor the DTRNA had appreciable evidence of sheep grazing. Factors potentially affecting recovery of tortoises varied by management area, and include sheep grazing, vehicle use, trash, the total of disturbed areas, and subsidized predators.

Key words: desert tortoise, *Gopherus agassizii*, Desert Tortoise Research Natural Area, human uses, recreation, sheep grazing, trash, Mojave Desert

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INTRODUCTION

Agassiz's desert tortoise, *Gopherus agassizii*, (hereafter called desert tortoise) is both a federally- and state-listed threatened species (U.S. Fish and Wildlife Service 1994, 2011; California Code of Regulations, 2004). Critical habitat was designated in 1990, and includes substantial parts of the Rand Mountains and Fremont Valley in the western Mojave Desert (U.S. Fish and Wildlife Service [U.S. FWS] 1990). The Rand Mountains and Fremont Valley contain a mixture of public lands managed by the Bureau of Land Management (BLM), land owned by the California Dept. of Fish and Game (CDFG, Wildlife Conservation Board), and private lands with multiple owners. The majority of private land parcels are within the boundaries of California City.

These lands have had different histories of ownership and human uses for agriculture, mining, grazing, human settlements, and recreation during the last 40 years. In 1973 the BLM published its first management plan for recreational vehicle use on public lands (U.S. BLM 1973). With this plan, public lands that were later to become the Desert Tortoise Research Natural Area (DTRNA) were closed to recreational vehicle use. Public lands in the Rand Mountains and Fremont Valley were designated as open to recreation vehicle use throughout (no requirement to stay on trails or designated routes). Seven years later, in 1980, the BLM published the *California Desert Conservation Area Plan, 1980*, designating the DTRNA as an Area of Critical Environmental Concern (ACEC) and Research Natural Area, the West Rand ACEC, and the Rand Mountain-Fremont Valley Recreation Area (U.S. BLM 1980). The West Rand ACEC and the Rand Mountain-Fremont Valley Recreation Area were modified in this plan from unlimited recreational vehicle access to vehicle travel on existing routes. Also in 1980, the U.S. Congress formally withdrew the DTRNA from the general land laws, mining laws, and livestock grazing, and BLM fenced the boundaries with hogwire fencing and signed the area as closed to livestock grazing and recreational vehicles. Thus the first Research Natural Area was created in the California deserts.

Major changes occurred in the Rand Mountains and Fremont Valley (including the West Rand ACEC) between 1980 and 2011. Unauthorized vehicle traffic off routes has been a continuing issue (e.g., Goodlett and Goodlett 1991, U.S. BLM 2002). Sheep grazed in spring until 1990, when the desert tortoise was federally listed as threatened (U.S. FWS 1990). Other multiple uses have continued. By 2011, the BLM had prepared additional amendments to the *California Desert Conservation Area Plan, 1980* (U.S. BLM 1980, 1999, 2006) and an additional plan specifically for the DTRNA (U.S. BLM and California Dept. of Fish and Game 1988).

Between 1980 and 2011, substantial private inholdings within and adjacent to the DTRNA boundaries were purchased by the CDFG and the non-profit Desert Tortoise Preserve Committee, Inc. for conservation purposes and with the intent of protecting lands within the DTRNA and expanding the boundaries to better connect with critical habitat on BLM-managed public lands in the Rand Mountains and Fremont Valley (U.S. BLM 2006). The private lands outside the fenced boundary of the DTRNA primarily have been acquired since 1995 and have not been fenced as of 2011. Sheep grazing and uncontrolled recreational vehicle use occur on these lands.

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This project was designed to establish a baseline and to track how three different types of management strategies affect desert tortoises and tortoise habitats over time. We selected the fenced DTRNA (most protected), private lands (least protected), and public lands administered by the BLM in the Rand Mountains and Fremont Valley (moderately protected). Throughout, we use the terms Rand Mountains/Fremont Valley, DTRNA, and private lands to refer to these three management areas. (One defined management area—the Rand Mountains/Fremont Valley—contains the entire West Rand ACEC, as well as western parts of the Rand Mountains Management Area and Fremont-Kramer Desert Wildlife Management Area.) For the three management areas, the objectives were to 1) compare tortoise densities and other population attributes; 2) identify factors positively or negatively affecting recovery of the tortoise; and 3) provide recommendations for enhancing or sustaining vehicle-oriented recreation opportunities and at the same time contributing to recovery of the tortoise.

METHODS

Monitoring Area

The northern and northeast boundaries of the monitoring area are the Red Rock, Garlock, and Goler paved roads; from these roads, the monitoring area extends south through the Fremont Valley into the Rand Mountains and DTRNA (Fig. 1). The only paved road within the monitoring area is an ~8 km stretch of the Red Rock-Randsburg Road, which traverses the northern part of the monitoring area. The nearest paved roads to monitoring area boundaries are 1.6 km distant in the west (Neuralia Road), 3.2 km distant in the south (within California City), and 3.2 to 16.0 km in the east (State Highway 395). The ~260 km^2 monitoring area includes the Rand Mountain-Fremont Valley Management Area, a vehicle-oriented recreation area, with critical habitat for the desert tortoise; the DTRNA, an area closed to both vehicle use and sheep grazing; and private lands, recently purchased to become part of the western and eastern expansion of the DTRNA. The settlements of Cantil and Goler Heights are within 4 km in the northwest and 0.8 km in the north, respectively; the towns of Randsburg and Johannesburg (populations 69, 172 respectively), and the settlement of Red Mountain are within 2.9 km in the northeast, and urbanized California City (population of 14,327; U.S. Census Bureau estimate for 2011) is 3.2 km to the south.

Within the ~260 km^2 monitoring area, elevations range from 590 m near the edge of Koehn Dry Lake to 1240 m at the crest of the Rand Mountains. Perennial vegetation is predominantly composed of white bur-sage (*Ambrosia dumosa*) and creosote bush (*Larrea tridentata*). The vegetation changes with elevation. At the edge of Koehn Dry Lake in the north, allscale saltbush (*Atriplex polycarpa)* and other *Atriplex* species are common. On the floor of the Fremont Valley and the toeslope of the Rand Mountains, perennial vegetation grades into creosote bush with white bur-sage and many different species of shrubs: cheesebush (*Ambrosia salsola*), goldenhead (*Acamptopappus spherocephalus),* spiny senna (*Senna armata),* silver cholla (*Cylindropuntia echinocarpa*), Nevada ephedra (*Ephedra nevadensis*), winter fat (*Krascheninnikovia lanata),* hop-sage (*Grayia spinosa),* Mojave indigo bush (*Psorothamnus arborescens),* Acton encelia (*Encelia actoni),* Mojave Desert California buckwheat *(Eriogonum fasciculatum),* Anderson box-thorn (*Lycium andersonii),* Cooper's box-thorn (*L. cooperi),* and wishbone bush *(Mirabilis laevis* var. *retrorsa*). Joshua trees (*Yucca brevifolia*) are occasional on

the slopes and crest of the Rand Mountains. Nomenclature for plants followed Baldwin et al. (2011).

The climate is typically that of the western Mojave Desert. The nearby Tehachapi Mountains to the west act as a rain shadow, influencing the amount of precipitation, frequency and velocity of winds, and temperatures. One long-term weather station (Randsburg station) has relevant precipitation data: average annual rainfall is estimated to be 174.24 mm (National Climatic Data Center, National Oceanic and Atmospheric Administration, 2010-2011). Overall, the monitoring area is situated sufficiently close to the Tehachapi Mountains to receive more rain than many desert areas at similar elevations further inland. More than 80% of precipitation occurs in fall and winter, between October and March.

Collection of Data on Vegetation, Desert Tortoises, and Human Impacts

We designed the project to evaluate the status of desert tortoise populations and habitat conditions under three different management regimes: public lands administered by the BLM in the Rand Mountains/Fremont Valley, the federally designated DTRNA, and undeveloped and unoccupied privately-owned lands. All private lands included in the private land management area are owned by the Desert Tortoise Preserve Committee, Inc., who provided permission to enter. Within the general boundaries of the monitoring area in the Fremont Valley, Rand Mountains, and DTRNA, we excluded other private lands and lands that were not publicly owned and managed by a government agency. To randomly select the hectare plots for the project, we acquired Geographic Information System (GIS) layers of land ownership from the BLM (http://www.blm.gov/ca/gis/) and from Kern County (http://www.co.kern.ca.us/gis/downloads.asp) to cover the monitoring area (Fig. 1). Eighty one-hectare plots were established using random sampling in each of the three types of managed lands for a total of 240 plots (Figures 2, 3, 4). Four additional rules were applied to the randomly selected points:

1) the point was the SW corner of the plot;
2) if the plot was outside the boundary of the appropriate portion of the monitoring area, then the randomly selected point became the NE corner of the plot. If further conflicts existed, the point became the NW corner, followed by the SE corner.
3) If the previous rule did not ensure that the entire plot was within appropriate boundaries, then the original point was to be moved 100 m east. If the point could not be moved east, then it was to be moved in one of the other cardinal directions in the following order: W, N, then S. If none of the previous rules worked, then the randomly selected point was to be discarded and a new randomly selected point was added. Ultimately, the 240 plots constituted a 0.92% sample of the monitoring area.

Field teams surveyed the plots in spring of 2011 (3 Apr–25 May) using methods similar to those described in Keith and Berry (2005) and Keith et al. (2008). The timing was designed to coincide with high activity levels of all sizes of tortoises above ground, as well as for counting sign (Zimmerman et al. 1994, Lance and Rostal, 2002). Briefly, each plot was surveyed twice: once in a north-south direction and then in an east-west direction to collect data on vegetation, live tortoises, tortoise sign, shell-skeletal remains, predators, and human-related impacts.

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Vegetation. Field workers recorded data on perennial shrubs, grasses and non-native species by relative abundance: (0) absent from the plot, (1) one or two individuals, (2) rare, (3) sparse, (4) common, or (5) dominant or ubiquitous.

Live tortoises. Live tortoises that were encountered on and off plots were processed and evaluated for health and disease. During processing, general measurements and observations were made on sex, location, activity, carapace length at the midline, plastron length from notch to notch, and weight (Berry and Christopher 2001). Each tortoise was assigned a number by plot and then in sequence by date found on a plot (e.g., Plot 10-01, Plot 10-02). Special precautions were taken to prevent the potential spread of infectious diseases and ticks by using a fresh pair of disposable gloves. Equipment that touched the tortoise was disinfected with a solution of 10% bleach.

We evaluated and recorded health status on forms similar to those published in Berry and Christopher (2001). Data were collected on clinical signs of infectious disease, shell disease, and trauma. Observations for potential infectious diseases included general condition and behavior (e.g., active, listless, unresponsive); appearance of the nares (e.g., presence or absence of a nasal discharge; amount, color and opacity of any discharge; occlusion of nares); presence of exudate from the chin glands; appearance of eyes (e.g., sunken, wet, or crusted); presence of caked dirt in, on or near the beak or on the forelegs; and ulcers, plaques, or other lesions in the oral cavity. Notes were recorded on distribution, severity, and chronicity of shell lesions caused by disease or trauma. Of particular interest were signs of infectious diseases caused by mycoplasmosis (Jacobson et al. 1991; Brown et al. 1994, 2004; Johnson et al. 2006), a shell disease described as cutaneous dyskeratosis (Jacobson et al. 1994, Homer et al. 1998), and trauma from dog attacks (Carlson et al. in review).

Digital photographs were taken of each tortoise and included the carapace, plastron, posterior left costal, right and left eyes and periocular areas, and a frontal view of the nares and beak. Additional images were also taken if the tortoise had ectoparasites, or unusual anomalies or injuries (e.g., missing limb).

Tortoise sign. Data were collected primarily on two types of tortoise sign: cover sites and scat. Cover sites (defined as burrows, caves, pallets, and rock shelters used by tortoises after Burge 1978) were measured and assigned to one of five classes: (1) excellent condition, currently active—fresh tracks or plastron marks evident; (2) excellent condition, active and clean—tortoise can walk into and use without excavation, probably used within last year; (3) good condition—plant debris or drifted sand present, tortoise could walk or plow into it and use it immediately; (4) fair condition—disused with some excavation necessary, signs of structural degradation occurring at corners of burrow opening and at mouth; and (5) poor condition—abandoned, collapsed, a major excavation effort necessary for use (Berry et al. 2008, Keith et al. 2008). Measurements included the width and height of the opening and the length of the tunnel. Likewise, the number and size of tortoise scat was measured and the age of each recorded using three age classes: (1) within this season—slick, coated with shiny substance, dark brown or black in color; (2) within last year—dull surface, no longer shiny, or smooth, lightened in color to straw, greenish, yellow or light brown, often with pieces of vegetation protruding; and (3) >1,

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probably >2 years old—surface rough with pale yellow, beige, or whitened or grayish vegetation protruding (Berry et al. 2008, Keith et al. 2008). Additionally, tortoise tracks, courtship rings, and drinking sites were identified and the age was estimated.

Shell-skeletal remains. Shell-skeletal remains encountered on and off plots were collected. Prior to collecting the remains, field workers noted condition of the remains and signs of human activities or predators that may have caused or contributed to the death (e.g., trail or tracks of vehicles, human footprints, or predator scat). Photographs were taken of the remains *in situ* to document the setting where death may have occurred. In addition, at least three images were taken of each shell-skeletal remain prior to disturbance: (1) a general picture showing the remains within the context of soils, vegetation, and land uses (if any); (2) a close-up of the remain(s); and (3) a close-up image of the oldest and most deteriorated portion of the scutes and bones. Then the remains were placed in a heavy-duty zip-lock plastic bag and transferred to the U.S. Geological Survey Field Station for further analysis. Scats and burrows of coyotes (*Canis latrans*), American badgers (*Taxidea taxus*), kit foxes (*Vulpes macrotis*), and bobcats (*Lynx rufus*) were examined for tortoise skin, scutes and bone. Each scat or group of scats (assigned by species of predator) that contained remains of tortoises was collected and placed in a zip-lock bag. Each such collection was treated, both at the time of collection and initial analysis, as a single set of tortoise remains. Similarly, nest and perch sites of avian predators such as golden eagles (*Aquila chrysaetos*), red-tailed hawks (*Buteo jamaicensis*), and ravens (*Corvus corax*) were searched for remains.

Predators. Data were collected on both the presence and sign of avian and mammalian predators (observations of predators; tracks; dens; areas with concentrations of scats and canid sign posts; nests, perches, and roosts of predatory birds). Potential avian predators included burrowing owls (*Athene cunicularia*), red-tailed hawks, greater roadrunners (*Geococcyx californianus*), loggerhead shrikes (*Lanius ludovicianus*), great-horned owls (*Bubo virginianus*), northern harriers (*Circus cyaneus*), golden eagles, prairie falcons (*Falco mexicanus*), and common ravens. Mammalian predators were coyotes, American badgers, and kit foxes.

Human impacts. To document historical land uses, we reviewed cadastral survey records, historical records and maps, published literature and government reports. Field workers collected data on types and amounts of human disturbance, both past and present, e.g., locations, numbers, and sizes of 4-wheel vehicle tracks, motorcycle tracks, paved roads, dirt roads, trash, balloons, spent shells (general firearms), shooting areas, shooting targets, mining test pits and markers, campsites, sheep scat and tracks, fence lines, posts, utility lines and towers, old buildings, and denuded or partially denuded habitats.

Data Analysis

Vegetation. To categorize plots by vegetation type, we performed k-means clustering analysis on perennial vegetation data (StatSoft, Inc. 2001), using the six ordinal categories of abundance (outlined above). We specified k = 4 clusters for the analysis, and then verified that the associations were of biological significance by evaluating composition, relative abundance, and diversity within each of the vegetation groups and comparing each cluster to the Hierarchical List of Natural Communities with Holland Types (California Department of Fish and Game

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2010) to assign a vegetation community name. We also conducted an analysis of variance (ANOVA) of the vegetation associations using elevation as the dependent variable to assist with characterizing each of them. Differences were assigned using the Tukey Honestly Significant Difference (Tukey HSD) test. We considered those species with mean relative abundance values greater than the mean of the minimum and maximum relative abundance values (2.35) as "abundant species."

Live and dead tortoises. We assigned a size-age class to live tortoises by carapace length at the midline (MCL): juvenile tortoises = < 99 mm, immature = 100–179 mm, subadult/small adult = 180–207 mm, and adult ≥208 mm. To assess whether sex ratios of subadult and adult tortoises differed significantly from the expected 1:1 ratio, we used the Z statistic (Spiegel 1961). We used a 1,000-simulation bootstrap to estimate 95% confidence levels for live and dead adult tortoises per plot (Bootstrap add-on for excel: http://www3.wabash.edu/econometrics/EconometricsBook/Basic%20Tools/ExcelAddIns/bootstrap.htm). With the means and the 95% confidence intervals (CI), we estimated densities (tortoises/km^2) of live adult tortoises for each of the three management areas, as well as the entire monitoring area. We estimated relative age of adults using age classes developed by Berry and Woodman (1984). For the shell-skeletal remains of dead tortoises, we treated them similar to the sign counts.

Correlations between tortoises, tortoise sign and variables for anthropogenic impacts, vegetation, potential predators, and management areas. We created a series of binomial logistic regressions to evaluate the relationships between the abundance of tortoises as measured by the presence of tortoise sign, anthropogenic impacts, predators, the three types of management areas, and the assigned vegetation group created by the k-means clustering analysis. Tortoise sign can be used as a surrogate for live tortoises, because a positive correlation has been demonstrated between tortoise sign and tortoise densities (Krzysik 2002). We treated tortoise sign as the response variable where 0 = no live or dead tortoises or sign detected on the plot, or 1 = live, dead, or sign was detected on the plot. Because historic anthropogenic impacts cannot be measured directly, we used surrogate measures for each plot, specifically counts of vehicle tracks, sheep scat, trash, shells from firearms and shooting targets, and mines. We also included counts of the common ravens and the quantity of mammalian predator sign areas (marking sites, scat, dens) found on plots. For disturbances to the surface of habitat, we included surface areas disturbed by vehicles (tracks, partially denuded and denuded areas), other partially denuded and completely denuded areas, surface area covered by trash, road berms, utility lines, power lines and poles, campsites and fire-rings, sheep scat, and mining pits and excavations. We created multiple models based on the response variable (live and dead tortoises and tortoise sign) and a single anthropogenic predictor variable. Each of these logistic regression models also included the three management areas, the four vegetation associations and the potential interaction between management area and the four vegetation associations. All predictor variables except counts of mines were log transformed. When a predictor variable was significant in a logistic regression model, we conducted a two-way ANOVA test using the predictor variable as the response variable. The test determined if the response variable differed significantly among management areas and vegetation associations, and if there were any interaction between the categorical variables. We conducted Tukey HSD to determine which of those means were significantly different from each other.

RESULTS

Precipitation

Precipitation during the hydrologic year (Oct 1, 2010 through Sep 30, 2011) was >218 mm for the fall-winter of 2010–2011 (Oct 1–Mar 30), and was above normal. The records from the National Climate Data Center for 2011 were incomplete with missing values, and thus precipitation could have been higher. Rainfall was recorded in every month between October 1 and March 30. Wildflowers and thus tortoise forage plants were abundant.

Perennial Vegetation

We identified 39 species of perennial shrubs and 4 species of perennial grasses on the hectare plots. Creosote bushes and white bur-sage were common to and dominant within all four associations. We assigned each plot to one of four vegetation associations (Table 1, Figure 5): 1) Creosote bush-white bur-sage (LATR-AMDU) was the most commonly assigned vegetation association (44.2%, 106/240), occurred at elevations between 590 and 690 m, and had only two abundant species among the 26 species found on these plots. 2) Creosote bush-white bur-sage-Anderson box-thorn (LATR-AMDU-LYAN) was assigned to 32.5% (78/240) of plots, had a total of five abundant species, including cheesebush and goldenhead, and was located at slightly higher elevations, 613 to 1027 m. 3) Creosote bush-white bur-sage-Mojave indigo bush (LATR-AMDU-PSAR) occurred on 13.3% (32/240) of plots, had nine dominant species (Anderson box-thorn, cheesebush, goldenhead, Nevada ephedra, Mojave California buckwheat, and desert trumpet, *Eriogonum inflatum*), and was found between 682 and 1002 m. 4) Creosote-bush-white bur-sage-Nevada ephedra (LATR-AMDU-EPNE), assigned to 10% (24/240) of plots, was the most diverse with 11 dominant species (goldenhead, Mojave indigo bush, Mojave California buckwheat, Anderson box-thorn, winter fat, hop-sage, and Mojave aster, *Xylorhiza tortifolia*), and occurred at the higher elevations (753–1210 m). The vegetation associations differed significantly in elevations ($F_{(3,236)} = 16.158$, $P = 0.000$), with LATR-AMDU-EPNE occurring at higher elevations than the other three vegetation associations, and LATR-AMDU-PSAR occurring at a higher elevation than LATR-AMDU-LYAN (Tukey HSD, $P = 0.034$). More plots in the Rand Mountains/Fremont Valley and on private lands were assigned to the LATR-AMDU association, the least diverse association with only two abundant species, than to the more diverse vegetation associations with more abundant species.

Live Tortoises

Seventeen live tortoises were located on the 240 plots and an additional 27 tortoises were observed off plots, when walking from one plot to another or to and from vehicles (Table 2). In the Rand Mountains/Fremont Valley management area, one tortoise was found on vehicle route R50, a juvenile was found on a motorcycle trail, and a third tortoise was observed on a road.

The density and 95% CIs for subadult and adult tortoises on all 240 plots combined for the entire monitoring area was 5.46/km^2 (95% CI = 5.4–5.6). When densities of subadult and adult tortoises were analyzed separately for the three different types of managed lands, the results differed significantly from one another by management area: for the DTRNA, 10.2

subadult and adult tortoises/km^2 (95% CI = 9.9–10.4); for the Rand Mountains/Fremont Valley, 2.4 subadult and adult tortoises/km^2 (95% CI = 2.3–2.6); and for private lands, 3.7 subadult and adult tortoises/km^2 (95% CI = 3.6–3.8). When densities and CIs were estimated for all sizes of tortoises, separately for the three types of managed lands, the results were 14.8/km^2 (95% CI = 14.6–15.1) for the DTRNA, 2.4/km^2 (95% CI = 2.3–2.6) for the Rand Mountains/Fremont Valley, and 3.7/km^2 (95% CI = 3.6–3.8) for private lands.

For the 17 on-plot tortoises, the composition of the tortoises by size-age classes was 2 juveniles, 2 large immature tortoises, 3 small adults, and 10 adults $\geq$ 208 mm MCL (Table 3). The sex ratio of female to male subadult and adult tortoises was 9:4. Juvenile and immature tortoises were observed only on the DTRNA plots. For the 27 off-plot tortoises, the size-age class composition was 3 juveniles, 2 immature tortoises, 1 subadult, and 21 adults, and the female to male sex ratio was 10:12. Overall, for both on- and off-plot tortoises, the female to male sex ratio was 19:16. Adults composed the majority of the samples for both on- and off-plot tortoises. Of the 34 adult tortoises that could be assigned an age class, 37% were young and growing, 23% were middle-aged, and 37% were in the old age classes (Berry and Woodman 1984). Eight adults had been previously notched and/or had signs of attachments from radio transmitters and antennas during other projects: seven were in the DTRNA management area and one was on private lands.

Of the 44 tortoises observed during the surveys, 34 received comprehensive health evaluations. The remainder could not be handled because of federal permit constraints, but some data were recorded for each individual based on field observations. Two adult male tortoises, one on private lands and one in the DTRNA management area, had moderate clinical signs of upper respiratory tract disease (URTD) caused by mycoplasmosis: damp or wet beak from exudate or bubbles from the nares. Both tortoises also had other clinical signs, such as ocular discharge, crusts on the palpebrae and periocular area, mucus on the globe, and exposed conjunctiva. Nineteen other tortoises had partially or completely occluded nares, which could be caused by dried exudate, but also may have been the result of plant sap, dirt, and mud from drinking during rain storms.

Most adult tortoises had signs of predator attacks. Of the 34 tortoises that were handled, 12 had experienced moderate to severe damage to the gular horn; the gular horn was reduced or chewed away in nine of these tortoises. Some signs of trauma appeared typical of domestic dog attacks (Carlson et al. in revision). One adult tortoise had a healed injury from being crushed, potentially from a vehicle. Two juvenile tortoises had ant heads embedded in soft parts of the integument.

Shell-skeletal Remains

Forty-four shell-skeletal remains were found on plots and 28 were observed off plots (Table 2). More remains were seen on the DTRNA and Rand Mountains/Fremont Valley plots than on private lands.

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Tortoise Sign

All signs of tortoises (live tortoises, shell-skeletal remains, cover sites, scats, tracks, courtship rings, drinking sites) were noted within boundaries of the hectare plots (Figure 6). Sign was evident on 55.0% of the DTRNA plots, 47.5% of the Rand Mountains /Fremont Valley plots, and 12.5% of private land plots (Table 4). When cover sites, scats, tracks, courtship rings, drinking sites were counted for all 240 plots, the sum was 240 sign (Table 5). Private lands had the lowest number of these types of sign (N =15) and the DTRNA had the highest number (N=157).

Predators

Nine species of potential avian predators were observed both on and off plots: the common raven (N=193), red-tailed hawk (N=4), loggerhead shrike (N=5), golden eagle (N=4), burrowing owl (N=2), greater roadrunner (N=1), northern harrier (N=1), American kestrel (N=1) and prairie falcon (N=1). Common ravens composed 91.5% of the observations. More observations of avian predators were made on the DTRNA (75 on plots, 13 off plots), compared to the Rand Mountains/Fremont Valley (12 on plots, 20 off plots) and private lands (32 on plots, 41 off plots). The differences in numbers of ravens observed on plots in the three different management areas was statistically significant (ANOVA, $F_{(2, 239)} = 5.42$, $P < 0.0001$).

Three species of potential mammalian predators were detected by finding concentrated areas of marking sites, dens, and den complexes on plots: kit fox (N=20), coyote (N=16), and badger (N=1); 7 additional observations could only be determined as canid sign. Signs of potential mammalian predators (dens, marking sites, scats, etc.) also were more common on plots within the DTRNA than on plots within Rand Mountains/Fremont Valley or private lands (Table 6). However, mammalian predator sign counts did not differ significantly by management area ($F_{(2, 239)} = 1.89$, $P = 0.15405$). By far the most common sign was scat or groups of scat deposited by coyotes and kit foxes. One kit fox was observed on a plot and one coyote was observed off plot within the DTRNA during the surveys.

Human Uses

Counts of historic and recent anthropogenic impacts and amounts of area partially or completely denuded of vegetation differed by management area (Tables 7, 8). In general, the private land plots had higher counts and more surface area disturbed by human uses than the other two areas. Evidence of sheep grazing was prevalent on private land plots and almost non-existent on plots in the DTRNA and Rand Mountains/Fremont Valley (Table 7, Figure 7). Counts of trash were highest on private lands and lowest in the Rand Mountains/Fremont Valley (Table 7, Figure 8). Evidence of shooting (casings, shells, and shooting targets) was similar on private land and DTRNA plots and lowest on Rand Mountains/Fremont Valley plots (Table 7, Figure 9).

Vehicle tracks were most common on private lands and least common on the DTRNA (Table 8, Figure 10). Counts of areas denuded or partially denuded of vegetation by vehicles were highest on private land plots and lowest on the Rand Mountains/Fremont Valley plots. Dirt

road counts, whether graded or ungraded were similar on the three management areas; the exception was that the dirt roads within DTRNA boundaries have received little or no use since 1980. Only private land owners can drive to their parcels within the DTRNA. As a result, most of these roads are in the process of being colonized by shrubs. The amount of surface area disturbed by vehicle tracks was highest on private land plots (10,074 m^2), less on Rand Mountains/Fremont Valley plots (4,109 m^2), and lowest (467 m^2) on DTRNA plots.

The logistic regression models indicated that the probability of detecting tortoise sign (live, dead, burrows, scat) was significantly lower on plots with higher counts of sheep scat, total surface area disturbed, vehicle tracks, and trash (Table 9). Two-way ANOVA tests indicated the amounts of sheep scat ($F_{(2,239)} = 244.99$, $P < 0.001$), vehicle tracks ($_{F(2,239)} = 39.95$, $P < 0.001$), trash ($_{F(2,239)} = 3.14$, $P = 0.045$), and total surface area disturbed ($_{F(2,239)} = 103.37$, $P < 0.001$) differed across the three management areas. The amount of sheep scat also significantly differed among vegetation associations ($_{F(3,239)} = 7.81$, $P < 0.001$) and there was an interaction between management area and vegetation association ($_{F(3,239)} = 5.68$, $P < 0.001$). Post-hoc Tukey HSD tests found that all 4 anthropogenic uses were significantly higher on private land ($P < 0.001$) than on the DTNRA and Rand Mountains/Fremont Valley, except where vehicle tracks were significantly higher in the Rand Mountains compared to the DTNRA ($P < 0.001$). On private land, sheep scat was significantly higher in LATR-AMDU-EPNE, LATR-AMDU, and LATR-AMDU-LYAN vegetation associations ($P < 0.05$).

DISCUSSION

Desert Tortoise Populations

Between the late 1970s and early 1990s, densities of all sizes of tortoises declined precipitously in the western Mojave Desert (Berry and Nicholson 1984, Berry et al. 1986, Berry and Medica 1995, Brown et al. 1999). At the DTRNA and in Fremont Valley, population declines of >90% were documented. The causes were multifold (U.S. FWS 1994). Vandalism, vehicle kills on and off roads, and illegal collecting were factors (e.g., Berry 1986, Berry et al. 1986). Upper respiratory tract disease, caused by *Mycoplasma agassizii,* contributed to population declines in the late 1980s and early 1990s (Jacobson et al. 1991, Brown et al. 1999). Hyper-predation by the common raven, described ~30 years ago by Campbell (1983), has been and continues as a source of mortality to juvenile and immature tortoises (Boarman 1993, Boarman and Berry 1995, Kristan and Boarman 2003).

The single population density estimate, 5.5 subadult and adult tortoises/km^2 (95% CI = 5.4-5.6) recorded for the grouped 240 hectare plots on the entire monitoring area during spring of 2011, is similar to and within the confidence intervals reported by the U.S. FWS using line-distance sampling, a different technique of estimating densities at a landscape scale for critical habitat in the western Mojave Desert (U.S. FWS 2010). The U.S. FWS reported annual density estimates for subadult and adult tortoises from 2001 through 2007 for the entire western Mojave Desert: mean figures ranged from 3.8 (95% CI, 3.0–4.6) to 6.1 (95% CI, 4.4–8.5). Thus the densities have remained low, compared to those reported 20 to 30 years earlier throughout the region, e.g., from 40 to 92 subadult and adult tortoises/km^2 (Berry and Nicholson 1984, Berry et al. 1986, Berry and Medica 1995).

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Densities of live tortoises were significantly higher inside the DTRNA boundaries than outside (> 2 times), and sign counts of tortoises provide additional support for that finding. The Rand Mountains/Fremont Valley area was intermediate in densities and counts between the DTRNA and private lands which had the lowest densities and sign counts. Land use histories and management probably account for the differences.

The hectare plot data from the entire area indicate that the sex ratio of breeding size tortoises is close to a 1:1 ratio. Further, plots inside the DTRNA had a few juvenile and immature tortoises, but overall, the size-age composition was predominantly adult tortoises. Few juveniles are surviving to the immature and adult sizes. Because of the low numbers of adult females and apparent low survivorship of juvenile and immature tortoises, recovery of tortoises is going to require a long time.

Subsidized Predators

Three species of predators that kill and eat (or severely damage) desert tortoises are common ravens (Boarman 1993), coyotes, and domestic dogs (Carlson et al. in revision). Common ravens, coyotes, and dogs are subsidized predators, with population sizes supported by anthropogenic sources of food, water, shelter, and perch sites. Subsidized predators have the potential to increase in numbers, far beyond available desert prey, by using food sources in nearby desert towns and settlements (Boarman and Berry 1995, Fedriani et al. 2001, Boarman et al. 2006). Within the geographic range of the desert tortoise, they have the potential to severely limit recovery of desert tortoise populations and potentially to drive local populations to extinction (Kristan and Boarman 2003, Esque et al. 2010). Although no cities, towns and settlements occur within the 260 km^2 monitoring area boundaries, one city, two towns, and two settlements are within 4 km of the monitoring area edge. The monitoring area is also in close proximity to heavily used recreation areas: Jawbone Canyon and Dove Springs Off-Highway Vehicle Areas, Red Rock Canyon State Park, the Spangler Hills Off Highway Vehicle Area, and the El Paso Mountains. Sources of food and water are readily available for predators at these sites on a year-round basis.

More observations of common ravens and more observations of mammalian predator signs, including coyotes, were recorded from the DTRNA than from the other management areas. The higher number of observations may be related to available food sources and cover, as well as lack of human disturbances and interference. Coyotes, for example, will alter diel patterns to avoid humans and developed areas (Gehrt et al. 2009). Brooks (1995, 1999) reported increased abundance and diversity of nocturnal rodents, biomass of seeds, and abundance and richness of bird and lizard species inside the DTRNA boundaries than outside.

Desert Tortoise Habitat

The presence of tortoise sign was inversely and negatively correlated with four anthropogenic predictor variables: counts of sheep, vehicle tracks, and trash, and total area disturbed. Each of these predictor variables has been previously identified as contributing to mortality of tortoises and/or deterioration of habitat for one or more reasons (Berry 1978, Busack

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and Bury 1974, U.S. Fish and Wildlife Service 1994, Keith and Berry 2005, Berry et al. 2008, Keith et al. 2008).

Livestock grazing, particularly sheep grazing, has been on-going in the western Mojave Desert for over a century (Wentworth 1948). Annual and perennial vegetation has been altered from more than a century of livestock grazing, as domestic grazers consumed annual forbs, perennial grasses, and edible shrubs (e.g., species of saltbush, hop-sage, white bur-sage, winter fat, Anderson and Cooper's box-thorn). For desert tortoises, the habitat deteriorated under grazing pressure from sheep and cattle (Berry 1978, Webb and Stielstra 1978, Nicholson and Humphreys 1981). Sheep consumed or trampled forage of winter annuals used by tortoises for food, trampled burrows and small tortoises, reduced canopies and cover of shrubs used for shelter from predators and temperature extremes. Damage was most severe in the vicinity of watering sites, whether through stock tanks (e.g., Brooks et al. 2006) or watering trucks. The disturbance of soil crusts provided opportunities for invasion and establishment of alien annual plants (Jennings 1997, Brooks and Berry, 2006) which are not the preferred forage of tortoises (Jennings 1993, 1997, 2002; Oftedal 2002). The DTRNA, closed to sheep and other livestock grazing since 1980, had been protected for 31 years at the time of the tortoise survey, whereas the Rand Mountains/Fremont Valley had been protected for 21 years, since 1990, the year the desert tortoise was federally listed as threatened (U.S. Fish and Wildlife Service 1990). Private lands are not protected from sheep grazing unless fenced in Kern County.

Vehicles use off-highway or off paved roads for recreation or other purposes is a source of habitat deterioration and loss from compaction of soils, reduction in native annual forbs and grasses, damage to and loss of shrubs and perennial grasses, and injuries and deaths of vertebrate animals (e.g., Busack and Bury 1974, Berry and Turner 1984, Bury and Luckenbach 2002, Brooks and Lair 2009). Where use is concentrated for camping and racing, vegetation of perennial shrubs may be partially or completely denuded. Disturbances to soils and native vegetation contribute to invasion and establishment of alien annual plant species. Dirt road density, for example, is strongly correlated with richness of alien annual species and biomass of the alien forb, filaree (*Erodium cicutarium*) (Brooks and Berry 2006). Paved and dirt roads, designated off-highway vehicle routes, and tracks also provide access to users who may engage in shooting of and vandalism to tortoises (Berry 1986).

Trash consumption by tortoises is a well-known issue to veterinarians who work with chelonians, whether tortoises, fresh-water turtles, or sea turtles (Donoghue 2006, Wyneken et al. 2006). Trash is commonly deposited at camp sites, in areas with recreation use, along roadsides, and at edges of urban areas. Trash attracts and supports subsidized predators, such as the common raven (Boarman et al. 2006).

The total of surface disturbances from sheep, vehicles, trash, mining, and other sources had a significant and inverse negative effect on the presence of tortoise sign: where counts were high, tortoise sign was low or absent. One surface–disturbing activity, mining, occurred from the 1860s to recent times and has been an important land use in the western Mojave Desert, especially in the Rand Mining District and nearby El Paso Mountains (Starry 1974, Vredenburg et al. 1981, Chaffee and Berry 2006). Although mining has not been authorized in the DTRNA since the Congressional withdrawal from the 1872 mining laws in 1980, evidence of pre-1980s

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mining activity remains (trash, excavations, pits, bulldozing, etc.). Evidence of mining was also recorded the adjacent Rand Mountains/Fremont Valley management area.

Overall, the results of this project confirm that the DTRNA, with higher densities of desert tortoises, has benefitted from protection from grazing and vehicle use. The mammalian predators and avian predators have also benefitted, based on observations and higher sign counts. Our findings supplement the results of work by Brooks (1995, 1999) for the DTRNA. Our findings also reveal the anthropogenic pressures on unfenced, unsigned private lands and the concomitant effects on tortoises and tortoise habitats.

RECOMMENDATIONS

Opportunities for recovering tortoise populations and improving and restoring habitat exist in all three management areas (see Tables 7 and 8). Potential actions include, but are not limited to:

1. Within the DTRNA management area: trash removal (throughout), restoration of partially and completed denuded areas, including areas disturbed by mining
2. Within private lands owned and managed by non-profit organizations and by the California Department of Fish and Game: exclusion of sheep, vehicles, and domestic dogs e.g., by fencing and signing; trash removal
3. Within the Rand Mountains/Fremont Valley critical habitat for the desert tortoise: management of vehicle use on designated routes of travel only, removal of trash, and restoration of disturbed areas. Three tortoises were observed on a route, trail, and a road within this area, emphasizing the vulnerability to injury or death from a vehicle.
4. For all areas: appropriate management of domestic dogs. At the DTRNA, dogs are not allowed.

Opportunities for vehicle-oriented recreation are available nearby in the Rand Mountains and Fremont Valley, at Jawbone Canyon and Dove Springs Off-Highway Vehicle Areas and in the Spangler Hills Off-Highway Vehicle Area. Vehicle-oriented recreationists frequent the interpretive center at the DTRNA, forming a significant portion of users of the interpretive center. Education programs can be developed to emphasize the role of all visitors to participate in simple recovery actions that will enhance recovery efforts for desert tortoise and for the desert in general. Key points to share with all visitors, whether vehicle-oriented recreationists or those visiting the desert to enjoy rock hounding, wildflower or wildlife viewing or other purposes are: 1) careful management of trash, 2) adhering to existing and posted vehicle regulations, 3) keeping domestic dogs on leash, 4) reducing mortality to tortoises (e.g., watch for tortoises on roads and trails, look under vehicles before departing), and 5) keeping captive tortoises in the captive sector. The unauthorized release of captive tortoises is a major issue for recovery desert tortoises and can be a part of education programs. Frequently, visitors to the desert try to or actually do release desert tortoises and other species of tortoises and turtles. Or, they will translocate tortoises found on roads to the DTRNA or other protected areas. These captive tortoises are highly likely to have infectious diseases, often without any clinical signs of illness (e.g., Jacobson et al. 1995, Johnson et al. 2006, Jacobson et al. 2012). Infectious diseases contribute to outbreaks of illnesses, chronic disease (e.g., Brown et al. 1999), and mortality in

tortoise populations, thus inhibiting recovery efforts. Education programs and materials should emphasize that captive tortoises should not be released to the desert.

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Table 1. The vegetation associations found in the monitoring area by management area.

Vegetation association name	**Total plots assigned**				**No. of species within[a]**	**No. and % of abundant species**	**Elevation range (m)**	**Elevation mean (m) ± SE**
	DTRNA	**Private lands**	**Rand Mtns/ Fremont Valley**	**Total plots assigned**				
Creosote bush-white bur-sage [3]	20	49	37	106	26	2 (7.7%)	590-960	788 ± 10.6
Creosote bush-white bur-sage–Anderson box-thorn [2]	31	26	21	78	36	5 (13.9%)	613-1027	763 ± 10.6
Creosote bush-white bur-sage–Mojave indigo bush [4]	22	2	8	32	31	9 (29.0%)	682-1002	821 ± 13.3
Creosote bush-white bur-sage-Nevada ephedra [1]	7	3	14	24	30	11 (36.7%)	753-1210	924 ± 26.2

[a]Perennial species (shrubs, herbaceous perennials, bunch grasses)

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Table 2. Numbers of live tortoises and remains of dead tortoises found on and off plots in three management areas in the monitoring area in the western Mojave Desert, eastern Kern County, California.

Locations of plots	No. of live tortoises		Shell-skeletal remains	
	On plots	Off plots	On plots	Off plots
Private lands	3	4	2	2
Rand Mountains/ Fremont Valley	2	12	20	11
Desert Tortoise Research Natural Area	12	11	22	15

Table 3. Size-age classes of live tortoises occurring on plots on private lands, Rand Mountains/ Fremont Valley, Desert Tortoise Research Natural Area in the monitoring area in the western Mojave Desert, eastern Kern County, California. Juv 1 = juvenile 1, Juv 2 = juvenile 2, imm 1 = immature 1, and imm 2 = immature 2.

Location of plots	Size-age classes of live desert tortoises							
	Juv 1	Juv 2	Imm 1	Imm 2	Subadult	Adult 1	Adult 2	Totals
On plots								
Private lands						2	1	3
Rand Mtns/ Fremont Valley					1	1		2
DTRNA	1	1		2	1	5	2	12
Sub totals	1	1		2	2	8	3	17
Off plots								
Private lands						1	3	4
Rand Mtns/ Fremont Valley	3		1		1	4	3	12
DTRNA				1		4	6	11
Sub totals	3		1	1	1	9	12	27
Grand total off & on plots	4	1	1	3	3	17	15	44

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Table 4. All signs of desert tortoises recorded on hectare plots on private lands, Rand Mountains/Fremont Valley, and in the Desert Tortoise Research Natural Area within the monitoring area in eastern Kern County, California. The total number of sign includes cover sites, scats, tracks, drinking sites, and courtship rings, live tortoises, and shell-skeletal remains.

Locations of plots	**No. of plots with sign**	**No. of plots without sign**
Private lands	10	70
Rand Mountains/Fremont Valley	38	42
Desert Tortoise Research Natural Area	44	36

Table 5. Counts of tortoise sign (cover sites, scat, tracks, etc.) observed on hectare plots in the on three management areas--private lands, the Rand Mountains/Fremont Valley, and the Desert Tortoise Research Natural Area in eastern Kern County, California.

Type of sign	**Total counts of tortoise sign on hectare plots in 3 management areas**		
	Private land	**Rand Mtns/Fremont Valley**	**Desert Tortoise Research Nat. Area**
Burrows/pallets	7	23	47
Scat	8	42	109
Other		3	1
Totals	15	68	157

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Table 6. Signs of mammalian predators on hectare lots in three management areas in the western Mojave Desert, eastern Kern County, California: private lands, the Rand Mountains/Fremont Valley, and the Desert Tortoise Research Natural Area.

Type of sign	**Count of number observed by management area**			**Grand total**
	Private lands	**Rand Mtns/Fremont Valley**	**Desert Tortoise Research Natural Area**	
Marking site	3	5	10	18
Den	2	3	6	11
Den complex	4	2	5	11
Den & marking site			3	3
Den complex & marking site		1		1
Total mammalian predator concentration sites	9	11	24	44
Total individual scats observed	75	159	173	407
Grand Total	84	170	197	451

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Table 7. Total counts for 16 non-vehicle related anthropogenic disturbances in three types of management areas for desert tortoises in the western Mojave Desert, California.

Type of disturbance on plots	**Total counts from 16 sources of anthropogenic impacts**		
	Private lands	**Rand Mountains & Fremont Valley**	**Desert Tortoise Research Natural Area**
Sheep scat	85,208	0	1
Trash, general	1316	352	688
Trash, other	8	18	10
Balloons	43	38	44
Firearms: casings, shells	130	39	176
Shooting targets	79	69	16
Fences	0	12	0
Power lines/poles	0	1	0
Wooden posts, metal bars	55	22	30
Mining pits, excavations	0	6	6
Signs of dogs	1	0	0
Campsites	9	3	11
People observed	32	0	0
People, footprints	0	0	4
People, vandalism	0	0	1
Other disturbances	8	38	30

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Table 8. Total counts and calculated areas of surface disturbances from vehicle-related anthropogenic disturbances found on hectare plots for three types of managed lands for desert tortoises in the western Mojave Desert, California. *These roads have been unused since 1980 or earlier; perennial shrubs are gradually colonizing the old roadbeds.

Type of disturbance on plots	**Total counts and estimates of surface area disturbed (m^2) from different sources of vehicle-related impacts**		
	Private lands	**Rand Mountains & Fremont Valley**	**Desert Tortoise Research Natural Area**
4-wheel tracks, recent	42; 1751	1; 4	0
4-wheel tracks, old	143; 1389	12; 675	2; 20
Motorcycle tracks	1222; 6934	167; 3430	11; 447
Partially denuded of vegetation by vehicles	285; 18,080	0	0
Denuded of vegetation by vehicles	9; 320	0	0
Other partially denuded areas	3; 420	0	1; 400
Other denuded areas	4; 1,316	0	0
Dirt roads, graded	1; 536	4; 1300	2*; 1650
Dirt roads, ungraded	13; 1784	6; 1563	10*; 5990
Road berms	0	2; 110	0

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Table 9. Results of binomial logistic regression models, where the response variable is presence or absence of tortoise sign (live and dead tortoises and other tortoise sign) and the predictor variables are anthropogenic uses and predators of tortoises.

Predictor variable	**Effect**	**Df**	**Log-likelihood**	**Chi-square**	***p***
Count, vehicle tracks	Count (log), vehicle tracks	1	-148.742	22.03802	0.000003
	Management area	2	-140.274	16.93624	0.000210
	Vegetation association	3	-136.870	6.80941	0.078227
	Management area*veg. association	5	-135.036	3.66662	0.598339
Count, sheep scat	Count (log), sheep scat	1	-139.453	40.61762	0.000000
	Management area	2	-138.947	1.01199	0.602905
	Vegetation association	3	-135.388	7.11629	0.068282
	Management area*veg. association	5	-133.559	3.65789	0.599643
Count, general trash	General trash count (log)	1	-157.457	4.60974	0.031791
	Management area	2	-140.538	33.83638	0.000000
	Vegetation association	3	-136.811	7.45500	0.058726
	Management area*veg. association	5	-134.981	3.65867	0.599526
Count, shells, shooting targets	Count (log), shells from firearms and shooting targets	1	-159.752	0.01815	0.892826
	Management area	2	-140.470	38.56390	0.000000
	Vegetation association	3	-136.968	7.00452	0.071754
	Management area*veg. association	5	-135.095	3.74629	0.586491

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Table 9, continued.

Predictor variable	**Effect**	**Df**	**Log-likelihood**	**Chi-square**	***p***
Count, mines	Counts, mines	1	-159.630	0.26258	0.608356
	Management area	2	-140.495	38.26997	0.000000
	Vegetation association	3	-136.842	7.30588	0.062762
	Management area*veg. association	5	-134.952	3.77940	0.581594
Total surface area disturbed	Total surface area disturbed (log)	1	-141.315	36.89290	0.000000
	Management area	2	-139.387	3.85550	0.145475
	Vegetation association	3	-135.595	7.58522	0.055409
	Management area*veg. association	5	-133.801	3.58687	0.610285

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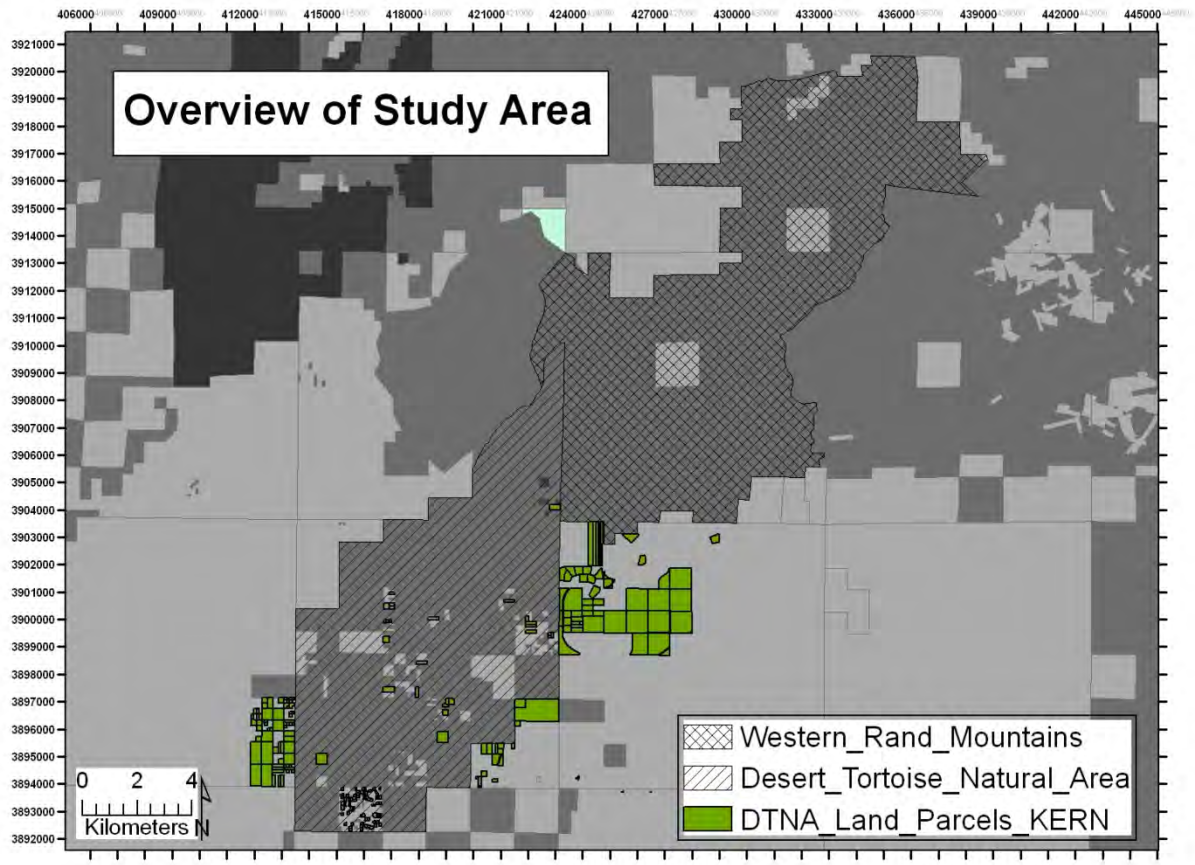

Figure 1. An overview of the entire monitoring area showing the three types of management areas in the western Mojave Desert, eastern Kern County. From the top of the figure, the hatched lands are the sampled portion of the Rand Mountains and Fremont Valley (Rand Mountains/Fremont Valley management area), the area with diagonal lines is the Desert Tortoise Research Natural Area (DTRNA management area), and the green blocks are private land parcels, recently acquired, for eventual incorporation into the DTNA and managed by a non-government organization (private land management).

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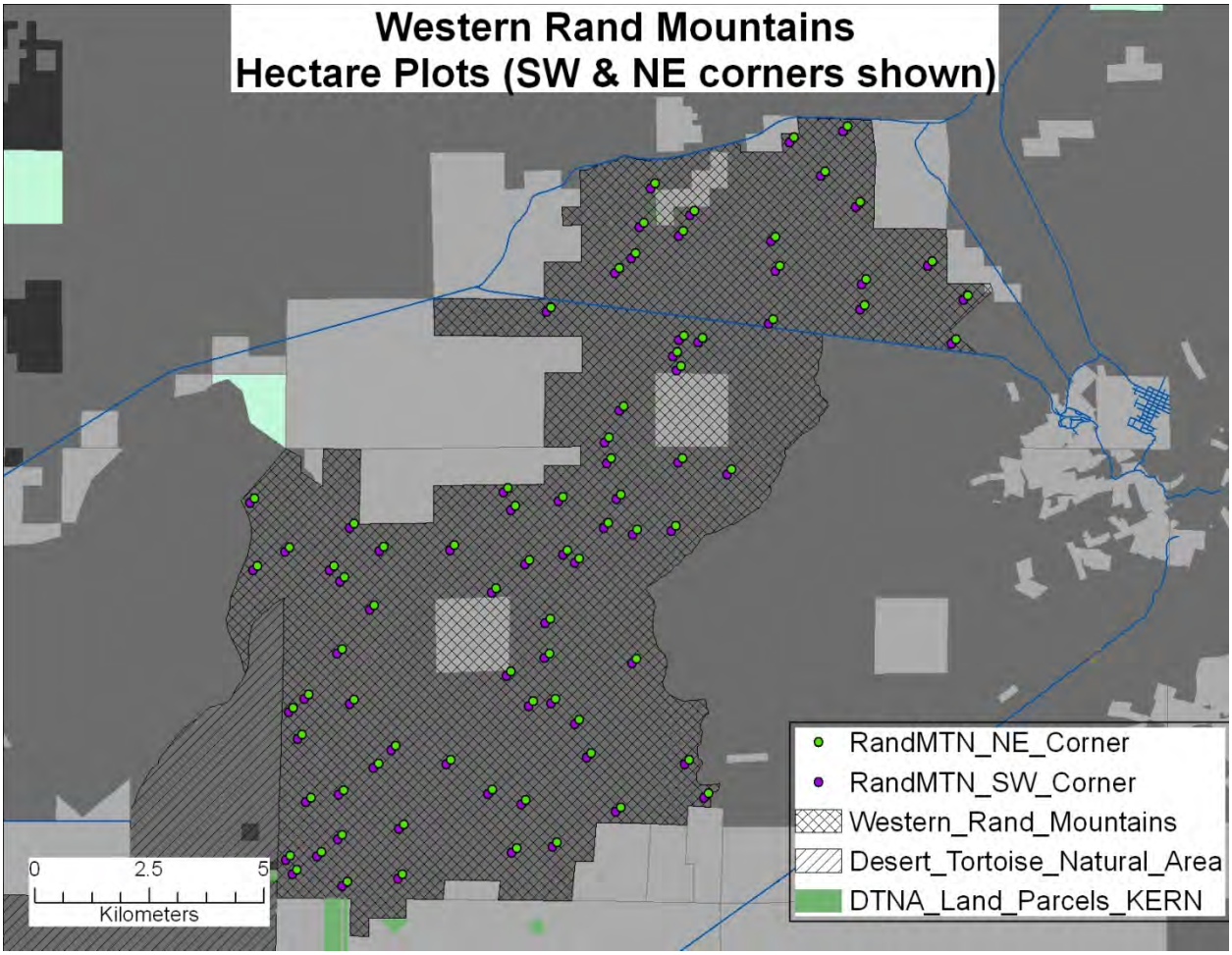

Figure 2. The Rand Mountains/Fremont Valley management area, one part of the monitoring area in eastern Kern County, California. The northeast and southwest corners of 80 randomly located one-hectare plots in the Rand Mountains/Fremont Valley management area are shown in green and purple, respectively. Land in this part of the monitoring area is managed by the Bureau of Land Management and is designated as critical habitat for the desert tortoise. Vehicle-oriented recreation on designated routes is an important use. The Rand Mountains/Fremont Valley was shortened to West Rand Mountains in the legend.

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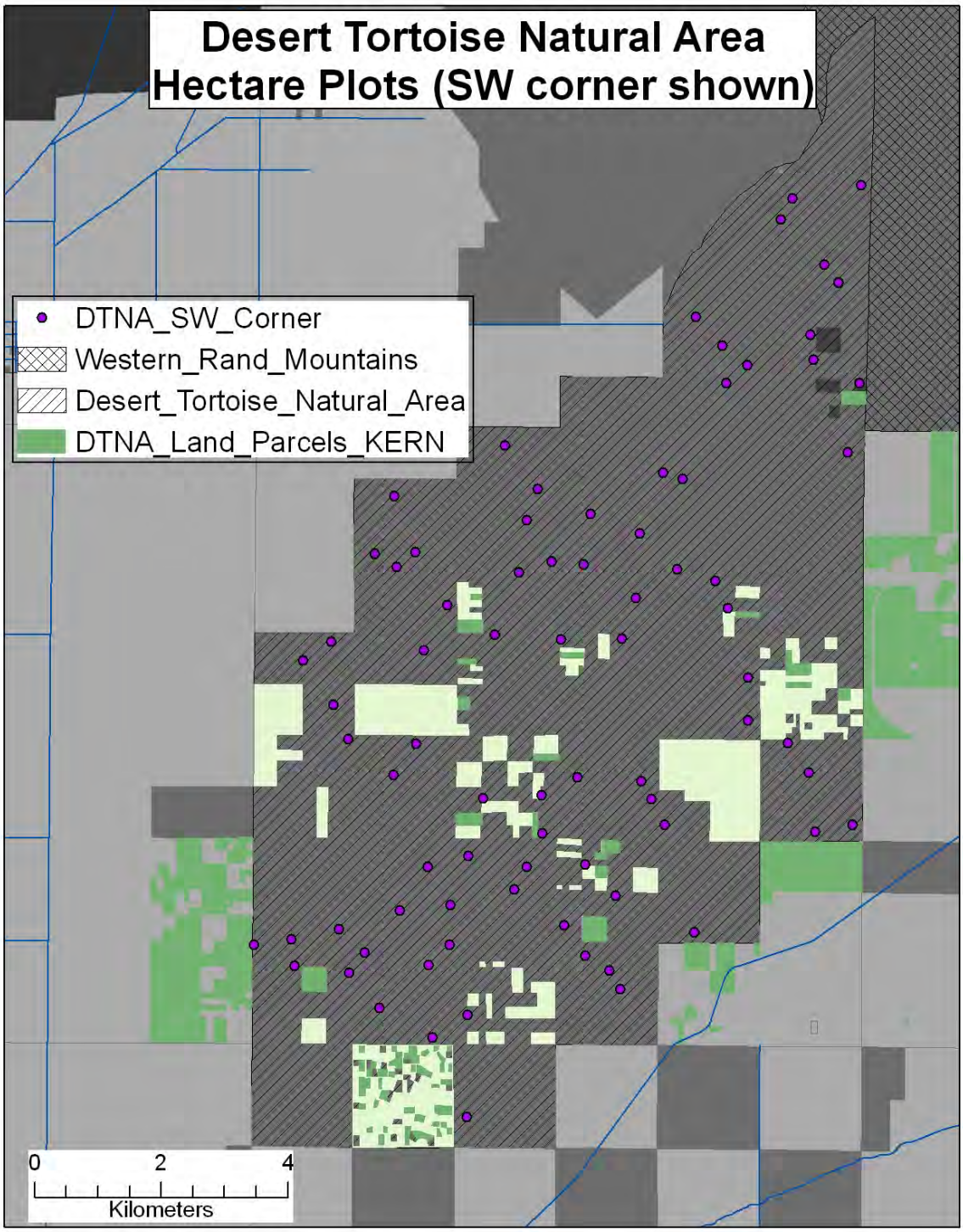

Figure 3. The Desert Tortoise Research Natural Area (DTNA), one of three management areas in the monitoring area described in this report. The purple dots are the southwest corners of 80 hectare plots on public lands managed by the BLM and private lands owned by the Desert Tortoise Preserve Committee, Inc. (green). Western Rand Mountains = Rand Mountains/Fremont Valley.

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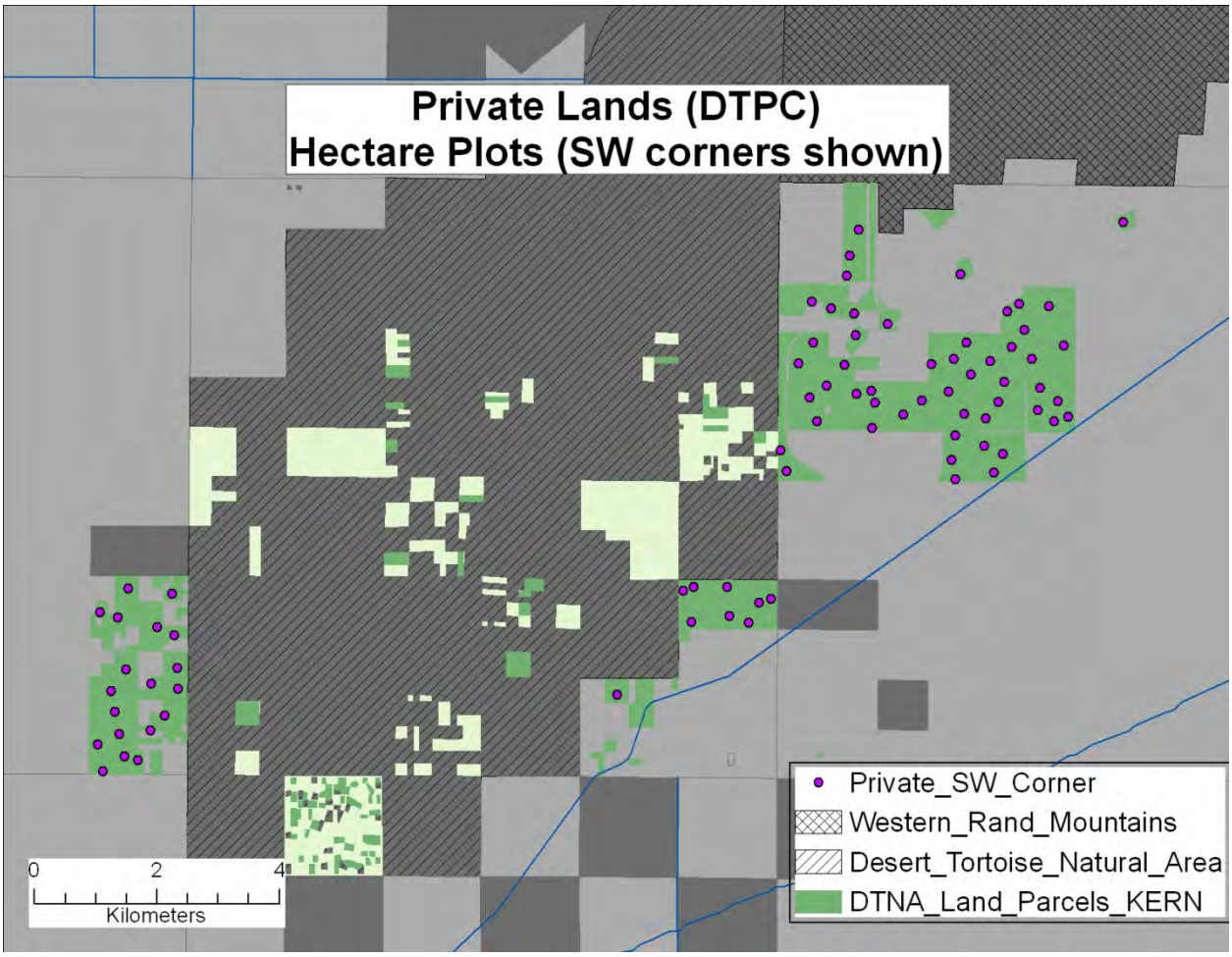

Figure 4. The green parcels are the third management area (private land management) within the larger monitoring area in eastern Kern County. The purple dots show the SW corners of 80 one-hectare plots on private lands owned by the non-government organization, Desert Tortoise Preserve Committee, Inc. The Rand Mountains/Fremont Valley was shortened to West Rand Mountains in the legend.

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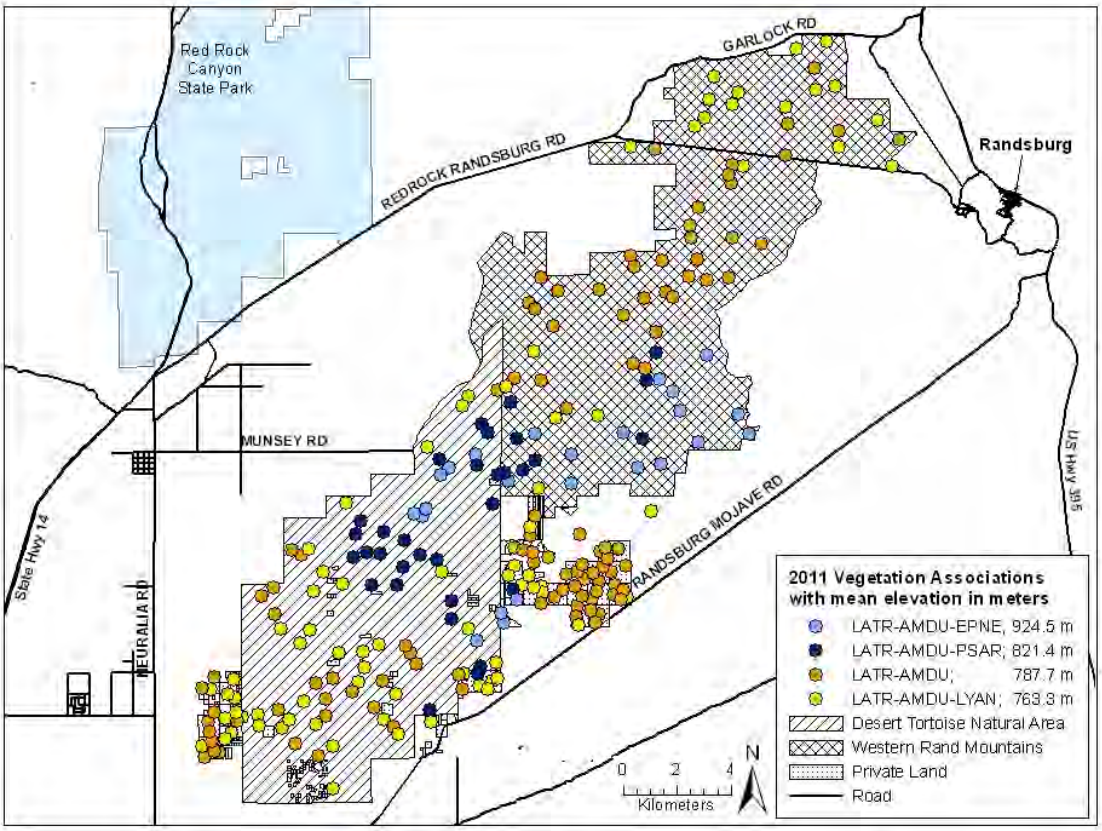


Figure 5. The distribution of four perennial vegetation associations determined by k clustering of means and with mean elevations in meters within the monitoring area in the western Mojave Desert, eastern Kern County, California. LATR-AMDU-EPNE = creosote bush (*Larrea tridentata*), white bur-age (*Ambrosia dumosa*), and Nevada ephedra (*Ephedra nevadensis*); LATR-AMDU-PSAR = creosote bush, white bur-sage, and Mojave indigo bush (*Psorothamnus arborescens*); LATR-AMDU = creosote bush and white bur-sage; and LATR-AMDU-LYAN = creosote bush, white bur-sage, and Anderson's box-thorn (*Lycium andersonii*). Western Rand Mountains = Rand Mountains/Fremont Valley.

Berry, K.H., et al. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

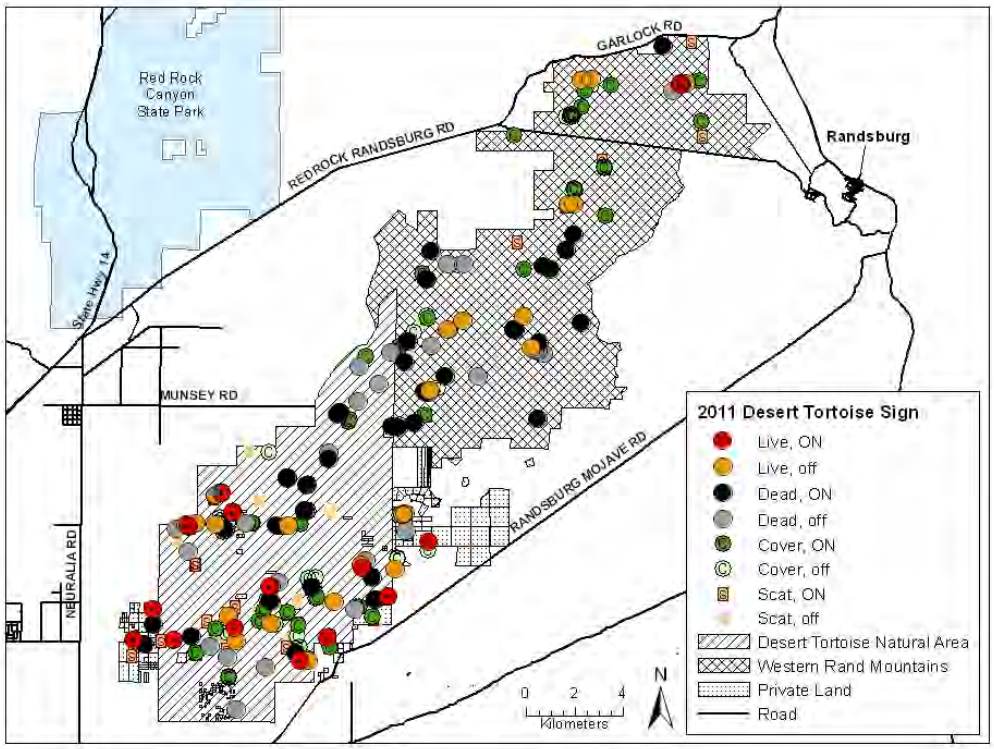


Figure 6. Locations of desert tortoise sign (on and off the 240 one-hectare plots), including live tortoises, remains of dead tortoises, cover sites (burrows and pallets), and scat in three management areas: Desert Tortoise Research Natural Area, the Rand Mountains/Fremont Valley, and on private lands. Western Rand Mountains = Rand Mountains/Fremont Valley.

Berry, K.H., et al. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

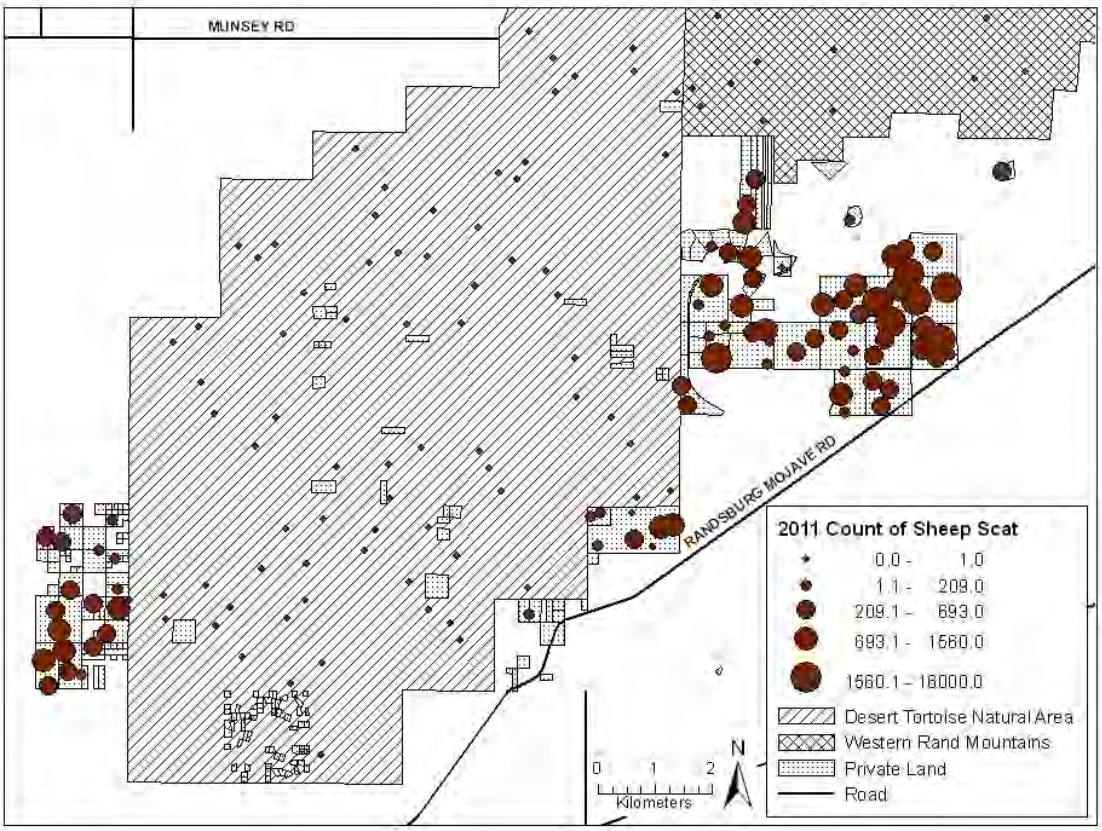


Figure 7. Counts of domestic sheep scat on the 240 one-hectare plots within the monitoring area in the western Mojave Desert, eastern Kern County, California. Note that sheep scats were observed on private lands; none were observed in the Rand Mountains/Fremont Valley management area and on only one plot within the Desert Tortoise Research Natural Area. Western Rand Mountains = Rand Mountains/Fremont Valley.

Berry, K.H., et al. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

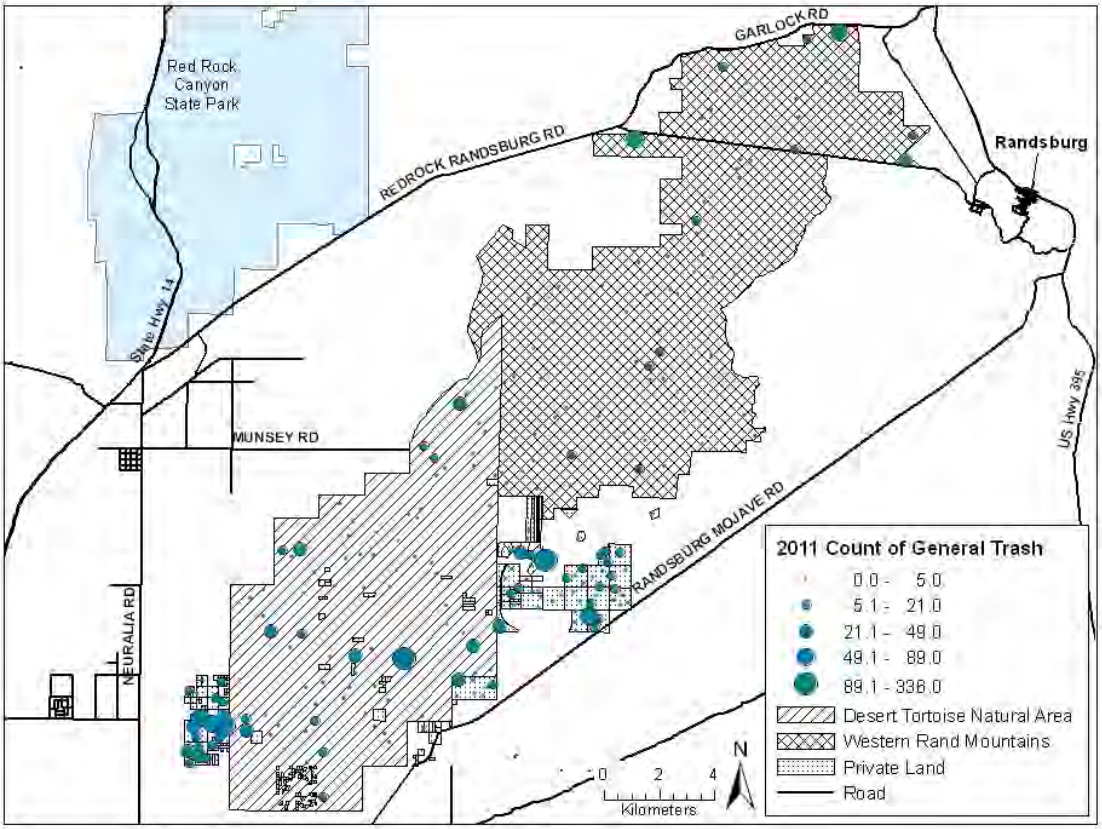


Figure 8. Counts of trash on the 240-one hectare plots within the monitoring area in the western Mojave Desert, eastern Kern County, California. Western Rand Mountains = Rand Mountains/Fremont Valley.

Berry, K.H., et al. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

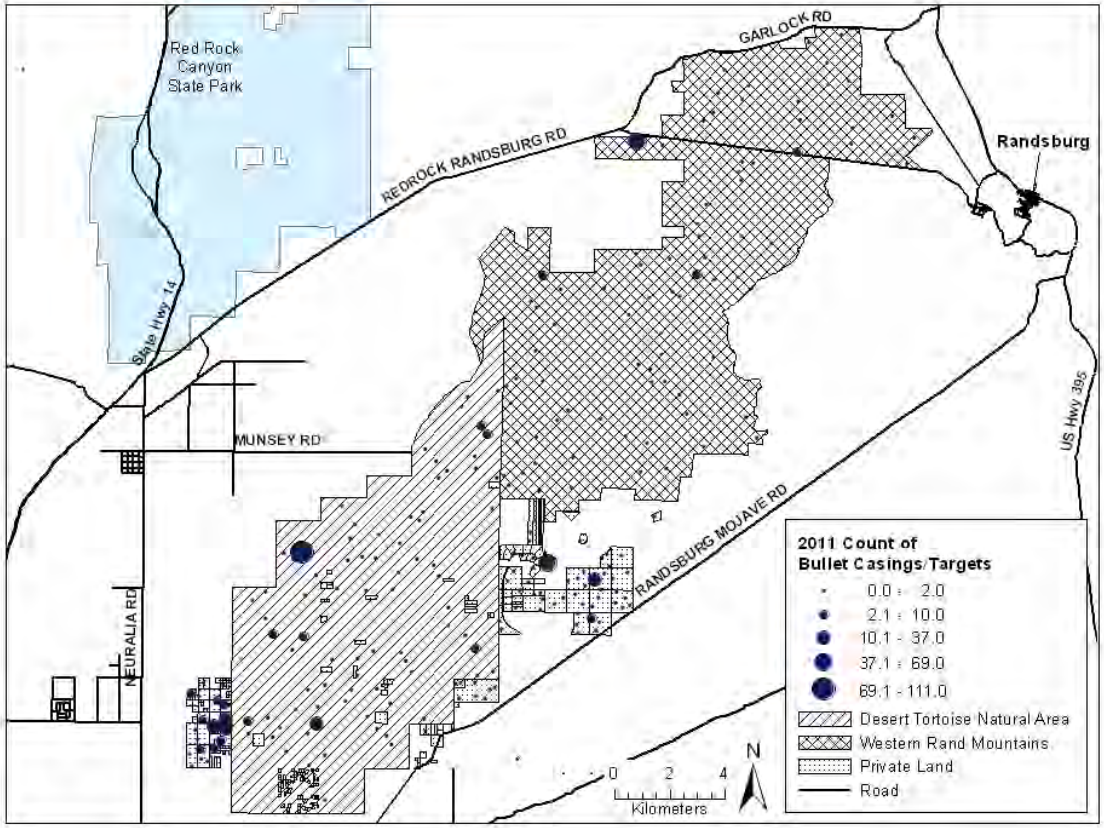


Figure 9. Counts of bullet casings and targets on 240 one-hectare plots in the western Mojave Desert, eastern Kern County, California. Western Rand Mountains = Rand Mountains/Fremont Valley.

Berry, K.H., et al. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

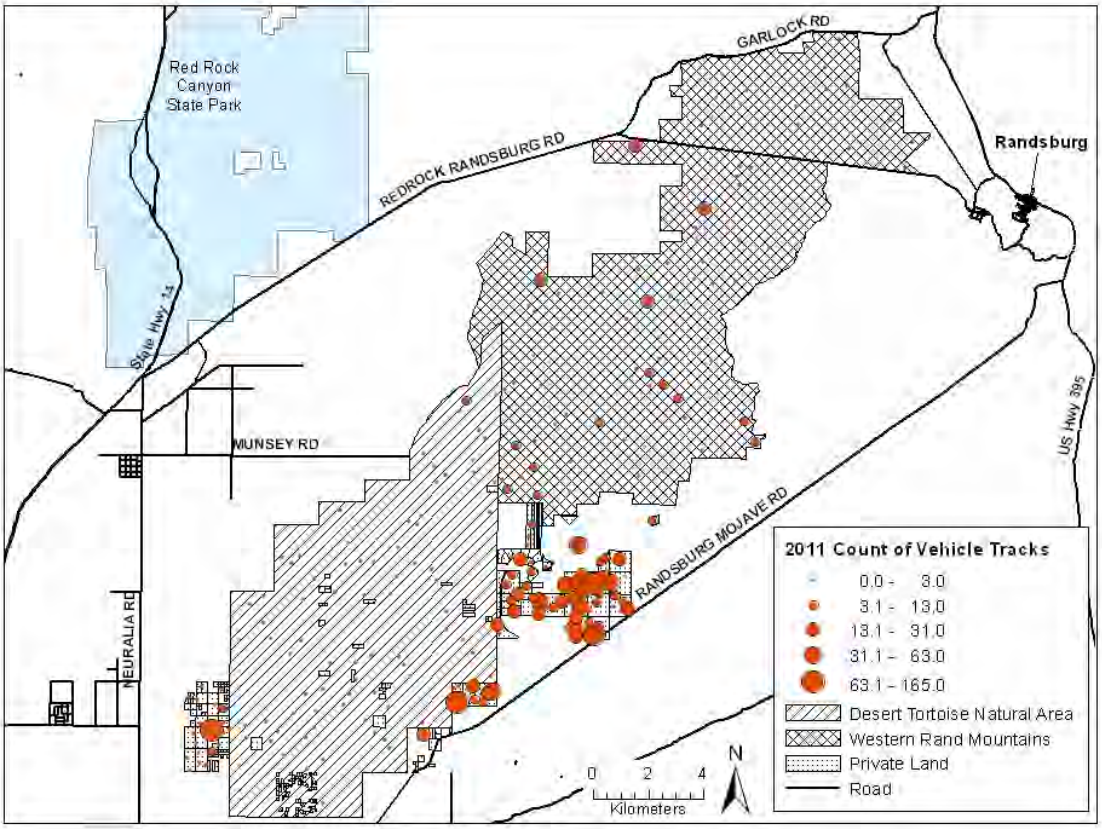


Figure 10. Counts of vehicle tracks by location in the three management areas: the Desert Tortoise Research Natural Area, the Rand Mountains/Fremont Valley, and on private lands. Counts of vehicle tracks include motorcycle tracks, and old and recent tracks of 4-wheeled vehicles. Western Rand Mountains = Rand Mountains/Fremont Valley.

Berry, K.H., et al. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

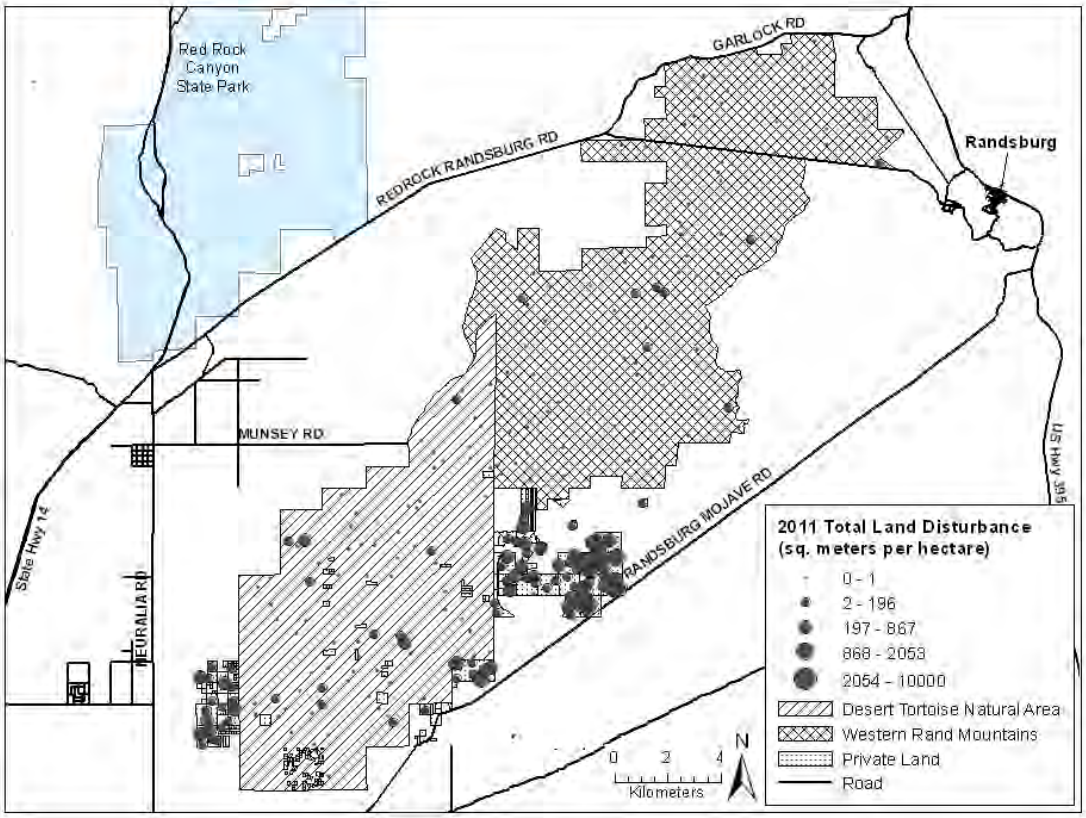


Figure 11. Total amount of disturbed land on each of 240-one hectare plots in the three management areas: the Desert Tortoise Research Natural Area, the Rand Mountains/Fremont Valley, and on private lands. Western Rand Mountains = Rand Mountains/Fremont Valley.

Comment Letter #17: Sierra Club Kern-Kaweah Chapter and Western Watersheds Project

Western Watersheds Project

SIERRA CLUB KERN-KAWEAH CHAPTER

April 1, 2013

California Department of Parks and Recreation – Lead Agency
Off-Highway Motor Vehicle Recreation (OHMVR) Division
1725 23rd Street, Suite 200
Sacramento, CA 95816

Peter Jones, Park and Recreation Specialist 661-248-7007
PO Box 1360 Peter.Jones@parks.ca.gov
Lebec, CA 93243

CC: Dan Canfield Dan.Canfield@parks.ca.gov

Subject: Eastern Kern County Property Acquisition Draft EIR - State Clearinghouse No. 2012091066 – February 2013 California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division
Comments by Kern-Kaweah Chapter of the Sierra Club and Western Watersheds Project

Mr. Jones,

Thank you for the opportunity to comment on the proposed Eastern Kern County Property Acquisition Draft EIR. The Kern-Kaweah Chapter of the Sierra Club and Western Watersheds Project are generally supportive of efforts to acquire these private land sections previously known as being part of the Onyx Ranch and to close or restore areas damaged by OHVs to avert erosion, to deter illegal uses, to protect natural resources, and to reduce user conflict with non-motorized uses. We have some serious concerns about enabling the potential for greater habitat damage by and expansion of the OHV trail system.

PURPOSE AND SCOPE OF THE PROJECT

The California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division is proposing to acquire and manage 59 privately-owned parcels (approximately 28,275 acres) in eastern Kern County, California, from ReNu Resources, LLC (ReNu), a private company that owns and manages agricultural land in California. The ReNu parcels are largely interspersed ("checkerboard") with lands owned by the U.S. Bureau of Land Management (BLM), although some parcels are within the Sequoia National Forest or adjacent to private land. Off-highway vehicle (OHV) and other forms of recreation occur on many of the ReNu parcels, and livestock grazing occurs on all but three of the parcels under permits issued by BLM and USFS and a license with ReNu.

This Draft Environmental Impact Report (EIR) assumes that in the foreseeable future the OHMVR Division would manage the former ReNu parcels for OHV recreation. It further assumes all existing uses (including grazing) would continue to occur on the acquired parcels, subject to management necessary to protect natural and cultural resources, ensure public safety, and facilitate effective operations and subject to potential change under a general plan. A general plan may be prepared in the future but is not part of the current environmental review process. The project does not propose construction of new facilities to support the existing land uses, although minor projects such as vault toilet installation or facilities improvements for Americans with Disabilities Act (ADA) compliance or safety are foreseeable. Additionally, some existing trails, including non-motorized trails, could require minor trail realignments to address localized erosion or to avoid a sensitive resource. The project is not expected to significantly change the number of visitors. However, to account for possible increased interest in the project area due to OHMVR Division ownership and in a future planning process, the Draft EIR assumes OHV recreation visits could increase by up to 1%.

Based on these assumptions, this Draft EIR analyzes the physical environmental effects of the property purchase and management by the OHMVR Division. It considers management likely to be implemented primarily to ensure resource protection, public safety, and effective operations once the property is acquired.

The Draft EIR may be reviewed or downloaded from the OHMVR Division website at the following address: http://ohv.parks.ca.gov/ohv-ceqa-notices

INTRODUCTION

These comments represent the concerns of Western Watersheds Project and the Kern/Kaweah Chapter of the Sierra Club, which includes Kern County where this property acquisition would occur.

Western Watersheds Project is dedicated to protecting and improving wildlife habitat, riparian areas, water quality, and other resources and ecological values of the public lands of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project has offices in California, Arizona, Colorado, Idaho, Montana, New

Mexico, Utah and Wyoming and over 1,400 members nationwide. Western Watersheds Project is devoted, in part, to assisting agencies to make management decisions in the best public interest. Western Watersheds Project's staff and members use and enjoy the public lands and their wildlife, cultural, and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes.

#17-1

The Sierra Club is a nationwide organization of several hundreds of thousand members concerned about impacts on the natural environment and people from projects such as this. We understand that if the property is acquired by the State of California, a management plan will need to be developed in accordance with the requirements of the California Environmental Quality Act. We expect that the issues raised in these comments will be investigated in great depth in an Environmental Impact Report (EIR). However these issues must be taken into consideration now as you decide whether or not to proceed with this acquisition. To proceed with the acquisition of this property without an understanding that these concerns will be addressed in depth in a management plan would be inimical to the public interest and the law.

Our concerns deal with many kinds of impacts that could influence the environmental integrity of the project area and surrounding public and private lands. Potential negative impacts on wildlife, especially avian species, could be catastrophic, if the area is not managed properly. Disturbance of soils and excessive erosion could drastically alter plant communities and their dependent animal species that are in a relatively healthy condition at the present time. Air quality could be compromised if dust from off road vehicle (OHV) use is not mitigated. The general public will expect to be able to enjoy the area under consideration in addition to (OHV) users. A large portion of the public enjoys passive use of public property and therefore provision must be made to avoid conflicts between different user groups.

The area of the proposal is near other public lands managed by the United States Forest Service and the Bureau of Land management. Red Rock Canyon State Park is immediately adjacent to this proposal. Some of the rock formations in Red Rock Canyon contain scientifically valuable fossils. OHV use of similar deposits in the area under consideration could quickly destroy any paleontological resources present. The Pacific Crest Trail, closed to OHV use, is adjacent to some of the western and northern land acquisition parcels. The impacts on natural resources of those areas and the public that uses those public lands must be considered. Much of the surrounding land is in private ownership; some of it is already developed for energy production. Impacts on all of these surrounding areas must be a mandatory and critical consideration as you proceed.

Once a management plan is developed with an adequate EIR there must be enforcement of the rules. Effective law enforcement will be required. On- going monitoring will be needed to identify negative environmental and social impacts. Problems will need to be identified before they become serious and possibly irreversible. That will be expensive. Before a decision is made to proceed with acquisition, funds must be identified to make sure these on- going requirements can be effectively implemented.

CONCERNS
KERN-KAWEAH CHAPTER SIERRA CLUB AND
WESTERN WATERSHEDS PROJECT

I QUESTIONS ABOUT PROJECT DESCRIPTION

#17-2 According to the DEIR at pages 2-2 of, the Kern acquisition (Project) not only comprises acquisition of the ReNu parcels, but also includes many laudable management objectives. For instance, at 3-13 it makes the commitment to augment current BLM and volunteer staffing to ensure daily patrols in the Jawbone Butterbredt ACEC (ACEC). This is crucial. In fact in order to be properly managed the ACEC undoubtedly needs several OHV-mounted law enforcement officers at busy times in addition to a simple daily patrol.

Likewise the promise to inventory and monitor sensitive resources and prepare and implement a Wildlife Habitat Protection Plan is necessary and commendable. Has the OHMVR Division identified dedicated sources of funds to support these new obligations over and above its historic funding given to other entities to do spot remediation, etc. in and around the ACEC? As acknowledged at 3-8, State Parks initiated revisions to nearby Red Rock Canyon State Park in 2008 but has never completed them. Was that a funding issue? Assured funding is critical to the positive measures outlined in the DEIR.

#17-3 The stated Project goal to "Maintain public land corridors that avoid crossing private lands" needs fuller explanation. Does this mean that trails that currently cross private land will become fully publicly accessible simply by virtue of the acquisition? Or does it mean that after the acquisition the OHMVR Division intends to realign remaining trails that still cross other private land parcels, moving them onto the acquired lands? The latter could have potential impacts to the subject lands containing sensitive resources. Please clarify.

#17-4 Likewise, the DEIR states the goal to: "Transfer important springs … to the public." The specific purpose of transferring springs and other sensitive areas to the public should be articulated, and not left to conjecture. Presumably it is for the purpose of protecting sensitive biological and possibly cultural resources found in these areas. Please clarify.

#17-5 At 2-8 re grazing, the DEIR states: "Apply terms and conditions of the RCA grazing permit for the duration of permit term." And at 2-9 "Implement the same standards that apply to BLM lands." How do these statements square with resource protection obligations of the OHMVR Division, if its promised inventory and monitoring show that grazing is causing undue resource degradation and needs a higher level of protection than that afforded by the BLM permit conditions? Language in section 6 implies that the OHMVR Division will impose additional measures if warranted. These DEIR sections should be made consistent.

#17-6 At 2-10 the DEIR states the OHMVR Division does "not propose any change in the system of designated routes that currently exist in the area, in the boundary or uses *in the Jawbone Canyon Open Area,* or any additional open riding areas." [emphasis added] This statement is unclear, and begs the question: does the OHMVR Division contemplate expanding the boundaries of the Dove Springs Open Area? It is silent on this matter. One of the concerns is that Parcel D -2 on the western boundary of the Dove Springs Open Area has seeps and springs that are very likely

#17-6 important resources for resident and migratory wildlife. Is omitting Dove Springs Open Area from the statement of intent purposeful? Is the OHMVR Division contemplating expanding open area uses into the D-2 parcel, which would potentially be very impactful to biological (and perhaps visual and cultural) resources? Concerns for these resources are elaborated elsewhere in these comments. The DEIR needs to be clear on this point, and analyze potential impacts if indeed it is contemplating expansion of Dove Springs Open Area.

#17-7 The DEIR maintains that the scope of the DEIR is limited to the direct and indirect impacts of the acquisition. However, if the Project opens the door to expanding Open Area uses into new sensitive land, then that would constitute the first step in a chain of events that must be analyzed at the earliest opportunity under CEQA.

II CUMULATIVE IMPACTS ANALYSIS ISSUES

- **THE DEIR HAS AN UNDULY NARROW PROJECT DESCRIPTION**

#17-8 We have serious concerns because the EIR has an unduly narrow project description. While the list of objectives is lofty, i.e. describes ultimate goals such as appropriate management of all resources while providing recreational opportunities, the project is described only as land acquisition. Land acquisition is just the first step, and CEQA specifically requires the lead agency to make reasonable projections.

The EIR makes no attempt to gauge whether the Parks purchase and management of the land will result in any change in the type and intensity of use. They claim it won't, but they also explain that they would be fixing trails, bringing in portable toilets, making the place ADA compatible, provide law enforcement, etc. One would think these provisions would encourage more people to visit.

#17-9 Nothing in the baseline concept excuses a lead agency from considering the potential environmental impacts *1197 of increases in the intensity or rate of use that may result from a project. In this case, as already stated, the elimination of the leash requirement in the primary management document not only permitted continued off-leash dog use at existing levels of impact in the areas accessible to dogs, but also left the door open to continuing increases in such off-leash dog use. Yet, the City never indicated in its initial study that it had considered the potential environmental impact of the policy change regarding leashes. To the contrary, it appears the City incorrectly ignored the possibility of increases in visitors with off-leash dogs resulting from adoption of the revised general plan due to its view of the environmental baseline concept. “Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from **920 the project.” (Guidelines, § 15064, subd. (e); see §§ 21080, subd. (e)(2); 21082.2, subd. (c).)

Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1196-97 [31 Cal.Rptr.3d 901, 919-20]

#17-10 In this case, the agency should make some reasonable forecast and explain ways in which the acquisition will result in future impacts. The crucial questions are, (1) does the acquisition open the way for future impacts. It may, if the operation would be expanded, use intensified, or otherwise there is a change in the current use, and (2) if meaningful review at this stage is possible. see:
agency action approving or opening the way for a future development can be part of a project and can trigger CEQA even if the action takes place prior to planning or approval of all the specific features of the planned development. In Fullerton, supra, 32 Cal.3d 779, 187 Cal.Rptr. 398, 654 P.2d 168, the Supreme Court held that the State Board of Education's approval of a plan to allow Yorba Linda to secede from the Fullerton High School District was a CEQA project and that CEQA review was not premature. None of the necessary decisions had been made about construction in the new district. Yorba Linda did not contain a high school and one would have to be built; and other actions, such as the alteration of bus routes, would necessarily have to be taken. (Id. at pp. 784, 794–797, 187 Cal.Rptr. 398, 654 P.2d 168.) Therefore, the board's approval was "an essential step leading to an ultimate environmental impact" and constituted a project. (Id. at p. 797, 187 Cal.Rptr. 398, 654 P.2d 168.) CEQA review could not be delayed until a later stage even though "a more specific and useful [environmental] study" might be possible later. (Ibid.)

Friends of Sierra R.R. v. Tuolumne Park and Recreation Dist. (2007) 147 Cal.App.4th 643, 654 [54 Cal.Rptr.3d 500, 507]

We have serious concerns because the EIR should have examined the impact of future expansion of services to allow informed decisionmaking.

- **CUMULATIVE EFFECTS ANALYSIS OMITS MANY EXISTING PROJECTS**

#17-11 The DEIR provides an incomplete list of existing projects in the project vicinity. Omitted existing wind projects include, but are not limited to: the Sky River project (342 WTGs on 133 acres in close proximity to the Wind Project Site), the Tehachapi Wind Farm (3,40 WTGs on 6,867 acres) and the 251, Cameron Ridge, Ridgetop, Oak Creek and Victory Wind Garden projects (each smaller repowered projects operated by Terra-Gen distinct from the ALTA wind facility, but which could possibly be considered part of the Tehachapi Wind Farm).

- **CUMULATIVE EFFECTS ANALYSIS OMITS FUTURE FORESEEABLE PROJECTS**

#17-12 Table 13-1 provides an incomplete list of reasonably foreseeable projects.
Reasonably foreseeable projects include, but are not limited to: the Rising Tree Wind Farm (currently identified on the BLM website as an active project, 234 MW on 2,745 acres of public and private land under development by Horizon).

- **NO AGENCY CONSIDERED ALL CUMULATIVE IMPACTS OF ALL ONYX RANCH PROJECTS**

#17-13 We have serious concerns because Kern County has known about all of the Onyx Ranch projects for years in advance and Kern County did not do a cumulative impact analysis of all of the projects, including avian and other wildlife, migration paths, wildlife corridors, watershed, air-

#17-13

shed, soil, etc., even though Kern County is and continues to be the lead agency. (See the below quotes and articles)

DEIR page 3-9 says, "3.1.4.1 Kern County General Plan
All of the acquisition parcels are within Kern County and are addressed on the Kern County, Eastern Section map of the County's Land Use, Open Space, and Conservation Element of the General Plan (Kern County 2009). At present the parcels are under the jurisdiction of the Kern County General Plan as they are in private ownership, whereas the adjacent parcels, owned by the BLM, are not under County jurisdiction. Under the Kern County General Plan, properties owned by the state or federal government are called "non-jurisdictional lands." Both the state and federal government are exempt from local land use regulations.
The majority of the parcels to be acquired by the OHMVR Division are designated as Extensive Agriculture by the General Plan Land Use Element (Figure 3-4). This classification is described in the County's Land Use Elements as:"

On September 15, 2009, according to the Los Angeles Times and the, then Acting Director of Kern County Planning, "The Swiller-CIM partnership closed escrow on Onyx Ranch in October 2008 and within days sold the portion to Vernon. But it held on to something that one official described as highly valuable: the ability to pump water out of the Onyx Ranch ground and sell it." Lorelei Oviatt, division chief of the Kern County Planning Department, said those rights are "a priceless commodity right now." http://www.latimes.com/news/local/la-me-wind15-2009sep15,0,839175.story?track=rss

After the Onyx Ranch was purchased, millions of dollars was spent over many months for the use of heavy equipment to grade and level the ground, to create new diversion ditches, to remove and relocate water pumped from the South Fork Kern River in Onyx and transport that pumped water from two large pumps capable of moving 7,500 gallons per minute through a pipe of about 20 inches in diameter, through a culvert under Highway 178 to the diversion ditches on the south side of the highway and into pipes to Kelso Valley.

On November 2009, Lorelei Oviatt said regarding the massive amount of ground disturbing activity with heavy equipment and installation of two massive water pumps that would remove water from the South Fork of the Kern River in Onyx, "We have received another question about this work and I referred it to Code Compliance for an investigation. We have no proposed or approved project on this site. At a minimum they should have obtained a grading permit or requested an exemption. Certainly CDFG would need to have issued a permit. There is nothing in our files.

In 2012 in the responses to public concerns submitted for the North Sky River Wind Project and the Jawbone Wind Energy Project about project segmentation into separate wind, solar, and water sales projects Kern County Planning said "The Lead Agency has no knowledge of any proposed Onyx Ranch project and has not received an application for such a project."

Oviatt knew the scope of the master plan for Onyx Ranch and she and Planning chose to segment the whole project into smaller projects to avoid the cumulative impacts analysis required by CEQA.

#17-13

On February 18, 2013, an article was published in the Bakersfield Californian "**Another Water Deal is not as Simple as it Looks**" by Lois Henry about the ReNu / Onyx Ranch water-rights deal now in escrow with Kern County. Pasted below are two quotes from the article, which indicates that Kern County should have known about and should have considered this water sale project in the cumulative impacts analysis of all of the Onyx Ranch projects. The entire article may be viewed at the following link: http://www.bakersfieldcalifornian.com/columnists/lois-henry/x837005122/LOIS-HENRY-Another-water-deal-is-not-as-simple-as-it-looks

"Rosedale Rio-Bravo Water Storage District has come up with one doozy of a deal. It has entered into escrow to buy 3,300 acres of the old Onyx Ranch east of Lake Isabella for $25 million. The prize: potentially 4,000 to 6,000 acre feet a year of water from the South Fork of the Kern River." "many other entities have been tempted by the Onyx water only to walk away. That includes the Los Angeles Department of Water and Power, which, according to Averett, did a feasibility study back in the 1950s or '60s that looked at getting at the Onyx water. DWP apparently decided to drop the idea."

We have serious concerns because, while it may be outside the scope of the OHMVR Division to control more than managing the OHV activities on the segments of the Onyx Ranch that are proposed for acquisition, there are other sections of the Onyx Ranch that are in the process of implementing actions that will impact the environment and the OHMVR Division must address all of these impacts from all of the Onyx Ranch sections given that there is no other agency who is addressing the cumulative impacts of all of the sections of the Onyx Ranch.
The whole project is being piecemealed, sliced into smaller pieces, or subdivided into small portions or bits that when analyzed for their separate impacts to the environment will fail to show the entire picture of the impacts of the whole, un-fragmented project from all of the Onyx Ranch properties that had previously been exclusively used for agricultural ranching and farming – "the current prevailing economic uses of the land" - but is now being segmented into smaller project areas to obfuscate the total of the environmental impacts by disclosing only portions or segments of the entire project overall plan.

"Segmentation" occurs when the project description does not encompass the entire project. The danger of segmentation is that it chops projects into smaller bits, which standing alone, may not present the full range and intensity of adverse impacts resulting from the entire project.
In Laurel Heights I, the court set forth the standards for determining whether reasonably foreseeable future activities must be included in an EIR project description and for determining whether the impacts of those activities must be analyzed in the EIR:
"We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."

EIR project descriptions have often been rejected as inadequate because the court perceived that the EIR attempted to narrow the scope of environmental review by narrowing the project description. Kostka, Practice Under the California Environmental Quality Act, CEB Section 12.18, p. 475, citing Santiago County Water District v. County of Orange (1981) 118 CA3d 818. The effect of piecemeal environmental review was stated clearly in Santiago County Water Dist. v. County of Orange at 828-830. The court observed that omission of a key part of the project

#17-13

resulted in important ramifications of the project remaining hidden from view as the project was being discussed and approved, frustrating one of the core goals of CEQA. Id at 830.

We request that the OHMVR Division consider the cumulative impacts of past, current, and future actions an all sections of the Onyx Ranch property acquired by ReNu, since Kern County has not accepted that it is the lead agency on actions on these parcels and since cumulatively these actions could impact the environment in a significant way.

III LAND USE PLANS AND POLICIES

#17-14

At 3-7 the DEIR alludes to Figure 2-2 in discussing the changes proposed by the Sequoia National Forest in the yet-to-be-approved Piute Mountains Travel Management project. Does Figure 2-2 actually show those proposed changes, which include some 125 miles of new roads and trails? If not, that information should be provided so the reviewer can understand the import of this cumulative project.

At 3-2, the DEIR explains that the West Mojave HCP has been abandoned in favor the Desert Renewable Energy Plan (DRECP). Then at 3-12 it asserts that the Project could potentially receive take coverage (presumably for desert tortoise) under the DRECP. To date DRECP has only contemplated coverage for renewable energy development, so how would this work? Please explain how take coverage for the Project under DRECP is expected to occur.

At 3-3 the ACEC management plan is alluded to. The DEIR should provide it.

At 3-12, the DEIR lists the criteria used to evaluate unauthorized OHV use in closed areas. Conspicuous by their absence were certain potentially impacted resource values, including visual, wilderness (and not merely whether deep penetration into wilderness is occurring), wildlife and paleontological resources.

IV BIOLOGICAL IMPACTS (OTHER THAN AVIAN)

#17-15

The physical setting of the proposed land acquisition is a biologically-rich transition zone between the Western Mojave Desert, the Southern Sierra Range, and the San Joaquin Valley. Elevations range between 2,150' and 7,500'. Both native species of wildlife and vegetation have adapted to harsh climatic conditions, but are vulnerable to repeated human impacts. There is a history of disturbance in this area: livestock grazing, fire, development, and both legal and illegal OHV use. We have serious concerns for all native species of the project area, including the special-status species.

SPECIAL-STATUS SPECIES: In Table S-1 (page s-4), the Summary for Biological Resources states that "site improvements and resource protection measures implemented by the OHMVR Division could be located where special-status species or sensitive habitat areas are known to occur resulting in harm to species individuals or trampling of habitat."

We generally support the proposed Management Measures which include pre-activity surveys prior to commencing disturbance activities. *However*, special-status species, such as the Desert

tortoise or the Mohave ground squirrel, are known to occur throughout the proposed land acquisition parcels. Will the surveys include all potential land acquisition parcels or only some of them? In spite of any proposed mitigation measures proposed, the potential for take of individual species of Desert tortoise remains significant. We believe that all surveys conducted for special status-species, such as the Desert tortoise and the Mohave ground squirrel, must conclude with a decision to immediately close off those critical areas where special-status species were located as well as sensitive habitat associated with these species.

#17-16

DEIR page 6-41, 6-47, and 6-53 say, "Mammals
The project area is in the range of several special-status mammal species, and provides habitat that supports them. Research determined that 20 special-status mammal species could occur in the project area, including:
The Pacific fisher has a moderate potential to occur because suitable habitat exists at the western edge of the project area, and it is known from the Piute Mountains, but the project area is near the edge of its range.
Special-Status Rodents, Ringtail, and Pacific Fisher. OHV activities may have resulted in displacement and/or potential mortality of resident wildlife species such as small mammals. Potential indirect impacts to habitat from OHV activities and livestock grazing include alterations to existing topographical and hydrological conditions, increased erosion and sediment transport, and establishment of nonnative and invasive weeds. Impacts to special-status rodents would be similar to impacts to Mohave ground squirrel. Impacts to ringtail and Pacific fisher are expected to be minimal as potential habitat is limited to the forested western parcels where no OHV activity is allowed."

DEIR page 6-48 says, "Human activity occurring in the project area can impact wildlife through exploitation, disturbance, habitat modification, and pollution. Disturbance caused by ongoing recreation pursuits or other human activities may elicit behavioral response and physiological responses in wildlife. Wildlife behavior may take the form of avoidance, habituation, or attraction. Behavioral response may be of short duration (temporary displacement) or long-term, such as abandonment of preferred foraging or breeding areas. Likewise, physiological responses that affect an individual's energy budget may result in death. At the population level, physiological responses may result in reduced productivity for some species. Negative effects to wildlife resulting from recreation and livestock grazing can include the physical alteration of habitat and soils, the removal of vegetation or replacement of native species by disturbance-tolerant exotics and/or noxious weeds, increased noise disturbance, introduction of predators, reduction in home range, and (in some instances) direct injury or mortality."

We have serious concerns regarding noise from OHVs disturbing species that have and continue to be foraging, resting, and nesting in quiet areas. Noise and activity are known to inhibit foraging and nesting of Pacific fisher. Pacific fisher studies have concluded that mortality is in part due to vehicular collisions. In order to protect the Pacific fisher, OHV activity and livestock grazing should be excluded from portions of the project area that are in the suitable habitat on the western edge of the acquisition area.

#17-17

- **LONG-TERM MONITORING BEFORE OPENING AREAS IS CRITICAL FOR RESOURCE PROTECTION**

#17-17

We have serious concerns regarding the failure to implement a long-term monitoring program critical for resource protection before opening the area to any further disturbance or damage. Also, known disturbances are not qualified or quantified in the DEIR; they are lumped together.

Table I-1. Summary of Elevation, Soils, Vegetation Types, and Disturbances for the Acquisition Parcels fails to distinguish between several types of disturbance. Fire, OHV, and grazing disturbances are all lumped into the same disturbance listing, so there is no way to determine from this table the extent of each type of disturbance.

DEIR page S-3 says, "IMPACT: Site improvements and resource protection measures implemented by the OHMVR Division could be located where special-status species or sensitive habitat areas are known to occur resulting in harm to species individuals or trampling of habitat. Proposed Management Measures include pre-activity surveys prior to commencing disturbance activities to identify location of species and monitoring during management activity by a qualified biologist to avoid potential impacts.
Less than Significant Impact"

DEIR page 2-5 says," Supporting archeological and biological inventories prior to site restoration"

DEIR page 6-54 says, "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."

We have serious concern regarding monitoring and managing wildlife and plant populations and restoring habitats and we are in favor of strict compliance with this requirement to protect biological resources. We have serious concerns because some (bulb and seed) botanical species may be dormant for years due to lack of water or other climate reasons and once these species have the proper conditions to show a visible display they may only be evident for a brief period of time in their limited habitat. Therefore, pre-activity surveys would require multiple-years of extensive monitoring over the entire area before disturbance is authorized to ensure that resources are known and identified prior to disturbance.

#17-18

V AVIAN AND BAT ISSUES

At 6-34 the DEIR asserts that Golden Eagle are an "uncommon year-round resident" in the study area, based on a 2000 publication. However, this species was observed daily during field

#17-18

surveys for the adjacent North Sky River wind project. Moreover the DEIR Appendix F, the Bio Assessment, concentrated primarily on vegetation and somewhat tortoise, and did not focus on raptors. It did note, however, that golden eagles were observed onsite during tortoise surveys. In fact, this species commonly occurs throughout most of the project area.

The DEIR at 6-52 acknowledges that OHV noise can "lower abundance of some species adjacent to trails used by OHV." Yet other than the below there is no analysis of Project impacts to avian migration. Without any supporting data the DEIR summarily dismisses the acquisition's potential effects to migrating special status birds, saying they are:

"less impacted by ongoing OHV use and other impacts because they are in the area for a short time … do not nest in the area, and/or are in the area during the time of year when there is less OHV and other recreational activity (wintering species). While these species may still be subjected to some of the impacts of ongoing OHV use, such as vehicle collision or habitat damage, such impacts are generally considered less than significant for the reasons discussed above."

The above conclusion is unsupported, because there are no data on existing impacts to migration. Nor are there clear proscriptions in the Project description against developing additional OHV trails and/or expanding the Dove Springs Open Area near springs and seeps that may be important nesting and migratory habitat. Such development would cause significant adverse impacts to resident species and migrants of all kinds protected by the Migratory Bird Treaty Act. The DEIR BIO mitigation measures and assertions regarding future preparation of a Wildlife Habitat Protection Plan for aquatic and other resources do not suffice as adequate mitigation for this potential impact under CEQA unless there are unambiguous sideboards in the project description to prohibit new OHV development in areas potentially impacting avian migration.

One of the reasons avian migration is so relevant and must be analyzed is that wind farm development in the Project vicinity has a high likelihood to be substantially adversely and illegally taking migratory species. For instance, the immediately adjacent North Sky River wind project has several turbines in an EIR- acknowledged "funnel" for migratory birds descending to stopovers on the Pacific Flyway, such as Butterbredt Spring. And Butterbredt Spring is also potentially affected by increased visitation, open area uses, new events and new trails made possible by the Project.

- **NOISE POLLUTION EFFECTS ON BIRDS**

#17-19

DEIS page 13-7 says, "The presence of OHV use in the area creates one of the characteristic noise elements in the area. During the cooler months (October through April) OHVs can be heard occasionally during the weekdays, more frequently on the weekends, and quite frequently during holiday weekends. The degree to which OHVs can be heard depends on the proximity to the user and the type of the intervening terrain. As stated throughout this document, operation of the area for public recreation would remain similar to what it was prior to acquisition. With 1% growth in visitation, approximately 1,800 additional visits would occur, mostly on weekends; this negligible increase would not substantially increase noise in the project area. The OHMVR Division would also enforce current California OHV sound restrictions. As a result, the noise character of the project area would remain the same. No increase in permanent and temporary noise levels would result from the property acquisition."

DEIS page 6-51 says, "Noise and Other Disturbances. OHV traffic is a source of noise and other stimuli that creates disturbance for birds. Traffic noise can lead to significant reductions in breeding bird densities (Reijnen et al. 1995, 1997), and nesting in close proximity to OHV trails can cause an increase in nest abandonment and desertion rates in songbirds and lower abundance of some species adjacent to trails used by OHV (Barton and Holmes 2007)."

We have serious concerns because large quiet buffer areas around bird migration oases must be maintained to ensure that migrating birds that have to fly from Mexico, across the desert, and into the Sierra Nevada have resting spots for as many as 5,000 birds per day transiting on their migration path through the project area.

- **BATS**

#17-20

The DEIR does not address impacts to local bat populations. A projected 1% increase in visitor use from this possible land acquisition has the potential to adversely impact bats. Negative impacts from nearby wind turbine facilities have already been lethal to bats, as well as migrating passerine bird species. Migration corridors located along the canyons and ridgelines trending SE to NW are historically important routes for birds and bats. What are the expected impacts from acquisition (and subsequent increased visitor use) to local bat populations? Is there baseline documentation available to both identify and mitigate impacts to bats?

VI AGRICULTURAL AND FORESTRY ISSUES

#17-21

At 4-3 the DEIR refers to "highly crucial desert tortoise habitat." Does it mean designated critical habitat?

The DEIR indicates that grazing will continue for the term of the BLM and USFS permits or longer. Since grazing is generally against state park policy (4-6ff), is it doing so because the acquisition is conditioned on allowing grazing to continue till the expiration of the permits? Or has the OHMVR Division elected to allow this to continue for the term for some other reason?

- **GRAZING IMPACTS MUST BE PREVENTED**

#17-22

We have serious concerns because there is a need to closely monitor the impacts or and to consider alternatives to continuing grazing at its current levels, including resting some of the grazing allotments that are causing impacts to the natural resources that would be managed by the OHMVR Division.

DEIR page 2-8 says, "Monitoring Rangeland and Livestock Operations. Annually monitor forage conditions on parcels used for grazing and livestock operations. Conduct rangeland health assessments."

DEIR page 2-9 says, "Grazing Management. Work with BLM, USFS, and permittee to ensure grazing is managed to protect resources while ensuring cattle movement is not unduly impeded."

#17-22

DEIR page 4-2 and 4-3 say, "Adjust livestock use where monitoring data indicate changes are necessary to meet resource objectives."

"Turnout of animals is determined annually by an interdisciplinary team, including the grazing operator, based on considerations for maintaining an adequate amount of annual forage production for wildlife, erosion prevention, and visual needs. **Authorizations will be issued after an interdisciplinary team, along with grazing operators involved, make a field examination of the allotment and determine whether production of 200 pounds per acre of dry weight will be available for turnout**, except in highly crucial desert tortoise habitat, where a 350 pounds-per-acre requirement is specified.
Management Prescriptions identified in the Livestock Grazing Element require that Allotment Management Plans be prepared and establish appropriate: (1) stocking levels; (2) seasons of use; (3) turnout times bases on forage readiness (plant phenology) and tortoise emergence in highly crucial tortoise habitat; (4) levels of forage use; (5) monitoring and adjustment procedures; (6) watering and handling practices in high livestock concentration areas; and (7) range improvements (springs, wells, catchments, pipelines, troughs, fences, etc.)."

We have serious concerns with the DEIR because this information cited in the DEIR is incorrect. For livestock grazing allotments in desert tortoise habitat and in the Mohave ground squirrel conservation area, turnout under the 2006 West Mojave Plan is 230 lbs./acre not 200 lbs./acre. The curious reference made to Desert Crucial habitat indicates that the DEIR is basing its analysis on old, stale BLM information. The term crucial habitat was used by the BLM prior to the listing of the desert tortoise in 1989 and the designation of critical habitat in 1994.

#17-23

"DEIR pages 4-12 and 4-13 say, "4.2.2 BLM Rangeland Health Determination
The Riparian/Wetland standard was not met and not progressing toward achievement of the standard. Livestock use was a significant factor in the stream morphology and riparian/wetland determination. Historic utilization records show cattle use concentrated at water bodies. Utilization checks in 2000 and 2004 showed the same trend. OHV recreation was also a factor at several sites which did not meet standards. As a result of the determination, the BLM prescribed best management practices to improve riparian area health.
The status of RCA's Rangeland Health Standards in the categories of Wetland/Riparian and Stream Morphology was further considered when BLM proposed issuing the two RCA grazing permits in 2007 (BLM, RFO 2007). BLM identified specific measures to protect riparian areas, which became incorporated into the terms and conditions of the future RCA grazing permits. These riparian measures included: a) Suspend grazing during the critical spring season of growth (3/1-5/31) in areas where riparian rangeland health standards have not been met; b) Establish utilization studies to include proper use factors for key riparian forage species: Salt Grass (30%), Sedge (30%), Rushes (30%), Willow (10%), and Cottonwood (10%); and c) Construct exclosure fences at designated locations."

"4.2.3 Cattle Operations
Ranching has occurred in the project area for over 80 years (BLM 2012b). Most of this was conducted by the Rudnick Family who grazed the area until the land was sold to ReNu. The cattle operation is now operated by Hafenfeld Ranch, which utilizes both public and private lands in its operation. The operations are managed based on permit terms and conditions (see Section 4.2.1). The permit does not dictate which pasture of the nine pastures may be used or the

#17-23

specific number of cattle on the pasture at any given time as long as the overall permit parameters are met."

DEIR page 4-14 says, "Within pastures that have legal OHV recreation open riding areas (Jawbone Canyon and Dove Springs), maintenance of grazing infrastructure has been difficult. Fences have been cut, range improvement projects have been vandalized, and cattle have been disturbed at various locations including at stockwaters (RCI 2009). In the Kelso Valley and Kelso Creek areas, vehicle use is restricted to street-legal vehicles on roads."

DEIR page 4-14 says, "Use of the ReNu parcels is subject to the terms of an agreement between the licensee (Hafenfeld) and the landowner (ReNu). The parcels proposed for acquisition are primarily used as rangeland; however, both Kelso Camp and Landers Meadow are critical to the Hafenfeld Ranch operation as they support shipping/receiving facilities, a holding area, and irrigated pastures for rest and weight gain. Additionally, a caretaker residence is located on an acquisition parcel in Kelso Valley. The components of the livestock operation would all become OHMVR Division managed land.
ReNu acquired the project parcels from the Rudnick Estate Trust with the stipulation that grazing would be permitted (Resource Concepts 2009). The impetus for cattle grazing stems from the availability of federal land. However, because the ownership of land in the area has a checkerboard pattern, grazing on federal lands and grazing on other lands within the allotment (potentially state owned) are inseparable. Due to open range grazing in eastern Kern County (see Section 4.1.5.2), unless landowners within the RCA fence cattle out, the cattle are free to move from BLM onto other parcels. Project parcels interspersed with BLM lands in the RCA are unfenced. Cattle can thus roam from BLM pasture onto the project parcels. The three Landers Meadow parcels are fenced. Cattle management on the Landers Meadow parcels can occur independently from the adjoining USFS managed rangeland."

We have serious concerns regarding this grazing agreement between the licensee (Hafenfeld) and the landowner (ReNu) because we are unable to review the agreement (Personal communication with Dan Canfield Mon 3/25/2013 3:48 PM) even though the agreement is in part the basis for the OHMVR Division claim that grazing would be permitted to continue on this state park land.

#17-24

DEIR page 6-10 says, "6.2.4 Rudnick Common Allotment (RCA)
The acquisition parcels are located within the RCA managed by BLM (see Chapter 4.0 for discussion of BLM grazing management). The BLM has standards and guidelines, approved by the Secretary of the Interior in July 2000, that were prepared in consultation and coordination with three of BLM-California's four Resource Advisory Councils. To assure standards are being met, the BLM Ridgecrest Field Office has three levels of monitoring on grazing allotments (Email comm., Samuel Fitton, 9/12/2012)."
"Utilization studies are performed usually twice during a grazing season."
"Vegetation trend studies are performed every 10 years in the spring and summer."
"Separately, rangeland health studies are performed every ten years." "The most recent rangeland health study was performed in 2004. The RCA did not meet standards primarily around riparian areas at the time, and cattle were considered a factor. The BLM prescribed a variety of best management practices to be implemented to reduce grazing pressure on riparian areas (BLM 2004)."
However, contrary to the above statement, <u>the BLM has not adopted specific standards and guidelines for grazing in the California Desert Conservation Area</u>. Standards and guidelines

#17-24 were proposed as part of the 2006 West Mojave Plan but these have not been signed off by the Department of Interior and the more general fallback standards remain in effect. Furthermore, there is no statutory requirement for the BLM to perform rangeland health assessments every 10 years and rarely does so.

#17-25 DEIR page 4-5 says, "Contract grazing occurs at two SVRAs, Hollister Hills and Carnegie, as part of a resource management program to provide fuel reduction and weed control services. CDPR does not currently have units with commercial grazing operations, i.e., with a focus on raising livestock for commercial trade, as opposed to grazing an area for the purpose of resource management. CDPR has little policy on the matter of grazing. CDPR's Operations Manual (CDPR 2010) briefly addresses livestock grazing on state park land (Table 4-2). The policy acknowledges the potentially adverse impacts of grazing upon recreation and biological resources yet recognizes that grazing can serve a park purpose."

DEIR page 6-55 says, "Grazing Management. The acquisition parcels are included in the RCA and Piute allotments (Figure 4-1) 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 C and discussed in detail in Section 4.2. 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."

We have serious concerns regarding this grazing management policy because if this policy applies to the entire acreage the OHMVR Division intends to acquire, continued damage to the resources may not be prevented. The OHMVR Division will not be able to withdraw permits or rest the allotment to allow the state land to recover, if monitoring uncovers impacts to state land. The OHMVR Division may be able to "work with the BLM" about impacts to state land from over-grazing, but if there are no impacts to BLM managed federal land due to the over-grazing, the likelihood of any modification of the permit is slim, especially since cattle are free to move from BLM onto other unfenced parcels, including state land.

#17-26

DEIR pages 6-56 and 6-57 say,
"6.3.4 Vegetation Communities including Wetland and Riparian Areas
Activities in the project area, including OHV use and grazing can result in adverse impacts to aquatic resources, possibly including Waters of the U.S. and/or state, and wetland, riparian, or other aquatic habitat. Adverse effects are caused by direct disturbance of these habitats including removal of vegetation, filling of Waters of the U.S. and/or state, including wetlands, or altering the bed, bank or channel of a stream or wash. Biological Management Measures, such as monitoring and protective measures developed for the WHPP and HMS, would ensure that aquatic resources are adequately protected. Protective measures will include restricting access to aquatic communities where substantial impacts are observed through educational materials and signage, or, if necessary using barriers or trail re-routes. The OHMVR Division will include monitoring of jurisdictional waters, and riparian, wetland, and other sensitive aquatic habitats occurring within the project area in the WHPP and HMS."

We have serious concerns regarding enabling continued livestock grazing in the allotments managed by the OHMVR Division when evidence of resource damage is discovered, because there must be evidence that there is no resource damage and that the best management practices have enabled grazing this RCA to meet the standards, otherwise the allotment should be rested so the RCA can naturally recover. Language to this effect should be included in the FEIR and subsequent management plan.

#17-27

VII <u>SOILS</u>

- **IMPACTS TO THE ENVIRONMENT FROM MAINTENANCE EQUIPMENT**

DEIR page 2-5 says, "Friends of Jawbone also supports BLM's restoration efforts in the project area by repairing unauthorized trails through:
• Ripping (using equipment to break the compacted road surface up) a predetermined area of the illegal trail access"

DEIR page 8-8 says, "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."

We have serious concerns: exactly what ripping and maintenance equipment would be used on the land managed by the OHMVR Division? Sequoia National Forest used equipment to "maintain" a trail and the equipment and the equipment created a 5-foot wide trail that created in some places four foot high cuts in the hill side that caused more erosion and sediment flows than they resolved. (See concerns on IMPACTS FROM REROUTING TRAILS and EROSION AND SEDIMENTATION FROM TRAIL RE-ROUTING)

#17-28

- **IMPACTS FROM REROUTING TRAILS**

We have serious concerns regarding trail rerouting, the width of the proposed re-routed trail, use of bladed trail dozers and other equipment to carve into the slope to create the re-routed trail, routing the trail through drainage areas, sedimentation into the OHMVR Division managed

lands, the potential for removing trees and other vegetation in the trail's path, and the potential to adversely affect various species, including sensitive species.

Before new ground is broken for a trail reroute, which would permanently scar the contour, result in new potential for erosion, and potentially adversely affect rare plants, the agency must provide an adequate explanation for why it is preferable to cut the new trail over improving the trail at its existing location. Without this explanation, the rerouting decision is arbitrary.

- **EROSION AND SEDIMENTATION FROM TRAIL RE-ROUTING**

#17-29

We have serious concerns regarding increased erosion and sedimentation from breaking new ground. We have experienced and documented the damage caused by the US Forest Service's rerouting of the Freeman Creek trail on Sequoia National Forest using bulldozers with five-foot wide blades when the public was told the project would be a simple trail maintenance project. We have serious concerns that such equipment would be used again to create a trail up to six feet wide with up to four-foot high contour cuts into the hillsides, so OHVs can ride on a relatively flat trail. Bulldozing the trail will forever alter sediment flows and change the hydrologic function of the soil in the area of the trail. Many trees, especially oaks, were cut by the crew that cut the trail through the Freeman Creek grove. Here, however, there is no disclosure of whether the rerouting proposals for the Eastern Kern County Property Acquisition trails entail cutting live trees. This must be disclosed and the effects must be analyzed.

The following photographs show the equipment used by the US Forest Service to maintain a trail and the damage caused in the Freeman Creek Trail Maintenance Project in June and July of 2006. We would like the agency to avoid this type of unnecessary damage in this Eastern Kern County Property Acquisition area.

Equipment used to "maintain" the Freeman Creek Trail.

#17-29

Depth and width of Freeman Creek Trail cut (pole segments are 1 foot each)

Depth and width of Freeman Creek Trail cut (pole segments are 1 foot each)

#17-30

- **EVEN 1% GREATER DISTURBANCE IS HARMFUL TO RESOURCES**

We have serious concerns regarding the failure to consider a 1% greater disturbance harmful to resources.

DEIR page S-5 says, "IMPACT: A 1% increase in visitor use caused by the OHMVR Division acquisition could increase recreational use in or near aquatic resources, including Waters of the U.S. and/or state, and wetland, riparian, or other aquatic habitat resulting in degraded conditions. Proposed Management Measures include monitoring and implementation of resource management measures developed for the WHPP and HMS. These protective measures would minimize impacts to aquatic resources from increased visitor use. OHMVR Division acquisition and management would have a beneficial effect on the aquatic resources affected by project activity as well as those affected by existing uses.

DEIR page 3-15 says, "The proposed project could result in a minor (1%) increase in OHV use in the area due heightened interest in the property caused by OHMVR Division ownership,

#17-30

which could exacerbate existing trespass issues. OHMVR Division acquisition and implementation of Land Use Management Measures, however, would result in increased law enforcement, public education, and monitoring of trails for unlawful access."

We have serious concerns regarding the claim that increasing impacts by 1% in addition to the existing uses impacts could have a beneficial effect on aquatic species. We suggest that impacts assessments of existing uses should be used to reduce grazing use areas and grazing damage. New OHV use must be accompanied by strict monitoring and enforcement regulations that prevent additional resource damage and curtail OHV use in areas where resource damage continues to occur.

We recommend that signage that specifies which users may use each trail must be placed at the beginning and intersections of each trail with other trails. Clear signage must indicate which user types can use the trail, so law enforcement officers are assured that a violator had made an informed decision when the violation occurred.

In addition to signage, at the beginning and intersections of each trail with other trails, that identifies which users can use each trail, we suggest several alternatives to study as a means of enforcement of the regulations to reduce resource damage and detect, identify, apprehend, and or cite violators of the regulations.

- **SOIL CONSERVATION PLAN**

#17-31

We have serious concerns regarding with the soil conservation plan in the DEIR.

DEIR page 8-2 says, "The Soil Conservation Plan shall reference, adopt, and utilize the methods, considerations, and other suggestions contained in the Soil Guidelines or other comparable methods or considerations that demonstrate how the Soil Conservation Standard is being or will be met in the Project Area.
The Soil Conservation Plan shall include the following components:
• A protocol for assessment and maintenance
• A protocol for monitoring change detection of features, trails, and facilities
• A monitoring and soil conservation standard compliance report
The BLM Ridgecrest Field Office has prepared and submitted soil conservation plans in support of its OHV Grant Applications for more than five grant cycles. The soil conservation plan has applied to OHV areas that BLM manages within the Jawbone-Butterbredt ACEC. The most recent plan submitted was for the 2011/2012 grant cycle. The OHMVR Division has determined the BLM Ridgecrest Field Office is currently in compliance with the 2008 Soil Conservation Standard (Glaspie 2012)."

DEIR page 8-8 says, "Prepare Trail Maintenance Plan. The trails will be subject to the requirements in Sections 1.3.1 and 1.3.2 of the 2008 Soil Conservation Standard. 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 trail maintenance plan. Finally, monitoring of soils conditions will be conducted per established schedule; the minimum requirement is annual monitoring."

#17-31 We have serious concerns regarding the soil conservation plan in the DEIR, because monitoring should be continuous to be responsive in a way that can effectively control soil conservation.

#17-32

VIII AIR QUALITY

In Section 5.4, the DEIR states, "Since the proposed project would not individually exceed any EKAPCD CEQA significance thresholds, the proposed project would result in less than significant cumulative air quality impacts." The DEIR argues that since the project-specific impact is individually minor, its cumulative impact is therefore insignificant. This contradicts the very meaning of cumulative impacts. The State CEQA Guidelines state,

> "15355(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

Clearly, insignificance on the project-specific level does not necessarily imply cumulative insignificance. Furthermore, the DEIR states, "The EKAPCD considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant." The implication here, that project-specific significance implies cumulative significance, is not equivalent to the implication assumed, that project-specific insignificance implies cumulative insignificance. The DEIR should reconsider its methodology and present substantial evidence for its conclusions of insignificance regarding cumulative air quality impacts

#17-33

IX RED ROCK CANYON STATE PARK

The expected 1% increase in visitor use as a result of the proposed land acquisition will impact the natural resources of nearby/adjacent Red Rock Canyon State Park. This approximately 27,000 acre is already suffering from lack of law enforcement and monitoring of illegal activity. A 2007 report was written by State Archeologist Michael Sampson on the effects of OHVs on archeological sites and selected natural resources in Red Rock Canyon State Park. The report found that "OHV use degraded, to varying degrees, all the archeological sites studied, and off-trail riding, an unpermitted activity, was a problem in a third of the sites studied." This report made several recommendations to minimize state park resource impacts, including a monitoring program for resources in the park.

Have these recommendations been implemented? What effect would increase visitor use as a result of the land acquisition have on implementation of these recommendations?

We urge the following:

- The Red Rock Canyon State Park General Plan must be completed before the state moves forward with acquisition plans. As the DEIR states (3.1.3.3), "revisions to the park's general plan were initiated in 2008 but have not been completed."

- The three Resource Sensitive Parcels (S-3, S-4, S-5) adjacent to and near Red Rock Canyon are prime candidates for addition to the park boundaries.

X PALEONTOLOGICAL RESOURCES

#17-34

The projected 1% increase in visitor use from the land acquisition may have an adverse impact on a significant fossil bed located within and adjacent to the project area. The "Dove Springs Formation" (formerly known as the Ricardo Formation) is a Miocene fossil bed that is generally 7 – 12 million years old. The Dove Springs Formation is comprised of vertebrate fossils such as land mammals, reptiles, and birds. It has been stated that this fossil bed is the best of its time-period west of Nebraska. It is recognized as a standard bearer of fossil beds, giving scientists a 5 million-year stratigraphy of the fossil record. Unfortunately, much of it is located within the Dove Springs Open Area. As a result, this important look into the past has suffered significant damage from OHV activity.

The DEIR has identified part of Parcel #D-2 as a Sensitive Resource Parcel. Parcel D-2 is adjacent to the western edge of the Dove Springs Open Area. It is important to document the other nearby acquisition parcels which may contain part of the Dove Springs Formation, such as D-1, the western portion of D-2, and D-3. Will the FEIR address the need to completely identify and document the fossil beds of all parcels which may have the potential for fossil-bearing stratigraphy? If the surveys reveal damage to fossil beds, will there be signage and route closures before the general plan is conducted?

XI PACIFIC CREST NATIONAL SCENIC TRAIL (PCT)

#17-35

In Table S-1 (Summary of Project Impacts and Mitigation Measures) it is stated that "implementation of Land Use Management Measures would more than offset any increase in intrusions associated with the 1% visitor use increase and is expected to reduce existing intrusion levels."

We disagree with this assessment of projected impacts to the already beleaguered and abused PCT as it passes west and north of Kelso Valley. The PCT has a long history of trespass from illegal OHV trespass. We suggest that state acquisition of the following parcels will only create increased trespass of OHV use due to current trespass already in the area:

1) L-1, L-2, L-3 (Landers Meadow area)

2) K-1, K-2 (near St. John Ridge)

3) K-3, K-4, K-7, B-1 (adjacent to the PCT and east of Kelso Valley Road)

4) K-8 (1 mile east of the PCT in the heavily forested area of Sorrell Peak of the Piute Mountains)

5) K-15 (less than a mile east of the PCT and overlapping the Jawbone Canyon Road)

#17-35

The PCT is for use by foot traffic and equestrian users only, and offers an experience of scenic solitude in this portion of the Southern Sierra Nevada. Noise, dust, and ground disturbance of trespassing OHV use is incompatible with the PCT experience. Every effort must be made to clearly separate these two very different outdoor forms of recreation. The Pacific Crest Trail resources deserve the highest protection from legal or illegal OHV intrusion.

#17-36

XII CONFLICTS WITH PASSIVE RECREATIONAL USERS

- **DEIR FAILS TO ADEQUATELY ADDRESS USER CONFLICT**

We have serious concerns because user conflict occurs on all public lands. For instance, Forest Service employees have, for years, been receiving comments of concern about the conflicts encountered, apprehensions, philosophical aversions, reduction or loss of the experience sought, and safety considerations expressed by hikers, back packers, and horsemen (non-mechanized users of the trails) when sharing trails with mechanized equipment users of trails in the adjacent National Forest. Moreover, individuals and organizations, including the Sierra Club, have reported their concerns over the years about the lack of safety and tranquility when high-speed motorized vehicles and bicycles share trails with non-motorized users. The Forest Service has documented many current objections about multiple-use trails in the Sequoia National Forest Trail Plan FEIS, on page 5 paragraph 3, under "Trail Use", where it states that, "Many people expressed concerns with shared use, especially on trails where motorized users, bicycles, horses, hikers, or skiers are mixed together." The motorized-users' intimidation of non-motorized users has, by itself, caused the loss of the experience sought by hikers, back packers and horsemen. Non-motorized trail users have stated that by requiring the coexistence of motorized and non-motorized trail access in the National Forest, the Forest Service is not fulfilling its obligation to manage the National Forest so as to avoid or even minimize user conflict.

The DEIR for the East Kern County Acquisition by the OHMVR Division makes inadequate statements about user conflict that cannot be considered adequate to address the concerns of the public.

DEIR page S-8 says, "A 1% increase in visitation would include visitors engaging in both motorized and non-motorized recreational activities, which could **increase potential conflicts between user groups**. The annual increase of 1,800 visitors equates to 35 visitors per weekend. Given the scale of the project area (28,275 acres), the increased use is **unlikely to result in increased interaction between motorized and non-motorized user groups.** Any increase in conflicts above baseline conditions would be considered negligible
Less than Significant Impact"

DEIR pages S-9 and S-10 say, "Acquisition of additional parcels would expand the expanse of uninterrupted public lands in the area, thus maintaining opportunities for future recreation, whether for **additional motorized or non-motorized uses**. In particular, acquiring additional parcels south of the current project area **would create a wider swath of buffer lands around the OHV area** and **minimize the potential for conflicts** between land uses. In addition, resource protection would be afforded to more sensitive cultural resource sites and special-status species habitat."

#17-36

DEIR page 2-2 says, "The primary objectives of the acquisition of the ReNu parcels are to: **Avoid conflicts by ensuring use and development of the lands are compatible with OHV recreation and public access**"

DEIR page 11-1 says, "This chapter describes the recreational opportunities in the project area and the **potential conflicts between motorized and non-motorized uses** created by the project. Changes in recreational opportunities are also discussed."

DEIR page 11-4 says, "To address the significance of the change in recreational opportunities created by the change in property ownership from private to public land, the following thresholds were used in addition to the CEQA thresholds identified above. Would the project:
• Significantly displace or reduce an existing recreational opportunity
• Create **conflicts between motorized and non-motorized recreation uses**"

DEIR page 11-6 says, "11.3.5 **Conflicts between Motorized and Non-motorized Use**
Motorized recreation has the potential to **conflict with non-motorized recreation** in a number of ways. **OHV use can be loud or disruptive** depending upon the engine type and riding habits of the OHV operator. OHV riding occurs on dirt trails or in open riding areas, which can kick up dust. **OHVs move at high speeds, which can create safety conflicts with non-motorized uses** if occurring in the same recreation area or sharing trails. OHV use can also intrude into areas reserved for non-motorized recreation as discussed in Chapter 3, Section 3.3.4.
No expansion of OHV recreation opportunities is proposed by the project; therefore, the project would not result in new OHV disruption of non-motorized recreation activities such as hiking, horseback riding, and camping." " Any increase in conflicts above baseline conditions would be considered negligible and therefore less than significant." "The project, in conjunction with USFS planning efforts in the Piute Mountains, **would not cause deterioration of facilities**, lead to the creation or expansion of recreational facilities, **or increase user conflicts**. By transferring a large extent of private land to public, recreation-oriented ownership, **the project would protect recreation opportunity and avoid conflicts that can occur when public access is curtailed on private lands**."

We have serious concerns regarding the conclusion that, "therefore, the project would not result in new OHV disruption of non-motorized recreation activities such as hiking, horseback riding, and camping." Just because there would be no new conflicts between motorized and non-motorized because the land was acquired, does not mean that there are no user conflicts to resolve by the new managers of the land. There are many conflicts between motorized and non-motorized users, which will eventually have to be resolved by isolating the noise from the quiet recreation.

- **NOISE POLLUTION EFFECTS ON PEOPLE**

#17-37

DEIS page 13-8 says, "The existing noise condition does not expose persons to noise levels in excess of standards established in the local general plan noise ordinance (Kern County). Currently no persons are exposed to excessive groundborne vibrations from ongoing activities on the properties."

We have serious concerns because the OHMVR Division must consider and analyze the impacts of noise on persons because the existing conditions are going to change, more OHVs are going to be in the area, and an analysis of the impacts of noise should have been done.

#17-38

XIII LAW ENFORCEMENT AND MONITORING

- **ENFORCEMENT FAILS WITHOUT UNIQUE IDENTIFIER FOR EACH OHV**

All OHV trail projects come down to one major concern that must be addressed – they do not have a unique identifier for each OHV or for each operator – so an enforcement officer or a member of the public who observes a violation has no way to report the violator because there is no license or name tag or number on a placard prominently displayed on the chest and back of each operator.

We have serious concerns because the State of California could require vehicle licensing in order to use the State land trail system and non-licensed OHVs could be prohibited.

Or in the alternative, California could, on entering the land, provide for each OHV operator two placards that must be displayed on the back and chest of each operator, so observers can, from a distance, easily identify each vehicle operator as they are traversing the trail system.

We have serious concerns because an alternative of using an electronic detection system could be considered.

FasTrak™ is an electronic toll collection system used on the San Francisco Bay Bridge that allows you to prepay your bridge tolls, eliminating the need to stop at the toll plaza. The system has three components: a transponder, which is placed inside your vehicle; an overhead antenna, which reads the transponder and deducts the toll from your prepaid account; and video cameras to identify toll evaders.

Radio-frequency identification (RFID) is the use of a wireless non-contact system that uses radio-frequency electromagnetic fields to transfer data from a tag attached to an object, for the purposes of automatic identification and tracking. Some tags require no battery and are powered and read at short ranges via magnetic fields (electromagnetic induction). Others use a local power source and emit radio waves (electromagnetic radiation at radio frequencies). The tag contains electronically stored information which may be read from up to several meters away. Unlike a bar code, the tag does not need to be within line of sight of the reader and may be embedded in the tracked object. RFID tags are used in many industries. An RFID tag attached to an automobile during production can be used to track its progress through the assembly line. Pharmaceuticals can be tracked through warehouses. Livestock and pets may have tags injected, allowing positive identification of the animal.

We have serious concerns because another alternative to consider would be a GPS tracking device. The combination of GPS and radio tracking found in the new Avalon GPS is now available to the falconry community. Falconers have long been calling for a system that would revolutionize how they track falcons and other birds. With the powerful new Avalon tracker, falconers can choose whether to use radio tracking or GPS to track their birds, giving them added

#17-38

control. Not only have we developed a radio-range that is up to three times larger than the range of other radio-tracking devices, but we have also developed a powerful GPS tracker and integrated it into the same system. http://www.tinyloc.com/us/avalongps.php

Because the GPS system is not dependent on cell phone coverage or any other network-based coverage system, bird handlers have the freedom to view the distance, direction and coordinates directly on a handheld receiver. You can also connect your receiver to a laptop to see the location of the transmitter on a topographic map (zone-dependent), making the Avalon system even more effective when tracking and locating your bird. A range of up to 60 km (37.3 miles) for radio tracking and 20 km (12.42 miles) for GPS tracking.

Another alternative to consider would be to put a drone in service over the OHV Trail System that detects any violation of the approved OHV trails and detects any user conflicts and detects the unique Infrared (IR) signature of the violator and alerts an enforcement officer to intervene in the conflict or apprehend the violator identified by his/her unique IR signature.

We have serious concerns because routes where OHVs are permitted must be designated by signage that indicates that this specific route is designated for OHVs. Clear signage is the only way to educate the trail users about who is permitted on a trail. Maps may be a way to inform the users, but a map is no substitute for on the ground signage that specifies who may use this trail.

- **CONCERNS ABOUT LAW ENFORCEMENT AND MONITORING**

#17-39

We sated in scoping comments on the acquisition that the proposed acquisition area of 28,500 acres will need additional law enforcement staff to both patrol the property and dispatch offenders. Adjacent Red Rock Canyon has suffered for years from a lack of adequate law enforcement personnel. As a result, natural resources have been degraded.

We have serious concerns because permanent and reliable funding must be allocated for an appropriate law enforcement staff to monitor the acquisition lands.

DEIR page S-5 says, “No cross-country travel shall be allowed outside of the OHV Open Areas. The OHMVR Division shall provide law enforcement presence during busy weekends and holiday periods; 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.
Impact Remains Significant After Mitigation”

DEIR page S-11 says,
“The following issues were most prominent in the agency and public comments (see Section 1.4):
• Effects on existing livestock grazing
• Pacific Crest Trail trespass by OHVs
• Effects of OHV recreation on Red Rock Canyon State Park
• Whether expanded OHV opportunities or other development would occur within the acquired parcels
• Protection of sensitive biological and cultural resources

#17-39

• Adequate staffing and law enforcement
• The project as an alternative to expanded wind energy development
• Overall transparency of the acquisition and planning process"

DEIR page 2-2 says "Acquisition of the ReNu parcels would provide more comprehensive management of OHV recreation throughout the area as it would greatly reduce the public-private land checkerboard, allowing land managers full access to what are currently private lands to manage existing uses, protect sensitive resources, and provide law enforcement."

DEIR page 2-7 says, "Visitation in the project area, which is primarily for OHV and other recreation, was approximately 178,000 in 2012 and has averaged 184,000 since 2003 (when BLM recorded almost 180,000 visits; BLM 2013). There is no obvious visitation growth trend, and no activities or facilities are proposed in this acquisition project that would attract additional visitors. Expanded law enforcement could encourage some new visitors but may in fact discourage others. It is possible, however, that public interest in OHMVR Division ownership of the property and in a future planning process for the park could attract a slight increase in visitation to the project area. To account for this possibility, this EIR assumes that annual visitation will increase 1% from 2012 specifically due to the acquisition project. If 2012 visitation is rounded up to 180,000 visitors, this acquisition project would thus add 1,800 visitors to the project area."

DEIR page 2-8 says, "Table 2-1. Summary of Management Measures
LAND USE (Section 3.3.2):
OHV Travel Route Designations. Identify areas of unauthorized OHV use and develop a response plan (e.g., restoration, signage, barriers, educational kiosks, and law enforcement).
Public Education. Post OHV opportunities and regulations throughout the property. Explore partnering with other agencies and organizations for public education on OHV recreation issues.
Law Enforcement Program. Work jointly with local authorities and federal agencies to address multi-jurisdictional issues. Assess needs and assign law enforcement to provide daily patrols.
Pacific Crest Trail Corridor Protection. Collaborate with USFS and BLM to manage OHV recreation on state lands in a manner compatible with Pacific Crest Trail corridor."

DEIR page 2-10 says, "Law Enforcement and Education Program. Staff the project area with peace officers to educate the public on appropriate recreation and cite illegal uses, equipment, and conduct."

DEIR page 11-4 says, "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."

DEIR page 2-11 says, "The OHMVR Division would assume responsibility for management of the existing uses within the 59 parcels, including management of OHV and other recreational uses on designated routes through the parcels, enforcement of laws and regulations, protection of sensitive resources (biological and cultural), and support of existing livestock grazing as prescribed in current grazing permits."

#17-39

DEIR page 3-9 says, "Close unauthorized OHV use trails and clearly mark closed routes; conduct patrols to enforce these closures"

DEIR page 3-11 says, "OHMVR Division staff informed the commission that residents living in the vicinity of the Pacific Crest Trail in Kern County have concerns regarding adequate patrol and enforcement of OHV laws on the trail. Past efforts have included joint strike-team responses coordinated with local and federal agencies, as well as periodic enforcement efforts by the OHMVR Division and other law enforcement entities (Robertson 2012)."

DEIR page 3-13 says, "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."

DEIR pages 3-12 and 3-13 say, "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."

We have serious concerns because maps of the area's trails and closed areas may be good while an OHV rider is looking at the map. But retention of the data when the OHV rider is flying down a trail may be lost in the attempt to maintain speed. The best way to indicate on which trails an OHV rider can travel is to have signage at the beginnings and intersections of each trail that specifies which user type can sue this trail, so the OHV rider knows that OHVs are legal on the trail that is about to be accessed. The OHV rider would know it is illegal to access a trail when there is no sign that indicates that OHVs are permitted on this trail.

We have serious concerns because posting signage to indicate that a trail is closed to OHVs will not work to prevent OHV access. The OHMVR Division efforts to post closed signs can be thwarted by simply removing the signs and tossing them into the bushes. It is much more difficult for an OHV rider to illegally post legal signs that indicate that a trail is open for OHV access.

#17-40

DEIR page 3-13 says, "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."

DEIR page 3-14 says, "Closure of unauthorized access points and travel routes through implementation trail signage, educational outreach, vehicle barriers at unauthorized points of entry, and law enforcement patrols would minimize the number of OHV incursions into non-

#17-40

designated areas of Red Rock Canyon State Park that may originate from the ReNu parcels. With the Management Measures in place, the project's contribution toward unauthorized OHV use at Red Rock Canyon State Park would be less than significant."

DEIR page 6-54 says, "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."

DEIR page 5-56 says, "Additionally, the OHMVR Division shall increase enforcement of off-route travel and provide educational materials to visitors regarding tortoise presence. However, even with this mitigation measure in place, the potential for take of desert tortoise cannot be eliminated."

We have serious concerns because the OHMVR Division should consider installing a drone over the OHV Trail System that detects any violation of the approved OHV trails to protect the desert tortoise and detect any user conflicts and detect the unique Infrared (IR) signature of the violator and alerts an enforcement officer to intervene in any conflict or apprehend the violator identified by his/her unique IR signature.

We have serious concerns because personal penalties must be liberally dispensed to individual OHV riders who violate the restrictions along with trail closures for all OHV riders, or there will be no desert tortoise remaining in the area.

#17-41

XIV <u>NEED FOR CLEAR SIGNAGE</u>

We have serious concerns because the routes where OHV are permitted must be designated by better signage that indicates that these specific routes are designated for OHVs. Such signage is not currently present, yet motorized users are clearly evident based on the ground disturbance that results when these OHVs widen the trail as they drive off the route.

For example, Sequoia National Forest trail 32E49 – not in the land proposed for management by the OHMVR Division, is an example of a route that is poorly signed and being damaged by OHVs that do not stay on the trails. *See* Photographs below.

#17-41

Route 32E49 Signage

Route 32E49 Damage from Motorcycles

#17-42

XV GREENHOUSE GAS EMISSIONS ISSUE

"**9.4 CUMULATIVE IMPACTS**
As discussed in Section 9.3 above, the project's potential increase in GHG emissions would be less than significant and the project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions."
"**9.5 MITIGATION MEASURES**
The above analysis identifies that direct and indirect emissions associated with the project conditions would not result in any individual or cumulatively significant impacts. No mitigation measures are required."

#17-42 We differ with the conclusions that a 1% increase in produced greenhouse gasses (GHGs) would be less than significant when all emissions are to be reduced and no mitigation measures are required.

We believe this analysis is in error because a 1% increase in GHGs is going in a completely opposite direction from the required decrease in GHG emissions. Therefore, we propose mitigation in the following form:

Preserve all forested lands of this OHMVR Division acquisition to offset Greenhouse gasses per acre for mitigation impacts to compensate for increased rather than decreased global warming greenhouse gasses.

CONCLUSION

#17-43 In conclusion, the Kern-Kaweah Chapter, Sierra Club, wishes to express that our deepest concern is for the adequate and appropriate protection of the natural resources of the parcels within the proposed OHMVR Division Eastern Kern County Property Land Acquisition.

The natural resources within the project area have suffered the abuses of a multitude of human-related activities: OHV trespass, over-grazing, and illegal hunting, to name a few. Currently, wind farm development to the south of the project area has also impacted native species, adding to the cumulative adverse impacts on natural resources within the greater Kelso Valley area and eastern edge of the Piute Mountains.

The OHMVR Division, as a sub-agency of the California Department of State Parks and Recreation, should be expected to be the role model of CEQA compliance in spirit as well as the letter of the law. California's natural resources must be protected by application of the highest standards of conservation, science, and legislative intent.

The Kern-Kaweah Chapter appreciates this opportunity to comment on the DEIR for the Eastern Kern County Property Acquisition.

Sincerely,

Stephen A. Montgomery
Chair - Assistant to the Treasurer
Kern-Kaweah Chapter Sierra Club
P O Box 3357
Bakersfield CA 93385
661-496-6585
samonty@pacbell.net

And

Yours respectfully,

Michael J. Connor, Ph.D.
California Director
Western Watersheds Project
P.O. Box 2364
Reseda, CA 91337
(818) 345-0425
mjconnor@westernwatersheds.org

Comment Letter #18A: Stewards of the Sequoia

STEWARDS OF THE SEQUOIA

Division of CTUC non profit 501c3
PO Box 1246
Wofford Heights CA 93285

February 21, 2013

OHMVR
PO Box 942896
Sacramento, CA 94296-0001

Re Jawbone Land Acquisition

Dear Division Chief Jenkins,

#18-1 We support the acquisition of lands in Jawbone for continued OHV recreation and grazing. This acquisition will benefit the environment and the public by consolidating management under State Parks, instead of the current checkerboard of BLM and private lands.

However there is a huge need for building single track motorized trails within this area. The existing single track trails have been widened to road width or closed, so there is little or no single track motorized recreation opportunity in this area where the public is directed to enjoy OHV recreation. The building of trails is also necessary in order to reduce impacts by dispersing motorized recreation over a broader trail system.

I understand there are in excess of 80,000 off roaders recreating in the Jawbone area on holiday weekends. Yet there are less than 200 miles of route for them to recreate on. This overcrowding of routes needs to be addressed in the EIR by including building more routes.

At the 8/2/12 meeting in Jawbone both The Nature Conservancy and Audubon Society openly supported the building of single track motorized trails as necessary in order to provide enough opportunity to keep people on the trail system and reduce impacts.

The EIR should include a statement on the need to expand single track motorized trail opportunity. Without this it may be more difficult to include building trails in your future General Plan for the area. This acquisition represents a large investment of the OHV recreating public's dollars. It is imperative that investment should include the written intention of building motorized trails on acquisition lands.

Sincerely,

Chris Horgan
Executive Director
Stewards of the Sequoia
Division of CTUC 501c3 non profit
chris@stewardsofthesequoia.org

"Since being founded in 2004, Stewards of the Sequoia continues to be the largest on-the-ground organization of volunteers in the Sequoia National Forest. Our crews have maintained over 1900 miles of trails and have planted hundreds of trees in reforestation projects. We represent in excess of 2500 members whose activities include camping, hunting, fishing, hiking, mountain biking, motorized recreation, boating, windsurfing, rock climbing and horse riding"

Promoting Responsible Recreation & Environmental Stewardship

EKCA DEIR

Comment Letter #18B: Stewards of the Sequoia

Attachments	
	Piute Loops & trail na...

From: Chris Horgan-Stewards of the Sequoia [chris@stewardsofthesequoia.org]
Received: Friday, 15 Mar 2013, 12:29pm
To: Canfield, Dan@Parks [Dan.Canfield@parks.ca.gov]
CC: Bruce Miller [mcnut@bak.rr.com]
Subject: Piute Single Track

Hi Dan

In order to help you identify existing trails attached is our Stewards loop opportunity map showing the existing trails in the Piutes from our 2008 inventory

#18-2 I believe the Saddle Trail as well as Sorrel Peak trail and perhaps a small portion of Jawbone trail may be on the lands you are purchasing

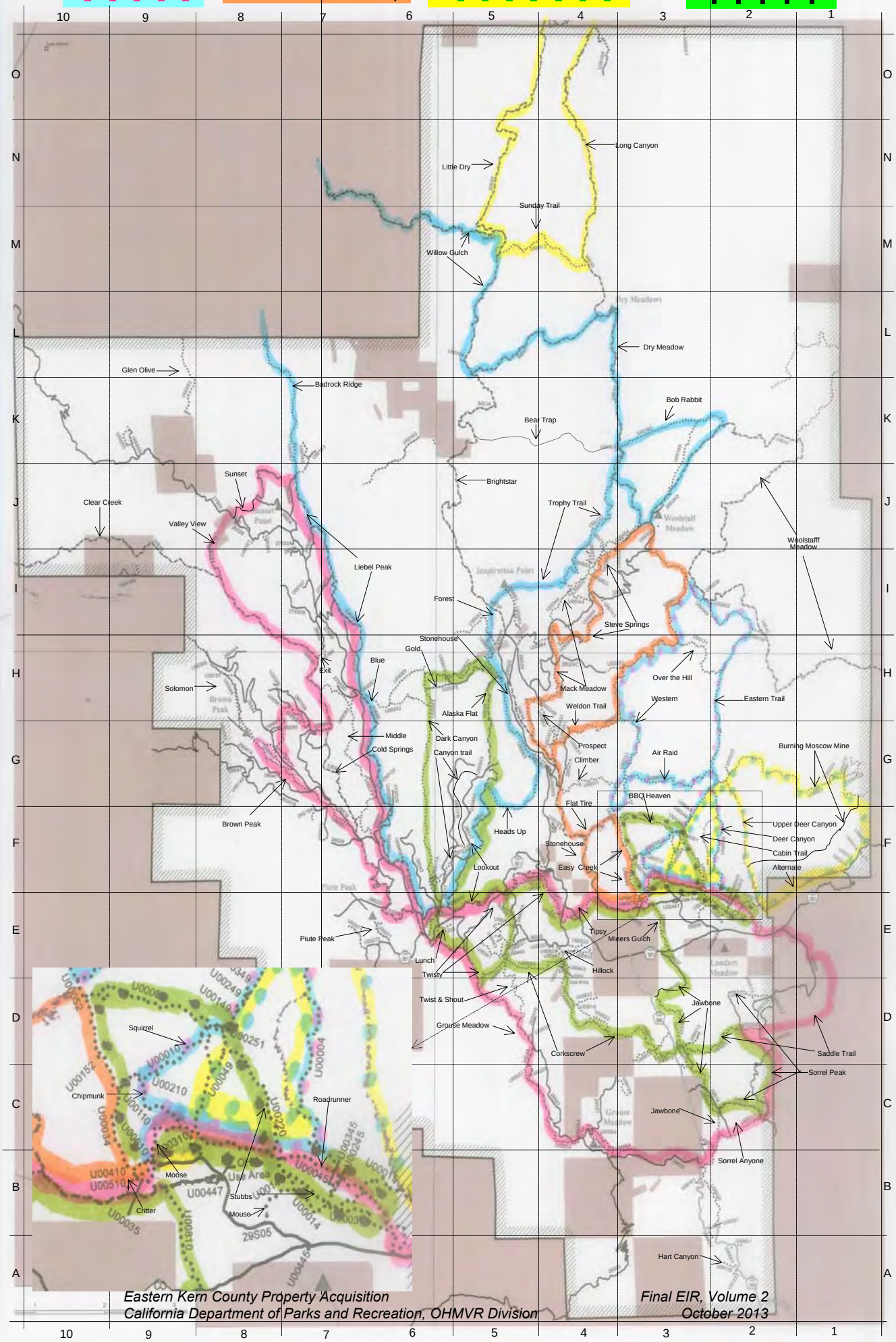
#18-3
- We would like to see all trails that exist on the purchase lands remain open. Will the EIR ensure that?

#18-4
- We would still like to see the EIR include a statement regarding building of more single track built in the Jawbone area.

#18-5 I particularly liked your concept of a gatekeeper system of single track with expert trails at the bottom of the hill with signs letting people know the level of difficulty, that the degree of difficulty does not ease off and that there are no exit trails.

--
Chris Horgan
Executive Director
Stewards of the Sequoia
Division of CTUC 501c3 Non Profit

Millennium Loop
Weldon Loop
Rim of the World
The Grand Loop
Landers Loop
Sierra Nevada Loop
Burning Moscow Loop
Labyrinth Loop



Comment Letter #19: The Nature Conservancy

The Nature Conservancy
Protecting nature. Preserving life.™

601 S. Figueroa St., Ste. 1425
Los Angeles, CA 90017

April 1, 2013

Mr. Peter Jones
Park and Recreation Specialist
P.O. Box 1360
Lebec, CA 93243

RE: State of California, Department of Parks and Recreation Off-Highway Motor Vehicle Recreation Division (OHMVRD) and Eastern Kern County (Onyx, or ReNu) Property Acquisition Draft EIR (DEIR)

Dear Mr. Jones:

#19-1 The Nature Conservancy (TNC) is an international conservation organization dedicated to preserving the lands and waters upon which all life depends. TNC has long worked to protect lands and biodiversity resources in the Mojave Desert. Onyx Ranch, a portion of which the OHMVRD proposes to acquire from ReNu Resources in the transaction evaluated in this draft EIR, contains very high value conservation targets. Among other key aspects, the ranch's lands connect the Mojave Desert to the Tehachapi and southern Sierra Mountains, and comprise an important migration corridor for birds--as well as other plants and animals moving seasonally among habitats, or as climate change forces long-term elevational shifts in species ranges. In fact, prior to the OHMVRD proposed acquisition, for over a decade, TNC had sought to protect the ranch to maintain its ecological communities and values.

On balance and with important conditions, TNC supports the OHMVRD's proposed acquisition of the Onyx ReNu acreage. We believe that substantial changes need to be made to the content of the draft EIR and to the Division's interim plan for and management of the acquired lands and adjoining public lands.

#19-2 TNC's conditional support for the acquisition is based in part on the Division's commitment that renewable energy facilities—especially wind turbines—will be excluded from the acquired lands. TNC believes that that commitment needs to be clearly stated, permanent, and legally enforceable by third parties.

Our support is founded on the Division ensuring that off highway vehicle use of the ReNu parcels and surrounding lands managed by the BLM and California Division of State Parks and Recreation (CDPR) is appropriately managed—to remedy the unauthorized vehicular uses now occurring on these lands. We are particularly concerned about how motorized access to these lands will be managed after the acquisition, given the apparent difficulties the Division will face in closing off illegal routes branching from legal ones. We request that the Division discuss in detail in the Final EIR how this issue will be handled.

#19-3

The Final EIR should commit the Division to provide specific restoration, management, and enforcement resources to the area—in this respect, the management model and level of restoration and enforcement resources provided at the Hungry Valley State Off Highway Vehicle Recreation Area provide excellent prototypes, and we urge the Division to agree to follow this example. While the DEIR does state that the Division will provide enforcement patrols and other resources to the area post acquisition[1], the commitment is not sufficiently specific and the DEIR analysis is accordingly vague about impacts on the area resulting from the acquisition. One key example: the DEIR analysis of effects is based upon the assumption that OHV use will increase by no more than a 1%. This assumption appears to be largely unsupported, and may well be incorrect given the attractiveness of the Onyx/ReNu lands, the possible closure of other OHV access areas in the Mojave Desert (e.g., Johnson Valley) and a rebound in the economy. The Final EIR should include an analysis of the impacts of possible significant increases in ridership.

#19-4

We do applaud the Division's express agreements in the DEIR regarding use of the acquisition lands pending completion of a formal land use management planning process[2]:

> *Upon OHMVR Division acquisition, existing uses occurring on the property as identified in Section 2.4 would continue. No changes in land uses are proposed. No expansion of open riding or the existing route network is proposed. No new points of access to the project property are proposed.*
>
> *The acquisition project does not propose construction of new facilities to support the existing land uses, although minor projects are foreseeable, such as repairs to existing facilities, installing vault toilets, kiosks, and signage, or ensuring ADA compliance at existing facilities. Such minor projects could be proposed prior to completion of a general plan. Additionally, some existing trails, including non-motorized trails, could require minor trail realignments to address localized erosion or avoid a sensitive resource. These changes would be subject to subsequent environmental review and CEQA compliance.*

The Final EIR should also include a specific, firm commitment to commencement and completion of the general planning process by a date certain, a commitment absent from the DEIR.

#19-5

The ReNu Onyx lands interfinger with and abut BLM lands, including two open access OHV areas—Jawbone Canyon and Dove Springs-- which are currently principally managed by a non-profit organization, Friend of Jawbone Canyon (FJC). In addition, the ReNu Onyx lands and BLM open OHV areas are proximate to and linked by roads to Red Rock Canyon State Park, which has suffered damage caused by unauthorized vehicular access to closed lands and park resources[3].

TNC strongly urges that the final EIR analyze options for interim improvements in management coordination and corrective actions among all of these entities, with a view to limiting further unauthorized vehicular access

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[1] E.g., DEIR 3-13 states, "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."

[2] At Page 2-11, the DEIR notes that the scope of the EIR is limited to direct or indirect physical changes in the environment resulting from the proposed change in property ownership and OHMVR Division management of the lands. Therefore, ongoing lawful OHV and other recreation, cattle grazing, and other activities currently taking place on the parcels, including OHV travel outside of designated areas, are presented in the environmental setting of the EIR chapters as existing baseline conditions for the project analysis. Unauthorized or illegal OHV access cannot be considered as a baseline condition.

[3] In 2007, a report was written by State Archaeologist Michael Sampson on the effect of OHVs on archaeological sites and selected natural resources in Red Rock Canyon State Park (CDPR 2012). The report found that OHV use degraded, to a varying degree, all the archaeological sites studied, and off-trail riding, an unpermitted activity, was a problem at a third of the sites studied.

(especially to Red Rock State Park[4] and ecologically important areas). The analysis should include a review of and exploration of improvements to the existing trail system, open areas and changes in use patterns to avoid damage to sensitive resources and halt erosion. It should also consider more optimal allocations of financial and other resources for the entire area.

There are presently a limited amount of road miles and designated routes and open riding areas that run through the property. Most of these uses are concentrated in the eastern portion of the property, and it should be a priority to eliminate unauthorized uses in area away from legal access areas. This should result in nearly 18 sections in the western portion of the property being managed exclusively for resource protection, as only public roads run through the area. Additionally, nearly 4 sections in the eastern portion of the property have no authorized uses. In total, roughly half of the acquisition area is not in close proximity to authorized OHV use areas and should be managed exclusively for resource protection.

Prior to future completion of agreements with BLM, FJC and CDPR, and the final general plan for the ReNu OHV area and Red Rocks State Park (revisions to the park's general plan were initiated in 2008 but have not been completed), the DEIR leaves open serious questions about how vehicular access to the combined areas will be managed and how additional harm to resources will be limited. The Final EIR must include the analysis of connected actions and cumulative effects that are related to this acquisition, which include consideration of how the BLM open areas and Red Rocks State Park may be affected by the proposed acquisition.

Thus, OHMRVD and BLM should, with participation of other interested entities, seek to implement as soon as possible unitary management and control of Jawbone Canyon, Dove Springs and the ReNu Onyx and BLM lands to ensure that the OHV open access areas in the larger area provide both a high quality riding experience but at the same time define and protect ecological, cultural and other resources. The Final EIR should fully analyze the possible structure, benefits, and impacts of such a joint management scheme.

#19-6

TNC believes that a third alternative, not analyzed in the DEIR, should be selected—a hybrid between the DEIR preferred alternative and the Exclusion for Resource Protection Alternative. This alternative would focus on reducing the impacts of unauthorized OHV use on known resources prior to the general plan adoption, while resolving issues related to grazing management in the general plan. While many of the management actions discussed for adoption in the DEIR under the current alternative indicate that the Division intends to protect ecological and other resources, we are very troubled by the conditional language employed in the DEIR and the lack of a clearly stated priority for and commitment to resources protection.[5]

The Project has TNC's support if, and only if, the following criteria are met:

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[4] The DEIR at 3-14 notes that "Closure of unauthorized access points and travel routes through implementation of trail signage, educational outreach, vehicle barriers at unauthorized points of entry, and law enforcement patrols would minimize the number of OHV incursions into non-designated areas of Red Rock Canyon State Park that may originate from the ReNu parcels." These actions should be implemented upon acquisition of the ReNu lands.

[5] As an example, on page S-3 of the DEIR, when discussing impacts to biological resources, it currently reads "resource protection measures implemented by the OHMVR Division could be located where special-status species or sensitive habitat areas are known to occur." The conditional "could" is inadequate here; moreover, this lack of clear commitment to resource protection appears elsewhere in the DEIR when describing the development of plans to deal with problems. The DEIR seldom states that the Division "will" implement plans, instead stating that the Division "could" take the proposed action, making resource protection a secondary priority and minimizing the Division's enforceable obligations.

#19-7 1. No new infrastructure, development, transmission line, or utilities can developed on the acquired land, except as necessary for the management of public recreation in the form of OHV use, camping, hiking, mountain biking and horse back riding.
   a. No renewable energy projects are permitted on the ReNu/Onyx lands after acquisition by the state.
   b. No transmission lines are permitted on the lands after acquisition by the state.

#19-8 2. There is cooperative management of the adjacent BLM lands with BLM and Friends of Jawbone to increase the success of management actions in this multiple ownership landscape

#19-9 3. Adequate immediate and long-term staffing will be available for management:
   a. As stated in S.3.1 on page S-8, law enforcement resources are increased
   b. Adequate staffing and law enforcement will be available to ensure all commitments in the DEIR can be met, concentrating on natural and cultural resource protection as stated on page 3-13 and minimizing impacts to Red Rocks State Park (page 3-14).
   c. As stated on page 2-8, law enforcement will be assigned and provide daily patrols.

#19-10 4. As stated on page 2-3 "Outside of the open management areas, vehicular travel is permitted only on designated routes of travel," and those limits will be adequately enforced.

#19-11 5. No areas of the project can be used as mitigation for the DRECP or in any other way allow greater development in the regional planning area.

#19-12 6. Resource protection must be a stated primary, and not a secondary, objective of the Project. [6] Resource protection cannot be a secondary priority of the Project.

#19-13 7. Division commitments stated in the DEIR must be fully honored[7].

#19-14 8. Resource management will be implemented to protect sensitive resource from unauthorized OHV use prior to the development of a general plan. Management actions (e.g., as stated on page 2-7 of the DEIR) must be implemented to benefit natural and cultural resources by installing and maintaining sensitive habitat protection fences, closure areas, wildlife monitoring and management, vegetation management, exotic pest plant removal and restoration plantings before the development of a general plan. Resource management must also include:
   a. Although impacts to desert tortoise cannot be reduced below significance, OHV impacts to this species must be reduced through eliminating unauthorized use in known occupied areas. (Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management).
   b. Protection of areas known to be occupied by Mohave ground squirrel from unauthorized OHV impacts. (Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management).
   c. Protection of known springs, wetlands and riparian areas from all OHV impacts. (Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management).
   d. Protection of known populations of rare plants from unauthorized OHV impacts.

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[6] As one example, on Page 2-2 "Transfer important springs, riparian areas, and other sensitive resource areas to the public" should read, "Transfer important springs, riparian areas, and other sensitive resource areas to the public to ensure long-term protection through appropriate monitoring and stewardship."

[7] An example: on Page 3-12 of the DEIR "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." This and other commitments must be implemented

e. Efforts to eliminate OHV impacts to areas outside of open areas with no designated trails/routes that overlap with sensitive species habitat and springs and riparian areas.

#19-15 f. As discussed on S-11, although we agree it is advantageous to have more information in hand before defining the overall management strategies needed for resource protection, there are existing, pressing problems that need to be addressed prior to being defined in a general plan and thus must receive attention prior to the plan is completed. An example of an existing problem that needs to be addressed immediately is frequent off-trail use in areas with areas of known high resource value.

#19-16 g. The TNC preferred Alternative, as noted above, is a hybrid between the preferred and the Exclusion for Resource Protection Alternative that focuses on reducing the impacts of unauthorized OHV use on known resources prior to the general plan adoption, while leaving issues related to grazing until that time.

#19-17 9. State Parks and the Division must address the issue of OHV use on Red Rock Canyon State Park and ensure that management of the ReNu Onyx acquisition results in a net benefit to the resource on that park by reducing trespassing and decreasing the demand for OHV use in that park.

#19-18 10. Strictly following the management model at Hungry Valley.

#19-19 11. Ensure that all management activities, future projects and designated routes and open riding areas are designed and managed in such a manner as to minimize impediments to wildlife movement and bird migrations.

Thank you for this opportunity to comment. We look forward to working with the Division to make this acquisition a successful example of collaborative development between off highway vehicle use and ecological resource protection. If you have questions of wish to discuss matters raised in these comments, please get in touch with Zachary Principe, Ecoregional Ecologist at zpricipe@tnc.org or Bill Christian, Project Director, at bchristian@tnc.org.

Sincerely,

Alfredo Gonzalez
Regional Director
South Coasts and Deserts

Comment Letter #20: Nuri Benet-Pierce

From: Nuri Benet Pierce
To: Jones, Peter@Parks
Subject: Comments to proposed purchase Kern (email copy of printed letter in the mail)
Date: Sunday, March 17, 2013 12:35:49 PM

Mr. Peter Jones
Park and Recreation Specialist
PO. Box 1360
Lebec, CA 93243
(661) 248 7007
Peter.Jones@parks.ca.gov

March 17, 2013

Dear Sir,

I have visited the area with the purpose of exploring Landers Meadow and other high altitude meadows in Kern Co for the last three years, in the search of two undescribed plant taxa of the Genus *Chenopodium,* (Chenopodiaceae). The area is very rich and still unexplored beyond the initial surveys many years ago.

During this time, I have been greatly impressed by the wealth of biological resources we have encountered. The beauty of this region is surprisingly unparalleled and little known, and although some land can appear rather sparse, it is nevertheless rich in diverse vegetation and wildlife. Its plants are magnificently adapted to cold, heat and drought even if this is a difficult combination of challenging conditions for any plant as it is for any animal too. So the environment is as fragile as it is beautiful.

#20-1 Just recently I became aware of the proposed purchase of this large area of land and have become concerned that the breadth of this proposed purchase would affect the area much more seriously than it is anticipated. It was not clear to me where the 1% of increase of anticipated OHMV users in the EIR, is derived from. But if this purchase proceeds, and all these parcels are dedicated to OHMV use, usage is bound to increase dramatically, and, sooner or later the area will suffer immensely. The whole project area could be jeopardy, as, by its nature, OHMV recreation is highly destructive.

#20-2 Understandably, this region is very popular with OHMV enthusiasts, and undoubtedly they hold it in great esteem, or in all likelihood they would be riding on a track back home. But their sport is by nature destructive and should be limited accordingly, as it precludes any other use. It interferes with the ecosystem; it interferes with cattle grazing, with hiking and bird watching. Given the damaging effects of OHMV use, it makes more sense to keep upgrading riding trails already in use; to employ more resources to enhance smaller areas over and over again after so much destruction, so

#20-2 that riders can continue to enjoy the rough ride rather than opening more and more areas to irreparable destruction. Because after an area has been used for OHMV vehicles, the land is eroded and devoid of life: this is the nature of the sport.

#20-3 Given the large area in the proposal, pervasive OHMV use will greatly increase fragmentation and degradation of habitat over that large area, and would, in effect, block the necessary connectivity, especially for plants, first of all between parcels, and then further, between two rich biological areas to the East and West; species will experience increased challenges in survival, reproduction and dispersal. This patchwork of parcels, by remaining in varied ownership, might still provide a necessary buffer from more OHMV use.

#20-4 The increase use of trails for OHMV will surely invite more invasive species too, all of these being cumulative effects for plants and animals already severely impacted by cattle grazing, present OHMV damage and water scarcity. In addition, it is likely that once this land is under government control, more wind and solar energy projects will be approved - in accordance to the multipurpose use of the land – which are bound to represent a compound effect and cause irreparable damage to the corridor. All of this of course can't even be addressed, as long as that 1%, that appears unsubstantiated, is offered as a likely scenario and future developments are not considered.

#20-5 As the EIR states, it will have significant impacts on biodiversity, as OHMV use is highly disturbing of any wildlife, even if a great number of measures are not taken parcel by parcel. These are likely never to occur, as we well know how limited biological surveys are, due to the difficulties to visit the land often and long enough, and through the different cycles of life of the incredible number of species as it is needed, to be meaningful. Therefore the protections become moot. Again, this should be viewed parcel by parcel, but as the report hinges on that **1%,** a number that needs to be further substantiated, otherwise, an impact should be considered an impact.

#20-6 The list of biological resources in the EIR is most impressive and extensively documents the wealth of biological resources of the area but in reality, most of the region has not yet been fully explored by scientists. Increased biodiversity is likely to be found, as scholars continue to advance science. In my case alone, I have already found two un-described taxa, and there will be more, as I continue along my work revising the Genus *Chenopodium* in the Western North America. It is possible that all of them will be classified as rare. See MADRONO, Vol. 57, No. 1, pp. 64–72, 2010 CHENOPODIUM LITTOREUM (CHENOPODIACEAE), A NEW GOOSEFOOT FROM DUNES OF SOUTH-CENTRAL COASTAL CALIFORNIA. *Chenopodium*, we believe, play an important role with arthropod life and therefore are of consideration in the health of an ecosystem. Although I have read the very well intentioned plan of cordoning sensitive areas from ORV damage, it can't be forgotten that isolated areas suffer incredible challenges, even if cordoned off.

The reduced purchase option was not selected, as the purpose of the proposed

#20-7 purchase is, in fact, to increase the land area for OHMV use. But all arguments rest on that 1 % increase usage, which is of doubtful origin. In fact, when such a destructive activity is concerned, less may very well be better, particularly if funds are available and used to continue to enhance and improve the land used for OHMV, instead of opening more each time. The sport can be properly and fairly supported with more regard to a healthy environment.

#20-8 A reduced option has been rejected or not considered jointly with improvements. Leaving Landers Meadow and other sensitive areas out of the purchase as in the Reduced Option could result in much richer and improved biological resources, in particular when this sport is so destructive, and this land is so incredibly rich in bio-resources. I am sure this is the reason why OHMV enthusiasts also like it. By not restoring destroyed ecosystems, and expanding use of larger areas instead, they themselves are depriving future generations of the same enjoyment they are now having. Opening more land to OHMV just results in more impoverished land, and a larger impacted land means reduced possibilities for wildlife and plants to sustain themselves. We all lose.

Thank you very much for allowing me to comment on this important proposed purchase.

Nuri Benet-Pierce

Research Associate, Botany
Biology Department
10746 Melva Rd
La Mesa, CA 91941

Comment Letter #21A: Norman L. Beze

From: Beze, Norman L
To: Canfield, Dan@Parks; Jones, Peter@Parks
Cc: scotts4hire@aol.com
Subject: Comment on Land Acquisition at Jawbone
Date: Thursday, March 21, 2013 8:13:11 PM
Attachments: Jawbone Tracks.gdb

Dear Sirs: Dan Canfield & Peter Jones,

#21-1

Please read and consider the letter below from Scott and fully supported by myself and the rest of the Jawbone Canyon Store Trail Plan team. We represent the voice of those many supporters and are hereby submitting a plan for recognizing some of the existing single-track trails traversing the proposed parcels for purchase by the State of California plus those already controlled by the BLM. We would appreciate your consideration of the plan and related GPS tracks we have located at the below link…

Jawbone Canyon Store Trail Plan link:

http://stewardsofthesequoia.org/PDF/JawboneCanyonTrailSystemProposal.pdf

GPS tracks:

(Please see attached file)

See #30-1

Dear Mr Canfield & Mr. Jones,my name is Scott Spencer,and I'm the owner of the Jawbone Canyon Store.I'm very excited about the land purchase in our area.Although I haven't read the EIR,I'm concerned about language in the description that vaguely states new routes [trails] aren't part of the planning for this area.I'm surprised by this,because I would hope that a trail system,especially single track,is a vital component of developing this area for off road recreation.This is a huge purchase,and the off road riding public is growing frustrated in the way green sticker dollars are spent to close trails that have historically been open for decades.It seems to me [and my many customers] that there is now an opportunity to address the complete lack of a well designed trail system.We have proposed such a system to the BLM,and now I believe it has been forwarded to your dept.It is called the "Jawbone Canyon Store Trail Plan."I hope you will give ernest consideration to this carefully crafted plan,which has been endorsed by off road organizations and hundreds of riders.I can't imagine that when the state purchased the Hungry Valley property the thought existed that new trails wouldn't be added.There is a vital need to add trails at Jawbone,the road system currently in place is simply too dangerous for a variety of off roaders who may encounter a buggy or side by side vehicle coming at high speed in the opposite direction.I would be happy to show you the existing problems and suggest solutions for our beautiful area.Please feel free to contact me with any questions you may have at 818 674-2132.Please respond to this e-mail so I know you received it.Thanks for listening,Scott Spencer

http://stewardsofthesequoia.org/PDF/JawboneCanyonTrailSystemProposal.pdf

Jawbone Canyon Store Trail System Team

April 6, 2012

Scott Spencer
7696 Lilac Lane
Santa Susana, CA 93063
Owner, Jawbone Canyon Store
Email: scotts4hire@aol.com

West Mojave Route Network Project
Attn: Charlee Christe
WEMO Routes Project Team
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553
Email: cawemopa@blm.gov

RE: Comment on West Mojave Route Network

Dear BLM Planners,

Please read and consider the following proposal for the Jawbone Canyon Trail System as part of the West Mojave Route Network scoping. Please include this comment in the public record.

Other organizations have signed at the bottom of this proposal to indicate their support. They may also want to submit their own comments and their signing of this comment will not prevent them from doing so.

The pictures and GPS tracks included in this proposal were taken years ago prior to the BLM posting these routes as closed. The signers of the proposal and the Jawbone Canyon Store Trail System Team do not support or condone illegal trail use.

We look forward to working with the BLM to create a legal trail system which provides the recreation opportunity needed by the public.

Sincerely

Scott Spencer

Jawbone Canyon Single Trail System Proposal

Proposed
"Jawbone Canyon Store Trail System"

As outdoor enthusiasts, one of the unique experiences we never tire of is the feeling of awe you get when riding, bicycling or horseback-riding a narrow trail and you crest a peak to see a vista spread before you framed by snow-capped mountains with no people or man-made structures in sight, just nature at it's grandest. When this happens to one may stop to take it all in and realize this is exactly how it looked to Native Americans and eventually the very first western explorers. This type of amazing vista exists around Jawbone and by creatively designing a trail system that allows users of all types access to these vistas and overlooks that are currently inaccessible, generations of active environmentalists will be created who will appreciate and protect this area as their own.

The difference between trails like the type just described and the dirt road system we now have cannot be over-emphasized. A rated system of trails that allows users to explore this spectacular range of terrain will continue to bring the young and old to this area from all parts of California creating a huge benefit to local small businesses struggling to survive in this economy. Jawbone Canyon, Dove Springs, Butterbredt and Kelso Valley areas truly have breath-taking beauty that should be accessible to the public since it is relatively close to major population centers.

INCREASED RECREATION OPPORTUNITY & INCREASED SUSTAINABILITY

The BLM currently offers primarily roads and the open area for motorized recreation in Jawbone. There is very little single track currently available and those few trails (especially SB102) are deteriorating due to overuse..

Thoughtful planning for the future should recognize the variety of users of this resource and how to accommodate them while protecting the flora and fauna. We believe that the best way to do this is by recognizing trails that have already existed for many years and add improvements like rating by difficulty (novice, intermediate, expert), descriptive trail markers, and historical points of interest. As evidenced by over 40 years of use by motorized Off-Highway Vehicles, this area's trails are maintained by natural environmental events (wind and rain) without the need of man's intervention or financial resources.

Having multiple trail options minimizes terrain wear and tear thereby increasing sustainability.

Required maintenance for this system could be done by volunteers, thereby saving on maintenance costs. The Jawbone Canyon Store Trail System Team is ready willing and able to supply volunteers to implement and maintain the proposed trail system project in partnership with the BLM.

Single track and Quad width trails provide a very different experience for the public compared to using full size roads. The BLM should strive to provide for single track and quad recreation opportunities. At the current time the BLM in Jawbone provide very little single track or quad opportunity.

By adding the proposed single track and quad routes the BLM would increase the diversity of their trail system and a wider spectrum of recreation opportunity which is currently lacking.

We believe this is a fantastic opportunity for the BLM to create world-class off-road opportunities for all types and levels of users while allowing the public to enjoy and protect this invaluable resource forever.

INCREASED SAFETY

We have all witnessed the very real dangers of forcing everyone from children to grandparents onto the same road as four-wheeled off-road vehicles capable of high speeds.

To address this safety issue we propose the BLM add single track trails and quad width trails in order to help separate these uses from full size road vehicles and improve safety.

The existing designated system of groomed dirt roads (SC103, SC123, etc.) provide needed access to the area's valley floors for trucks, buggy's and large four-wheeled vehicles, but they fail to provide any sort of "quality riding experience" for small four-wheeled riders, two-wheeled motorcycle or mountain bike riders. Existing narrow trails traversing the area's ridgelines and peaks have provided the ultimate riding and hiking

experiences in the past and should always be available to the public, but they have been closed recently.

INCREASED COMPLIANCE-REDUCED COST

We are proposing enhancements to the existing road/trail system based upon a comprehensive trail inventory made-up of the most highly-desirable, useful and environmentally-friendly options from long-established area trails.

It seems likely the BLM has had to spend large amounts of time and money attempting to stop the public from using the single track and quad trails since the BLM has posted them closed.

By opening single track and quad trails and providing the opportunity the public is seeking the BLM will undoubtedly have a large reduction in law enforcement expenses. Compliance will greatly increase if the BLM will provide a diverse trail system including single track and quad trail systems.

The BLM has been using barriers, posts and fences extensively in the Jawbone area to block trail access and cross country travel. In order to keep the proposed trails at their designed single track or quad width we suggest using similar barriers and fencing at key intersections, which only allow vehicles of certain widths to pass through. Our volunteers would like to help install them.

We respectfully submit the following trail system proposal reflecting a desire of interested recreationalists to adopt, protect and preserve the western Mojave region for the enjoyment of future generations seeking a quality outdoor experience through hiking, biking, horseback-riding, OHV or any other types of public recreational access.

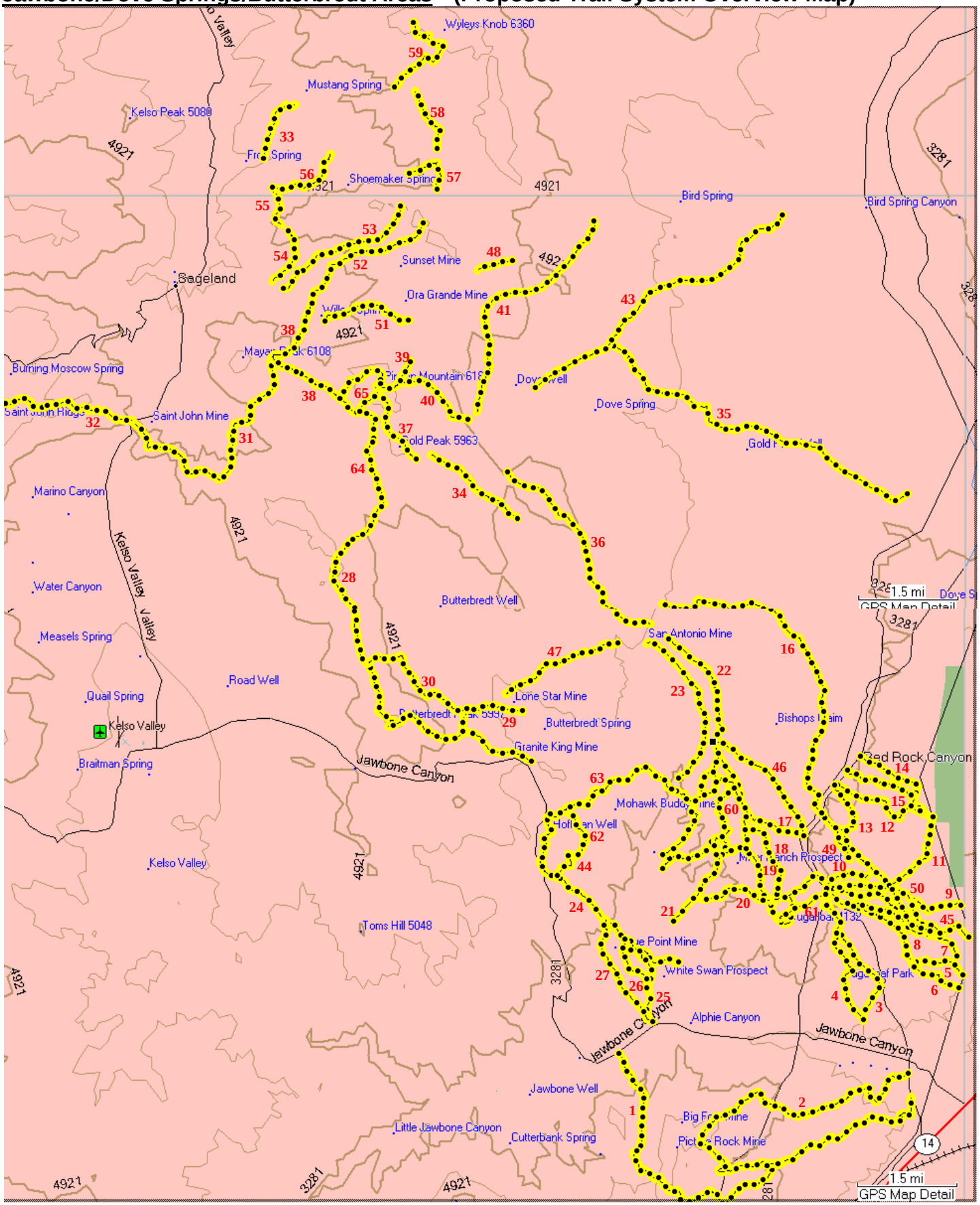
Scott Spencer (representing the Jawbone Canyon Store Trail System team)
Owner, Jawbone Canyon Store
7696 Lilac Lane
Santa Susana, CA 93063
Email: scotts4hire@aol.com
Cell: (818) 674-2132

Signed in Support:

Chris Horgan
Executive Director
Stewards of the Sequoia
Division of CTUC 501c3

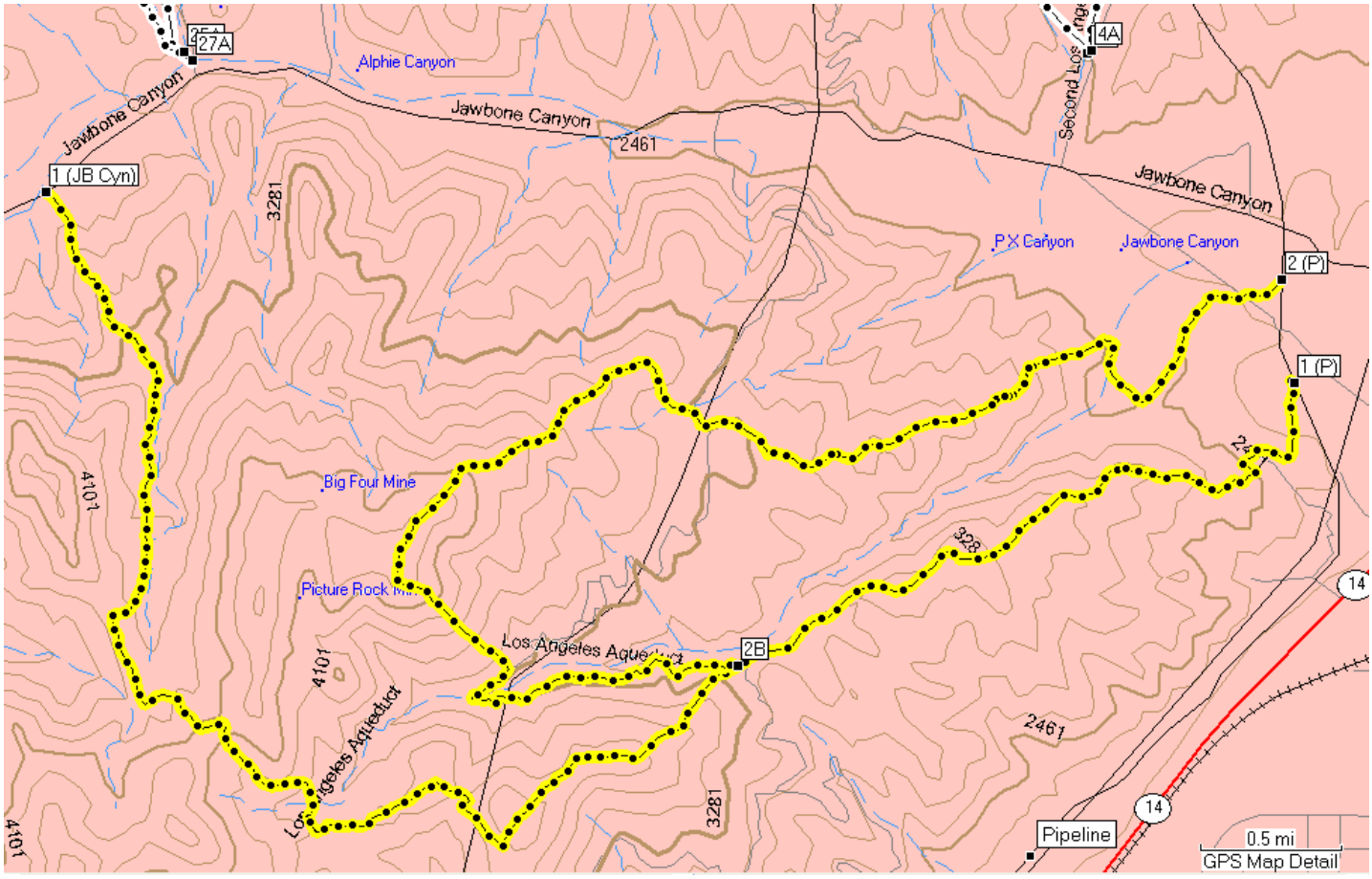
Richard Gauthier
President
Bakersfield Trailblazers

Jawbone/Dove Springs/Butterbredt Areas (Proposed Trail System Overview Map)



Jawbone Canyon Single Trail System Proposal

Jawbone Canyon Area (East)



Maps Legend: **Each waypoint number reflects the associated "proposed trail" number. Some waypoints are followed by parentheses indicating the associated road intersection … (P) for Pipeline road, (LAP) for LA Powerline road, and (SCxxx) for existing dirt road. A letter following the trail number without parentheses indicates a proposed trail intersection with another proposed trail.**

Trail 1 (7.85 mi)

- 1 (JB Cyn): N35 18.682 W118 05.607 (Jawbone Canyon Road intersection)
- 1 (P): N35 18.093 W118 00.900 (Pipeline road intersection)
- **Rating: EXPERT, Single-track**
- **COMMENT: Challenging steep technical hard-rock faces, ridges and side-hills in both directions. Includes part of the old Enduro Trail utilized since the 1970s for competition rides. Spectacular views overlooking El Pasos, Searles Dry Lake, Owens Valley and Jawbone areas. Trail passes through the various geologic regions colored with reds, blues and purples. Both ends and the majority of the trail is within the Jawbone Open Area.**

Trail 2 (6.51 mi)

- 2 (P): N35 18.409 W118 00.950 (Pipeline road intersection)
- 2B: N35 17.227 W118 02.997 (Trail 1 intersection)
- **Rating: EXPERT/INTERMEDIATE, Single-track**
- **COMMENT: Primarily ridgeline single-track includes steep hard-rock technical faces and a major soft-terrain hill-climb challenging even accomplished riders. Passes through varied hard-rock geology where the ridgeline overlooks entire Jawbone Canyon and Owens Valley giving the rider an unequaled 360-degree perspective. The majority of the trail is within the Jawbone Open Area.**

Trail 1 running along the ridge looking northeast toward El Paso Mountains.

Trail 1 looking southwest along the ridge.

Page 6

Jawbone Canyon Single Trail System Proposal

Middle of Trail 1 looking south.

Trail 1 coming up out of Jawbone Canyon on piece of Old Enduro Trail going south.

Page 7

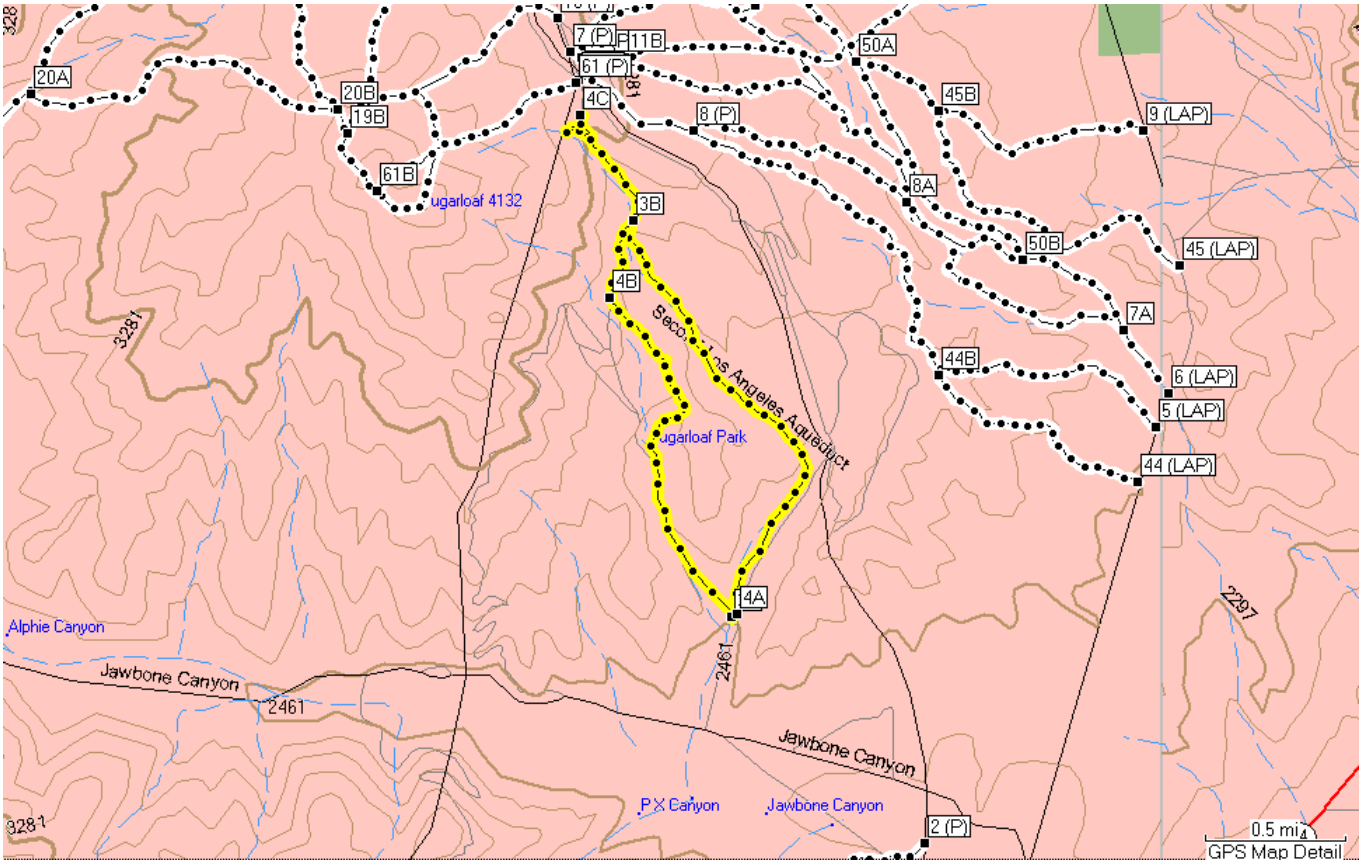
Jawbone Canyon Single Trail System Proposal

Trail 1 rock face climb over deep purple geology.

Looking south from top of ridge at intersection of Trail 1 and Trail 2.

Page 8

Jawbone Canyon Single Trail System Proposal



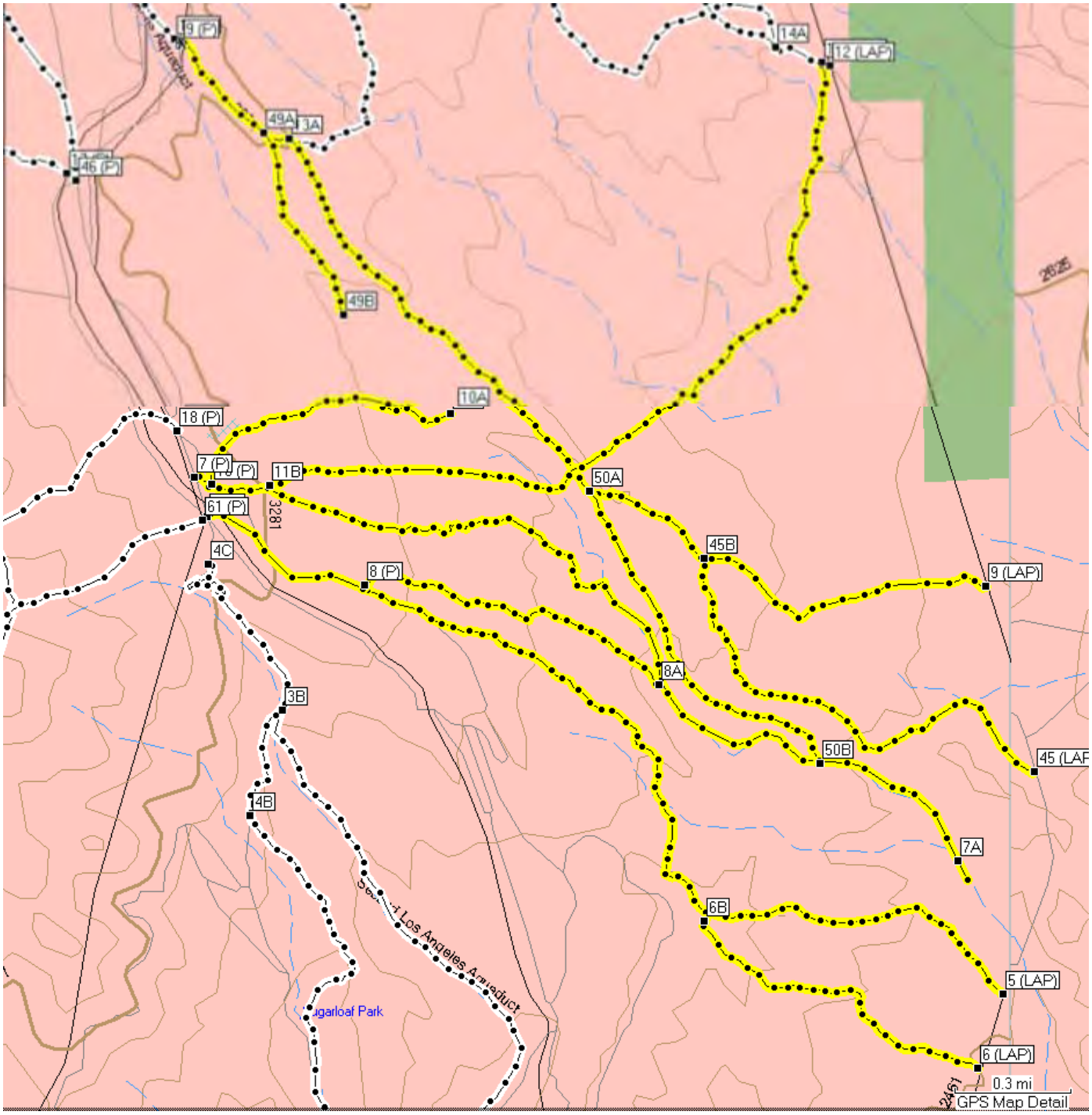
Trail 3 (1.74 mi)

- 3A: N35 19.104 W118 01.684 (off Jawbone Canyon Road)
- 3B: N35 20.327 W118 02.057 (existing dirt road intersection)
- **Rating: NOVICE/INTERMEDIATE, WIDE-track**
- **COMMENT: Wide sand wash littered with purple and orange-colored boulders and rocks from exposed canyon walls ending at existing dirt road. Four-wheel vehicle accessible. Entire trail is within the Jawbone Open Area.**

Trail 4 (2.34 mi)

- 4A: N35 19.113 W118 01.665 (off Jawbone Canyon Road)
- 4B: N35 20.090 W118 02.146 (existing dirt road intersection)
- 4C: N35 20.655 W118 02.259 (existing dirt road off Pipeline road)
- **Rating: EXPERT/INTERMEDIATE, Single-track**
- **COMMENT: Sand wash then challenging ridgeline single-track (4A to 4B) opening to existing dirt road then steep, rutted switchbacks up canyon wall ending in existing dirt road (4B to 4C). Top of trail overlooks steep canyon walls and Sugarloaf Park at eastern base of Sugarloaf peak. The majority of the trail is within the Jawbone Open Area. This connects to the INTERMEDIATE section of Trail 4 providing an alternative technical track out of the Open Area to access the rest of the trail system.**

Ridges & Spines (between Powerline and Pipeline roads)



Trail 5 (2.78 mi)

- 5 (LAP): N35 19.690 W118 00.072 (Powerline road intersection)
- 5 (P): N35 20.761 W118 02.263 (Pipeline road intersection)

Trail 6 (0.91 mi)

- 6 (LAP): N35 19.522 W118 00.142 (Powerline road intersection)
- 6B: N35 19.852 W118 00.896 (Trail 5 intersection)

- **Rating: EXPERT/INTERMEDIATE, Single-tracks**
- **COMMENT: Two extremely narrow ridge tops (spines) combine rocky out-crops with off-camber**

Jawbone Canyon Single Trail System Proposal

and short steep sections. Valuable for advanced rider training in balance and control. Numerous wider sections for pull-outs and passing. The southern half of Trail 5 and all of Trail 6 is within the Jawbone Canyon Open Area.

Trail 7 (2.60 mi)
- 7 (P): N35 20.850 W118 02.299 (Pipeline road intersection)
- 7A: N35 19.989 W118 00.195 (SC262 intersection)

Trail 8 (0.89 mi)
- 8 (P): N35 20.609 W118 01.831 (Pipeline road intersection)
- 8A: N35 20.385 W118 01.020 (Trail 7 intersection)

Trail 9 (2.83 mi)
- 9 (LAP): N35 20.606 W118 00.121 (Powerline road intersection)
- 9 (P): N35 21.821 W118 02.349 (Pipeline road intersection)

Trail 10 (0.77 mi)
- 10 (P): N35 20.833 W118 02.252 (Pipeline road intersection)
- 10A: N35 20.994 W118 01.593 (SC262 intersection)

Trail 11 (2.25 mi)
- 11 (LAP): N35 21.777 W118 00.583 (Powerline road intersection)
- 11B: N35 20.833 W118 02.091 (Trail 7 intersection)

Trail 12 (1.90 mi)
- 12 (LAP): N35 21.770 W118 00.562 (Powerline road intersection)
- 12 (P): N35 22.186 W118 02.143 (Pipeline road intersection)

Trail 13 (1.00 mi)
- 13 (P): N35 22.176 W118 02.150 (Pipeline road intersection)
- 13A: N35 21.607 W118 02.050 (Trail 9 intersection)

Trail 15 (1.32 mi)
- 15 (P): N35 22.385 W118 01.927 (Pipeline road intersection)
- 15A: N35 22.036 W118 00.845 (Trail 14 intersection)

Trail 45 (1.29 mi)
- 45 (LAP): N35 20.190 W117 59.985 (Powerline road intersection)
- 45B: N35 20.668 W118 00.896 (Trail 9 intersection)

Trail 49 (0.53 mi)
- 49A: N35 21.618 W118 02.120 (Trail 9 intersection)
- 49B: N35 21.210 W118 01.902 (SC262 intersection)

Trail 50 (0.99 mi)
- 50A: N35 20.819 W118 01.212 (Trail 9 intersection)
- 50B: N35 20.207 W118 00.577 (Trail 7 intersection)

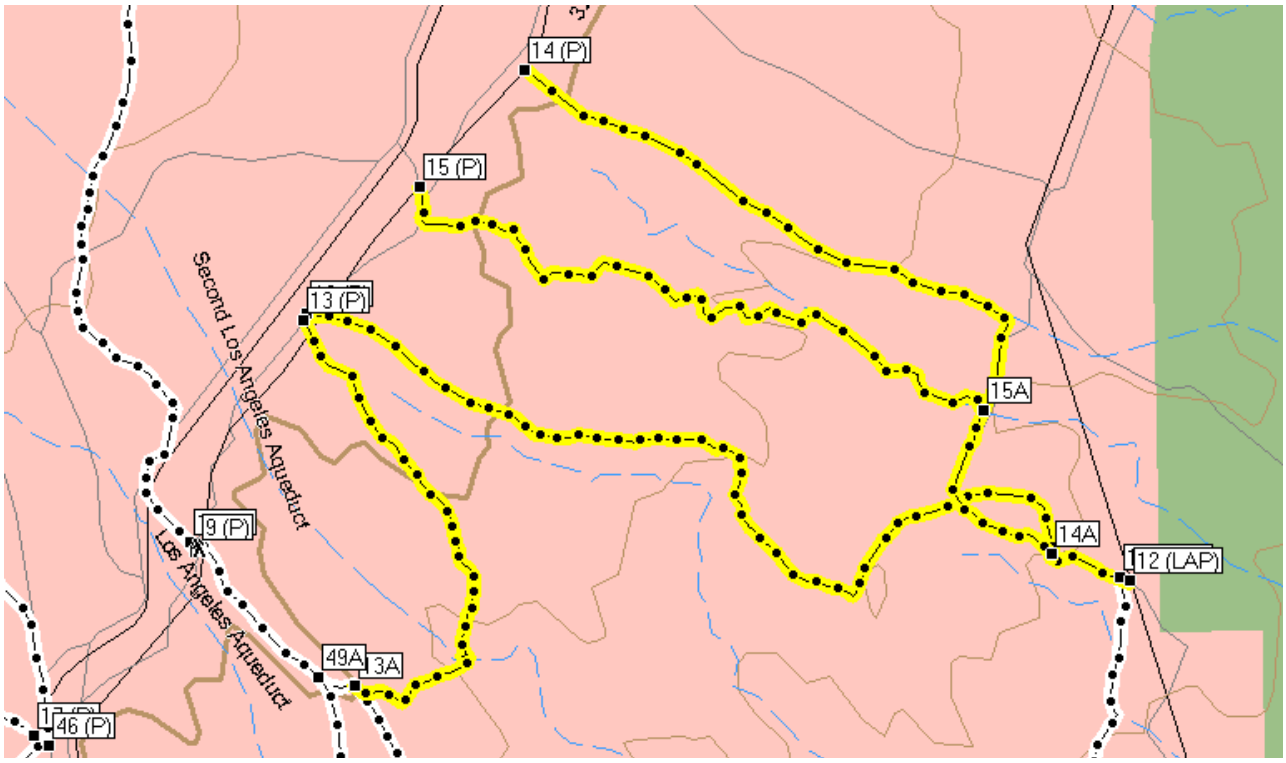
- **Rating: INTERMEDIATE, Single-tracks**
- **COMMENT: NUMEROUS narrow ridgeline trails that create a rollercoaster feel while building rider focus and balance skills. Riding the peaks over 360-degrees of beautiful eroded topography that cannot be seen or equaled anywhere else makes for a unique experience. Trails criss-cross and serve as options to the sand wash four-wheel road SC262 running down the center of the area. Having multiple area ridge connections and choices spreads-out riders, minimizes wear & tear and multiplies the enjoyment factor.**

Part of Trail 7.

Technical feature on trail.

Jawbone Canyon Single Trail System Proposal

Looking toward El Pasos over a trail.

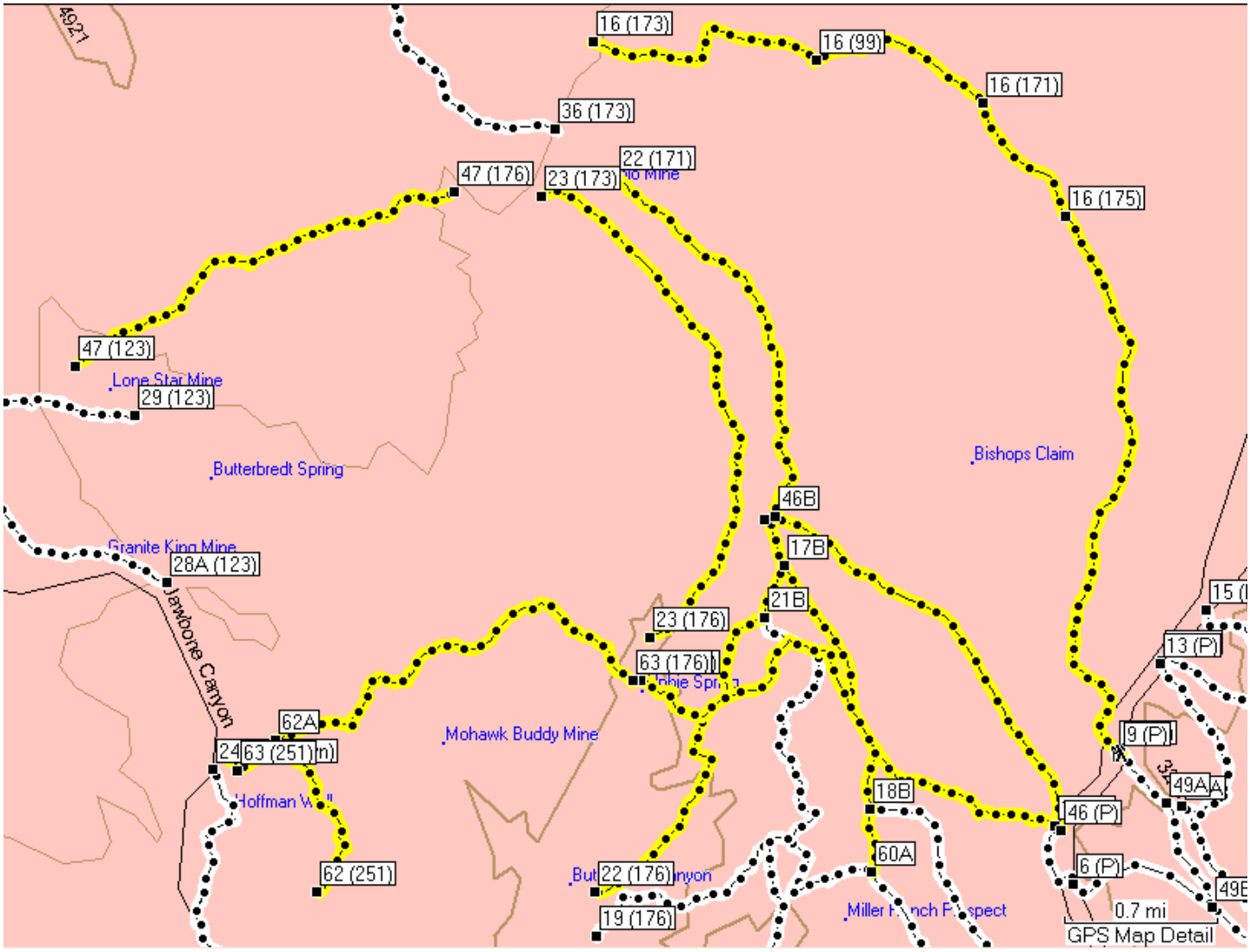


Trail 14 (1.55 mi)

- 14 (P): N35 22.568 W118 01.724 (Pipeline road intersection)
- 14A: N35 21.812 W118 00.713 (Trail 12 intersection)
- **Rating: INTERMEDIATE/NOVICE, NARROW-track**
- **COMMENT: Wider ridge top transition between spines/ridges area and flat desert. Valuable as choice for casual riding and small four-wheeled vehicle travel between Powerline and Pipeline roads but still affords scenic overlooks of the unique eroded topography of the area.**

Jawbone Canyon Single Trail System Proposal

South of Dove (between Pipeline and Jawbone Canyon roads)



Trail 16 (5.53 mi)

- 16 (171): N35 24.399 W118 03.020 (SC171 intersection)
- 16 (173): N35 24.638 W118 04.916 (SC173 intersection)
- 16 (175): N35 23.949 W118 02.613 (SC175 intersection)
- 16 (99): N35 24.563 W118 03.831 (SC99 intersection)
- 16 (P): N35 21.829 W118 02.366 (Pipeline road intersection)
- **Rating: INTERMEDIATE/NOVICE, Single-track**
- **COMMENT: Single-track connection from Pipeline road crossing major arteries south of Dove Open Area to western trails providing numerous options and bail-outs. Runs low ridges and drainages that naturally maintain and rejuvenate terrain with each passing wind/rain weather pattern.**

Trail 17 (1.91 mi)

- 17 (P): N35 21.527 W118 02.665 (Pipeline intersection)
- 17B: N35 22.563 W118 03.987 (Trail 22 intersection)

Trail 46 (2.04 mi)

- 46 (P): N35 21.513 W118 02.639 (Powerline road intersection)
- 46B: N35 22.754 W118 04.032 (Trail 22 intersection)

Jawbone Canyon Single Trail System Proposal

- **Rating: INTERMEDIATE/NOVICE, NARROW-tracks**
- **COMMENT: Trails 17 & 46 follow narrow drainages and old established dirt roads providing quality riding for two-wheel and small four-wheel vehicle travel between Pipeline road and SC176 and northern trails.**

Trail 22 (4.16 mi)
- 22 (171): N35 24.103 W118 04.803 (SC171 intersection)
- 22 (176): N35 21.272 W118 04.911 (SC176 intersection)

Trail 23 (2.62 mi)
- 23 (173): N35 24.026 W118 05.167 (SC173 intersection)
- 23 (176): N35 22.275 W118 04.639 (SC176 intersection)
- **Rating: INTERMEDIATE, Single-tracks**
- **COMMENT: Trails 22 and 23 from SC176 provide quality narrow sand wash and technically-challenging colorful hard-rock climbs out of Butterbredt Canyon leading to scenic ridge runs traversing north connecting to well-established old dirt roads to SC173 and SC171 intercepts. Allows bypass of SC176 and optional tracking back to Sugarloaf and Pipeline areas.**

Trail 47 (2.00 mi)
- 47 (123): N35 23.353 W118 07.439 (SC123 intersection)
- 47 (176): N35 24.043 W118 05.595 (SC176 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Narrow wash from SC176 up to old trail over ridge and down into Butterbredt valley and SC123. Parallels old dirt road and provides direct connection between east/west trail system.**

Snowy day on Trail 47.

Jawbone Canyon Single Trail System Proposal

Trail 47 in Butterbredt Valley.

On Trail 47 climbing ridge.

Jawbone Canyon Single Trail System Proposal

Trail 62 (0.89 mi)

- 62 (251): N35 21.268 W118 06.264 (SC251 intersection)
- 62A: N35 21.868 W118 06.465 (Trail 63 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Challenging hill-climb off of SC251 up to hard-rock ridge single-track north. Technical drop-off feeding into purple/red/orange rock outcropping trail. Excellent practice for trail-riding skills.**

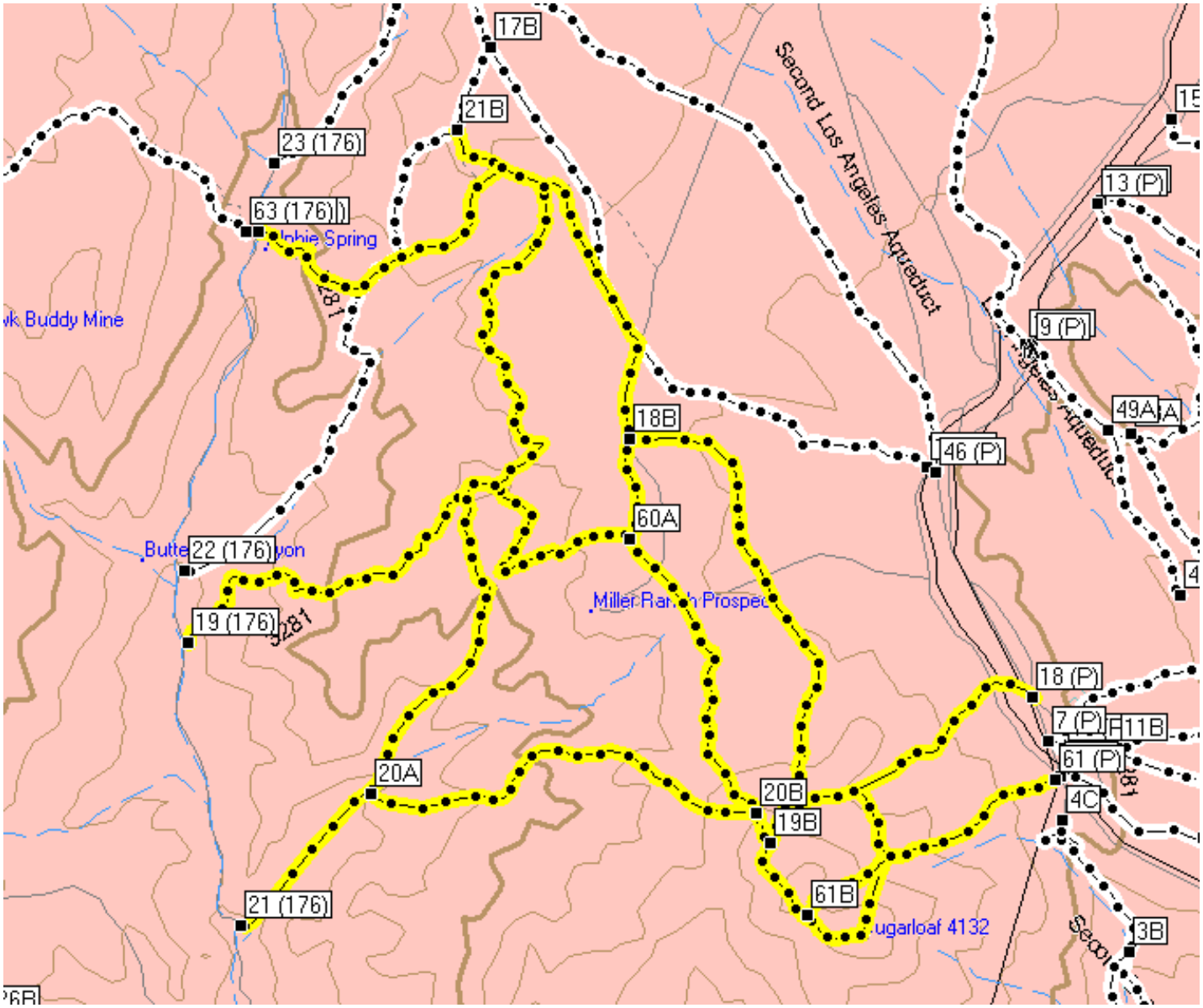
Trail 62 hill-climb up from SC251. Striking view toward Jawbone Canyon.

Trail 62 rocky section.

Trail 63 (2.46 mi)

- 63 (176): N35 22.106 W118 04.725 (SC176 intersection)
- 63 (251): N35 21.750 W118 06.655 (SC251 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Very old road between SC176 and Jawbone Canyon road. Trail runs along fence line south of Butterbredt Wilderness and connecting the east/west trail system. Includes steep, technical rocky sections and hill climbs for unique learning experiences.**

North of Jawbone (between Pipeline and Jawbone Canyon roads)



Trail 18 (3.45 mi)

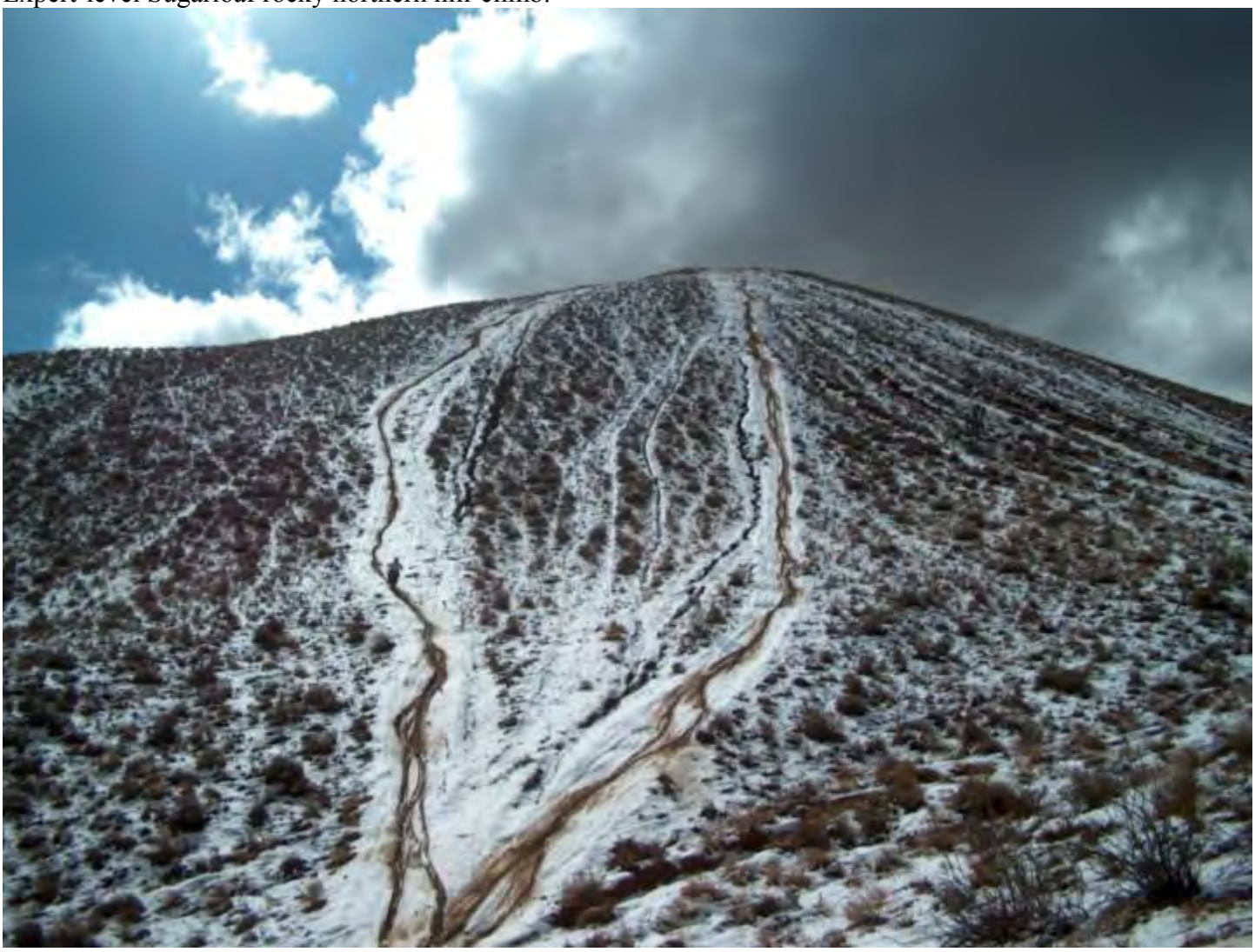
- 18 (P): N35 20.955 W118 02.346 (Pipeline road intersection)
- 18B: N35 21.595 W118 03.567 (Trail 60 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Critical access from Pipeline road to Sugarloaf along established dirt road. Sugarloaf hill climbs provide EXPERT approaches from the north and south and a narrow-track approach on the west providing narrow-based four-wheel access to the peak. Sugarloaf peak has unmatched 360-degree view of Jawbone Canyon, Dove Springs, Red Rock Canyon and Owens Valley and cannot be excluded from any trail system due to it's spectacular location. All climbs combine soft terrain on the bottom of the hill with hard-rock technical sections on the upper slopes.**

Jawbone Valley overlook from top of Sugarloaf.

Looking east over Owens Valley from plateau on Trail 18.

Jawbone Canyon Single Trail System Proposal

Expert-level Sugarloaf rocky northern hill-climb.



Trail 19 (2.96 mi)

- 19 (176): N35 21.093 W118 04.902 (SC176 intersection)
- 19B: N35 20.599 W118 03.139 (Trail 18 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Rocky ridge trail out of SC176 toward Miller Ranch area that provides upper INTERMEDIATE rider challenges thru steep valley climbs up to plateau trails south to Sugarloaf areas. Provides direct connection between Pipeline road and SC176 and trails north.**

Trail 20 (1.25 mi)

- 20A: N35 20.718 W118 04.345 (Trail 21 intersection)
- 20B: N35 20.670 W118 03.180 (Trail 18 intersection)
- **Rating: EXPERT, Single-track**
- **COMMENT: Trail climbs from canyon up rocky ridges to include steep rocky side-hill challenges to base of first Sugarloaf climb. Highly-desirable trail to service EXPERT-level challenges and access the spectacular 360-degree overlooks of Jawbone Canyon Open Area to the south, Owens Valley and El Pasos to the east and the Red Rock and Dove Springs terrain to the north.**

Trail 20 descent to Trail 21 intercept.

Trail 21 (3.07 mi)

- 21 (176): N35 20.393 W118 04.741 (SC176 intersection)
- 21B: N35 22.358 W118 04.084 (Trail 22 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Sand wash from SC176 provides quality narrow climbs out of Butterbredt Canyon to overlook ridges flowing north bypassing wide roads for fun trails connecting to the rest of the system. Technical ridge-valley-ridge-etc topography creates an excellent riding experience.**

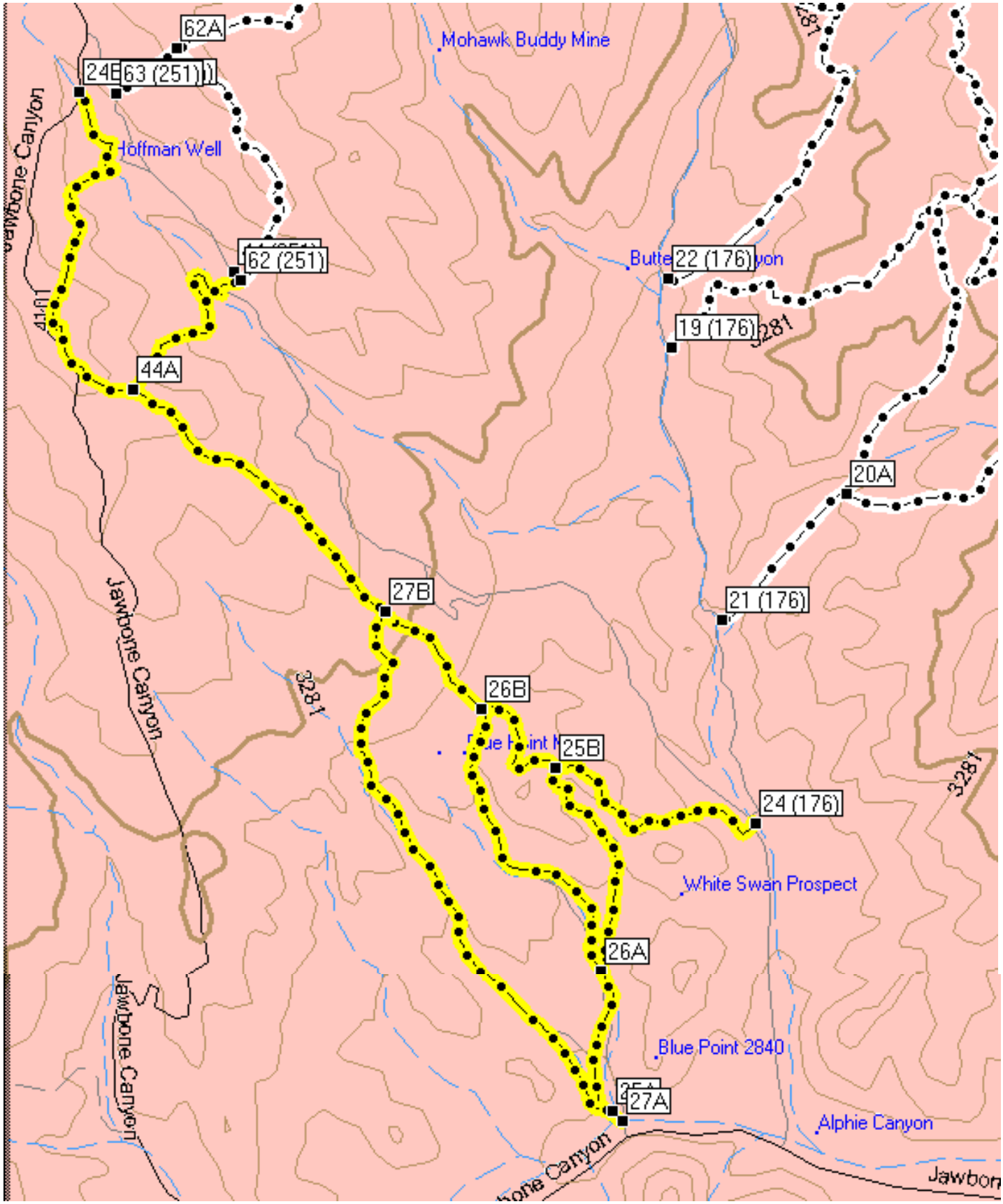
Trail 60 (2.23 mi)

- 60 (176): N35 22.107 W118 04.688 (SC176 intersection)
- 60A: N35 21.346 W118 03.563 (Trail 19 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Connects SC176 at Alphie Spring and continues Trail 63 that comes from the west connecting SC251 to Alphie Spring and SC176 to trails leading to Pipeline road. Critical part of the chain of trails connecting west to east.**

Trail 61 (0.84 mi)

- 61 (P): N35 20.754 W118 02.276 (Pipeline road intersection)
- 61B: N35 20.420 W118 03.029 (Trail 18 intersection)
- **Rating: NOVICE, WIDE-track**
- **COMMENT: Old access road from Pipeline road to Sugarloaf supporting four-wheel vehicle traffic desiring an overlooking view of the surrounding area.**

Northwest Jawbone **(between SC176 and Jawbone Canyon Road)**



Jawbone Canyon Single Trail System Proposal

Trail 24 (3.92 mi)

- 24 (176): N35 19.866 W118 04.635 (SC176 intersection)
- 24B (JB Cyn): N35 21.754 W118 06.775 (Jawbone Canyon Road intersection)
- **Rating: EXPERT/INTERMEDIATE, Single-track**
- **COMMENT: Expert-level steep rocky ridge climb up from SC176 providing quality riding practice, training and entertainment. From that section on, the trail turns into beautiful ridge overlooks on flowing single-track including technical up-and-down slopes. Trail offers high-quality single-track option to bypass entire SC251 road and gain high-ridge overlooks of surrounding area.**

Trail 24 near Trail 25 intercept looking east over SC251 and SC176 in next valley.

Trail 25 (1.19 mi)

- 25A: N35 19.108 W118 05.087 (near Blue Point)
- 25B: N35 20.009 W118 05.267 (Trail 24 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail rises from Jawbone Open Area wash up along hard-rock ridges providing intermediate-level single-track access to Trails 24 and 44 ridgeline overlooks.**

Trail 26 (1.02 mi)

- 26A: N35 19.483 W118 05.123 (Trail 25 intersection)
- 26B: N35 20.160 W118 05.499 (Trail 24 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Provides technical trail option out of Jawbone Open Area to access balance of trail system to the north.**

View of Trail 24 north from Trail 26 intercept.

Trail 27 (1.91 mi)

- 27A: N35 19.082 W118 05.056 (near Blue Point)
- 27B: N35 20.412 W118 05.807 (Trail 24 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: A prime technical single-track option out of Jawbone Open Area passing through a truly unique red-rock EXTREMELY narrow canyon just before connecting to Trail 24. The super-tight canyon begins in the Jawbone Open Area and consists of solid-rock canyon winding-up to Trail 24 intercept. NO maintenance or wear & tear is possible for this section.**

Trail 27 rock canyon.

Trail 27 rock canyon feature.

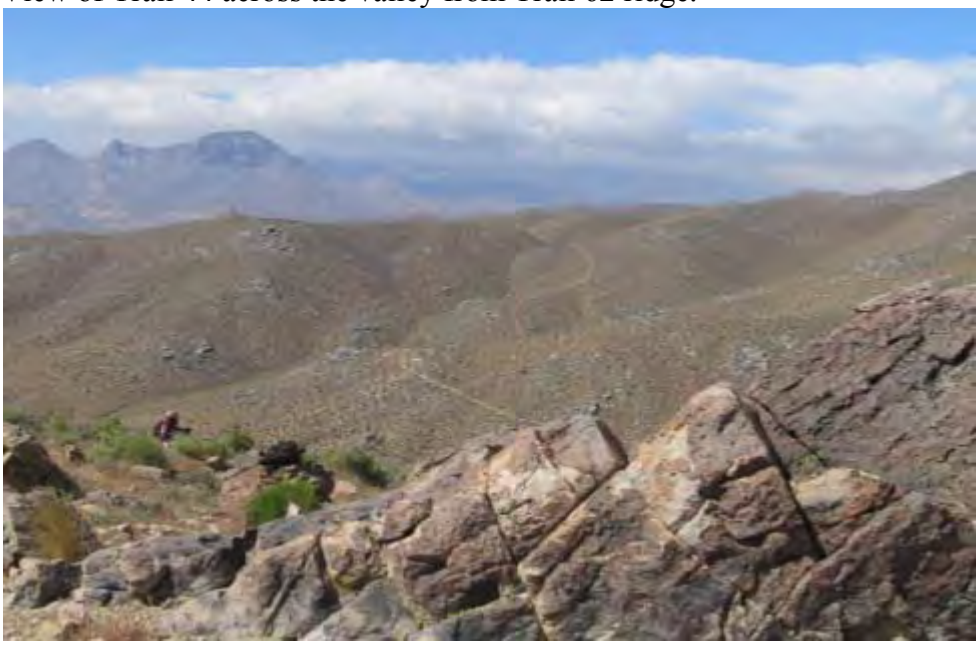
Jawbone Canyon Single Trail System Proposal

Trail 44 (0.67 mi)

- 44A: N35 20.988 W118 06.601 (Trail 24 intersection)
- 44 (251): N35 21.281 W118 06.270 (SC251 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Follows an old road from Trail 24 intercept east down to SC251 and includes two intermediate-level down-hills. Provides excellent view overlooking valley from Jawbone Canyon to Butterbredt peak and allows direct transition to Trail 62 across SC251.**

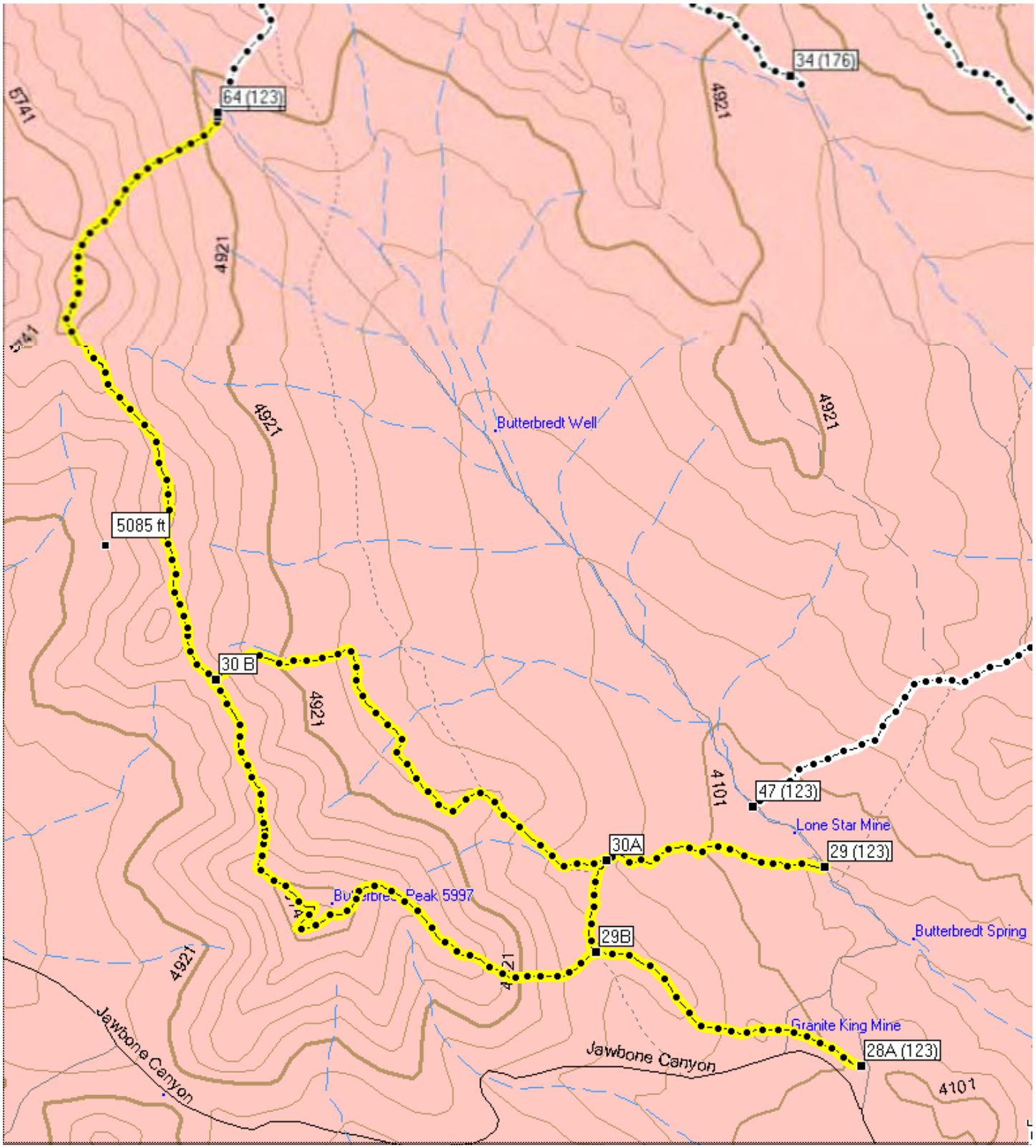
View looking south down from Trail 44 to SC176 going to Jawbone.

View of Trail 44 across the valley from Trail 62 ridge.



Jawbone Canyon Single Trail System Proposal

Butterbredt Area



Trail 28 (6.67 mi)

- 28 (123): N35 25.653 W118 09.619 (SC123 intersection)
- 28A (123): N35 22.494 W118 06.996 (SC123 intersection)

Jawbone Canyon Single Trail System Proposal

Page 28

- **Rating: EXPERT/INTERMEDIATE, Single-track**
- **COMMENT: EXTREMELY highly-valued trail traversing the BEST ridgeline terrain and viewpoints of the entire trail system. From SC123, it follows the low rocky ridgeline north to the base of Butterbredt peak expert-level south climb. A very long and challenging hill-climb followed by a technical ridge and side-hill around-and-up to Butterbredt peak and a spectacular 360-degree view of Jawbone-Kelso-Butterbredt valleys and the Piute range from over 6,000 foot elevation. Trailing north, two challenging down-hills followed by weaving in-and-out numerous rock out-crops and obstacles for several miles before dropping east into Butterbredt valley and SC123.**

Trail 28 up Butterbredt south climb.

Top of Butterbredt south climb on Trail 28.

Trail 28 going north along ridgeline north of Butterbredt.

Jawbone Canyon Single Trail System Proposal

Trail 28 along Butterbredt ridgeline.

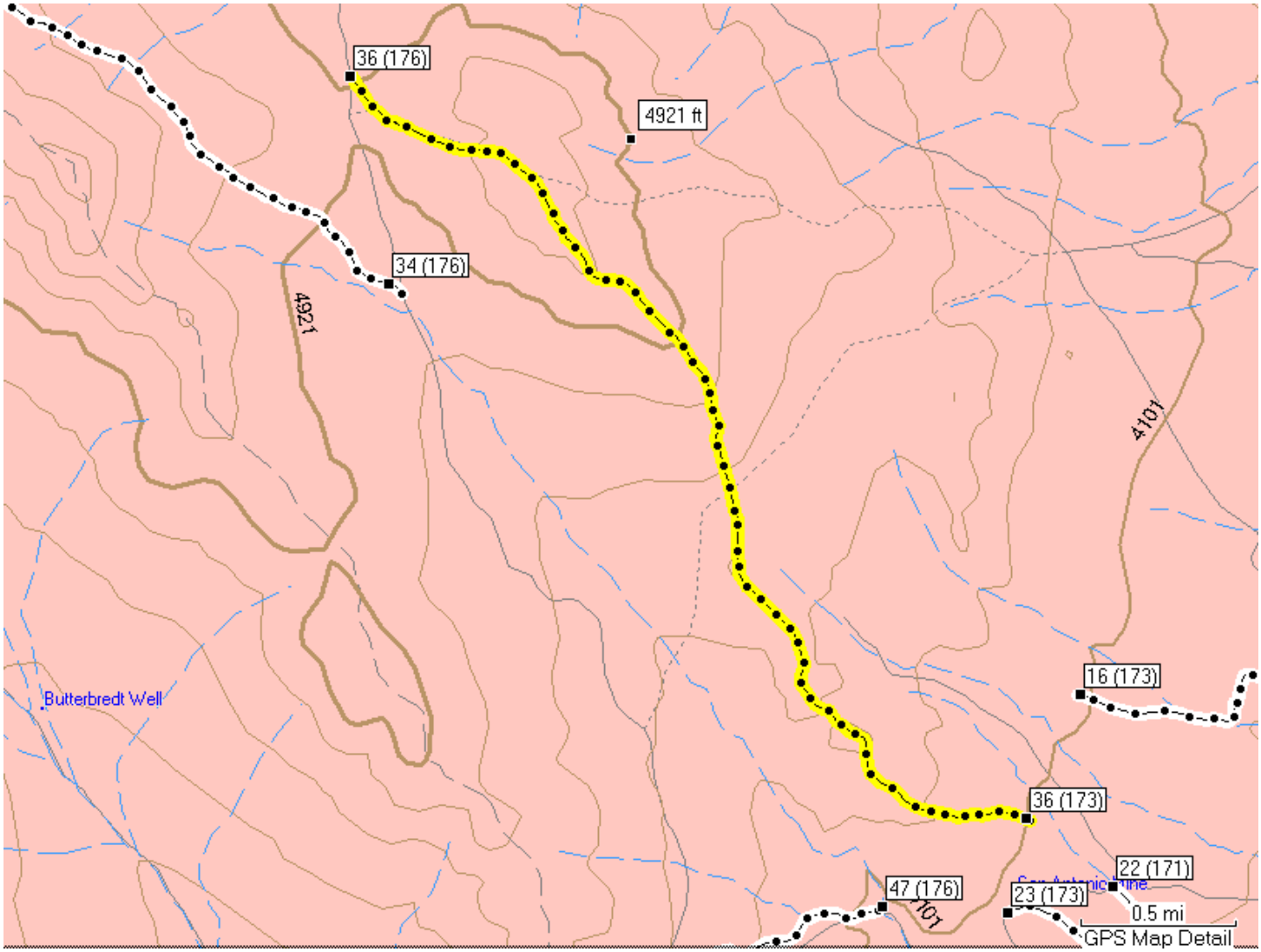
Trail 29 (1.31 mi)

- 29B: N35 22.870 W118 08.079 (Trail 28 intersection)
- 29 (123): N35 21.595 W118 03.567 (SC123 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Provides alternate route for intermediate-level access to Butterbredt ridgeline using Trail 30 or bail-out east down to SC123 following a beautiful and fun narrow canyon including rock walls, features and transitions. Canyon is hidden from view from any overlooks.**

Trail 30 (2.09 mi)

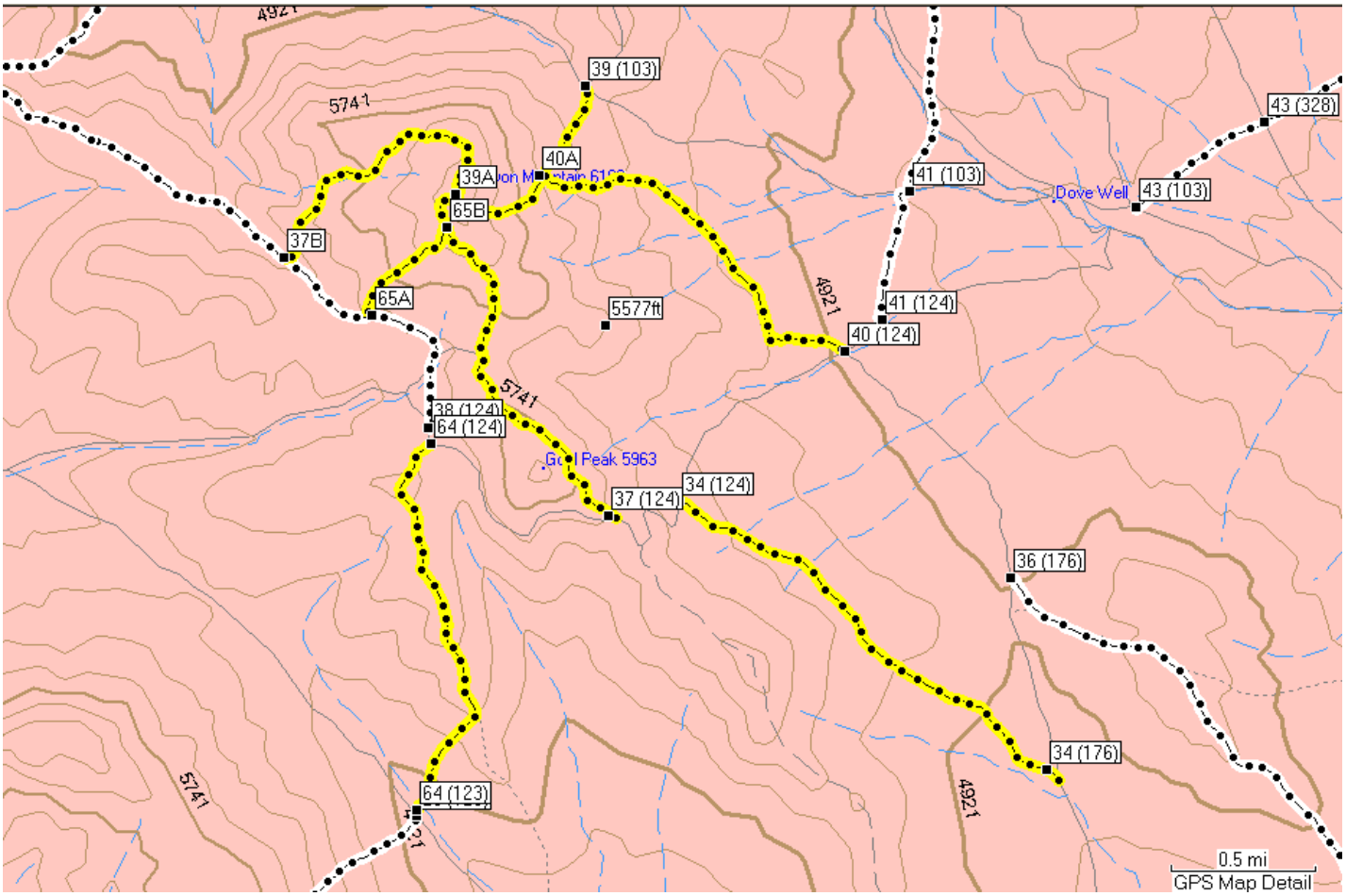
- 30A: N35 23.176 W118 08.036 (Trail 29 intersection)
- 30B: N35 23.774 W118 09.625 (Trail 28 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Flows north from Trail 29 towards Butterbredt ridgeline where it transitions to a rollercoaster track then intermediate-level soft hill-climb up to Trail 28 on the ridge. Circumvents Butterbredt peak climb and both expert-level slopes that follow it for the intermediate-level rider that wants access to the 6,000 foot elevation ridgeline overlooks.**

East of Dove and Kelso Valley



Trail 36 (3.63 mi)

- 36 (173): N35 24.293 W118 05.099 (SC173 intersection)
- 36 (176): N35 26.369 W118 07.426 (SC176 intersection)
- **Rating: INTERMEDIATE, NARROW-track**
- **COMMENT: Trail 36 is necessary to bridge southern single-track trails to the north. It follows a natural rocky ridgeline and allows the rider to bypass a major portion of the deep-sand wash that SC176 follows while enjoying the overlook of valleys to the east and west.**



Trail 34 (1.71 mi)

- 34 (124): N35 26.595 W118 08.651 (SC124 intersection)
- 34 (176): N35 25.790 W118 07.294 (SC176 intersection)
- **Rating: INTERMEDIATE, NARROW-track**
- **COMMENT: Trail includes long whoop sections useful for training both two-wheel and narrow four-wheel vehicle riders in technical enduro trials. Bypasses long sections of SC176 and SC124 on the way to or from the Gold Peak/Pinyon Mtn. areas.**

Trail 37 (2.59 mi)

- 37 (124): N35 26.555 W118 08.911 (SC124 intersection)
- 37B: N35 27.330 W118 10.112 (Trail 38 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Highly-prized trail that includes the area's MOST scenic vantage points. From SC124 on the south side of Gold Peak, the single-track starts by following an old narrow road section traversing the 6,000 foot peak's east side to the saddle connecting it to Pinyon Mountain. The peak at Pinyon provides unmatched beauty for 360-degrees … Mayan Peak and the Piutes to the west, Kiavah Wilderness to the north, El Pasos to the east and Gold/Butterbredt to the south. The trail drops through Pinyon pine trees to the north before circling back south on the west face through Pinyons, large boulder out-croppings and a steep side-hill before dropping into a hidden valley to meet Trail 38.**

Pinyon peak looking west over Kelso Valley to the Piutes.

Pinyon peak looking south over Gold Peak to Butterbredt range.

Jawbone Canyon Single Trail System Proposal

Trail 37 circling the west side of Pinyon Mountain.

On Trail 37 looking west over hidden valley toward Mayan Peak and Piutes.

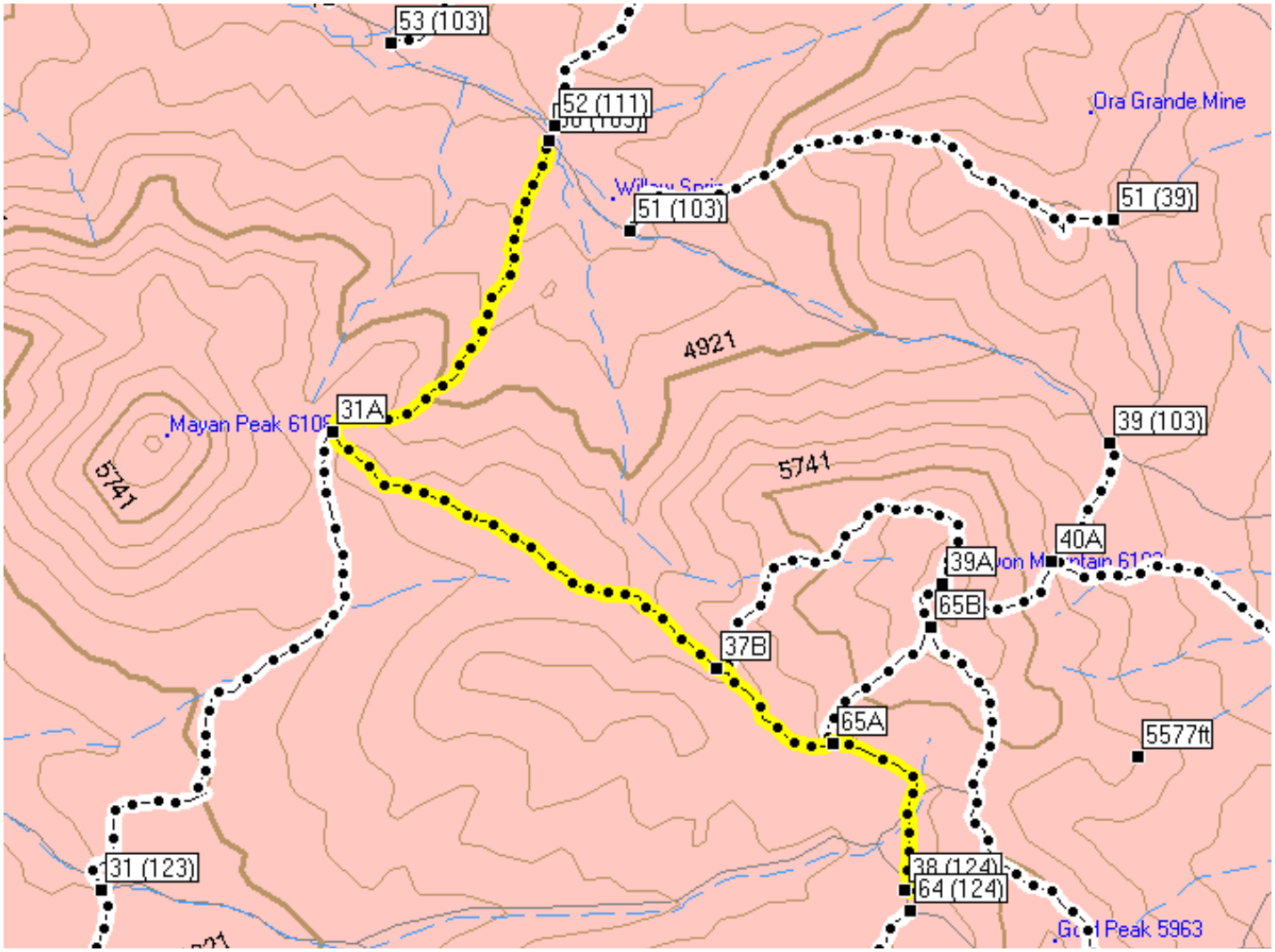
Jawbone Canyon Single Trail System Proposal

Trail 39 (0.75 mi)
- 39 (103): N35 27.841 W118 08.989 (SC103 intersection)
- 39A: N35 27.523 W118 09.474 (Trail 37 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail creates one of three proposed desperately-needed connections between SC123/SC124 and SC103 to solve the issue with SC123 dead-ending at Kelso Valley Road with no other connections west of Dove Springs. Trail 39 completes the leg between Pinyon peak and SC103 utilizing a piece of an old jeep road branching off of the north side of the peak. This is now beautiful single-track flowing between the Pinyon pines and boulders running down a north ridge to SC103. Below Trail 40 intercept it becomes NARROW-track allowing continuation of small four-wheel vehicle access down to SC103 from Trail 40.**

Trail 40 (1.37 mi)
- 40 (124): N35 27.049 W118 08.041 (SC124 intersection)
- 40A: N35 27.576 W118 09.169 (Trail 39 intersection)
- **Rating: INTERMEDIATE, NARROW-track**
- **COMMENT: Trail 40 provides an alternative north-south trail system access route for small four-wheel vehicles avoiding the groomed roads and necessity to travel west to Dove Springs to make the connection. It takes advantage of the lower section of Trail 39 to complete this access.**

Trail 64 (1.46 mi)
- 64 (123): N35 25.668 W118 09.621 (SC123 intersection)
- 64 (124): N35 26.769 W118 09.565 (SC124 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 64 provides the continuing connection north from Trail 28/SC123 intersection tracking a ridgeline in the north end of Butterbredt valley allowing another unique area overview. Where it meets SC124, it is directly opposite it's natural continuation on Trail 38 which becomes the lynch-pin to enjoying the hidden valley between Pinyon and Mayan peaks.**

Trail 65 (0.43 mi)
- 65A: N35 27.156 W118 09.789 (Trail 38 intersection)
- 65B: N35 27.430 W118 09.512 (Trail 37 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: When the snow-pack is in place, Trail 65 is required for accessing Pinyon peak due to it's southern exposure. The other trails accessing the peak pass through Gold Peak east-side or Pinyon north-sides are seasonally impassible.**



Trail 38 (3.33 mi)

- 38 (103): N35 28.550 W118 10.589 (SC103 intersection)
- 38 (124): N35 26.817 W118 09.579 (SC124 intersection)
- **Rating: INTERMEDIATE, Single-track**

COMMENT: Trail 38 continues critically-needed access to the north from SC124 intersection allowing two different options up and over Pinyon Mountain or direct access to the hidden valley and plateau region east of Mayan Peak. Combined with Trail 31 from SC123, this solves the "SC123 dead-end issue" creating connection to SC103 traversing over a wide plateau then down a very-small tight rollercoaster canyon that rejuvenates itself after every summer rainfall and winter storm. This small drainage canyon is bounded by several other larger ones that suffice as area wildlife corridors.

Trail 38 going east in hidden valley and plateau between Pinyon and Mayan Peak.

Trail 38 (below) north toward SC103 from plateau down into small rollercoaster valley.

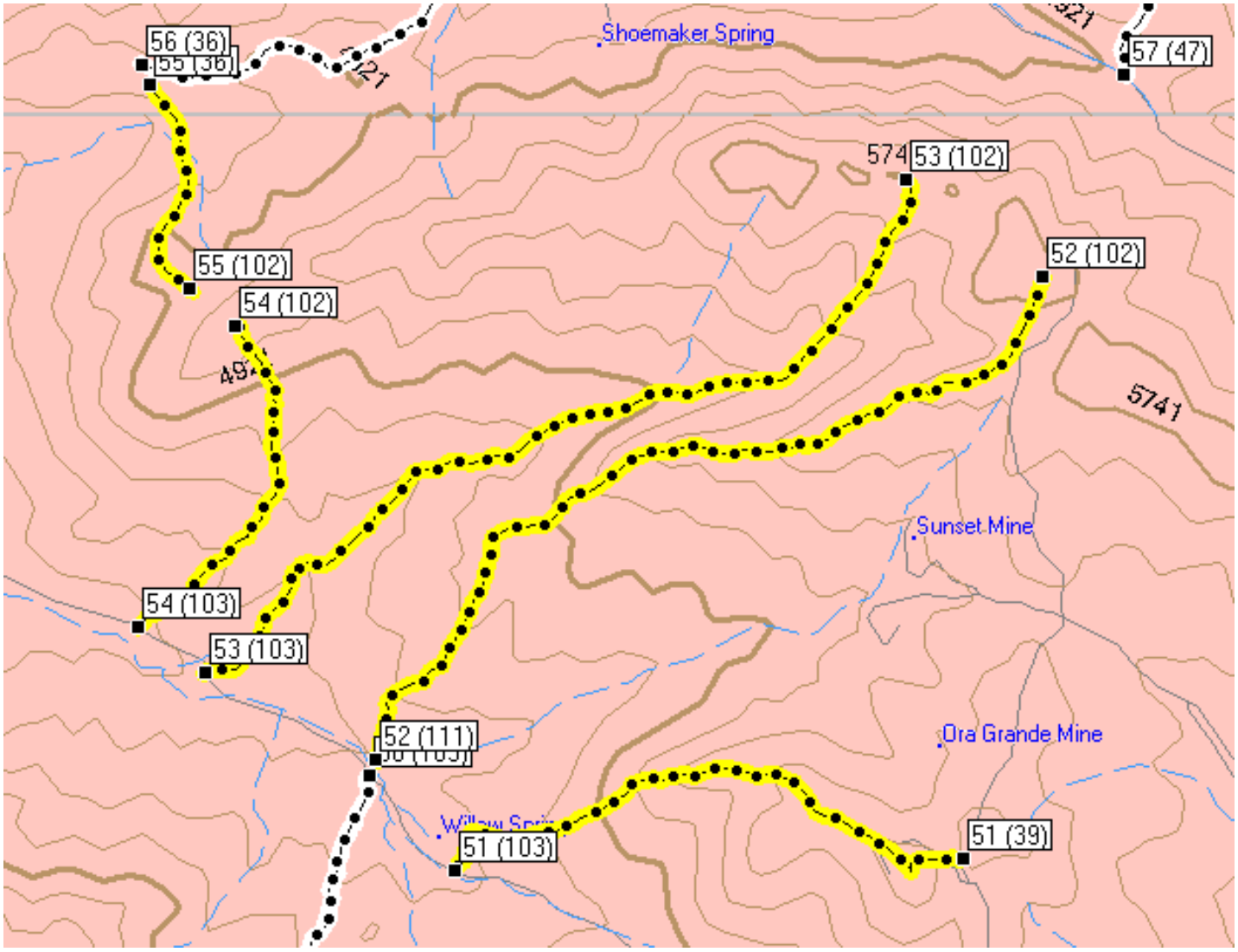
Jawbone Canyon Single Trail System Proposal

Trail 31 (4.30 mi)

- 31A: N35 27.876 W118 11.201 (Trail 38 intersection)
- 31 (123): N35 26.816 W118 11.854 (SC123 intersection)
- 31 (KV): N35 27.034 W118 13.448 (Kelso road intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 31 is the critical link between SC123 and the Trail 38 intercept solving the dead-end issue of bridging SC123 to SC103 to the west. It also serves as the only link between SC123 and Kelso Valley road connecting to Trail 32 up St. John's ridge to the Piutes. Trail 31 together with Trail 32 crosses Kelso Valley Road at a 90-degree angle satisfying traffic laws for non-plated vehicles.**

Trail 32 (3.53 mi)

- 32 (KV): N35 27.034 W118 13.448 (Kelso road intersection)
- 32B: N35 26.616 W118 16.441 (St. John's ridge)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 32 equates to BLM trail #1108999 and is the critical link between SC123 and the Piutes trail system that is the central destination of summer riders staging in Jawbone/Dove areas. Re-opening this connection to the Piutes trail system is supported by numerous Piutes private property landowners including Ken Downie (owns 40 acres adjacent to waypoint 32B), Nate Sciacqua Jr., Mark Detomasi, Mike Graves, Mike DeJohn, Alan Difada, Neil Kitchen, Nick Sutton, and Bruce Jacques who cumulatively own over 100 acres in the Lander's/Claraville areas nearby. Chuck Smitters grew up in the Sorrel Peak area and his father testifies that St. Johns ridge has been open as an access route for over 100 years.**



Trail 51 (1.49 mi)

- 51 (103): N35 28.341 W118 10.361 (SC103 intersection)
- 51 (39): N35 28.367 W118 08.993 (Trail 39 intersection)
- **Rating: EXPERT/INTERMEDIATE, Single-track**
- **COMMENT: From it's base at SC103, Trail 51 provides an expert/intermediate-level hill-climb not available anywhere else in the area. It crests a ridge which feeds directly over to SC39 providing a desirable technical trail option.**

Trail 52 (2.35 mi)

- 52 (102): N35 29.642 W118 08.778 (SC102 intersection)
- 52 (111): N35 28.584 W118 10.571 (SC111 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 52 provides a needed southern escape option from the middle section of SC102 utilizing a ridge dropping down to SC103. SC102 has suffered trail quality reduction (constant whoops) from years of being the only area single-track.**

Trail 53 (2.41 mi)

- 53 (102): N35 29.857 W118 09.143 (SC123 intersection)
- 53 (103): N35 28.774 W118 11.033 (SC124 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 53 provides another needed southern access route to the high ridgeline SC102**

runs along. It traverses a drainage valley full of obstacles twists and turns where the terrain is rejuvenated with each storm.

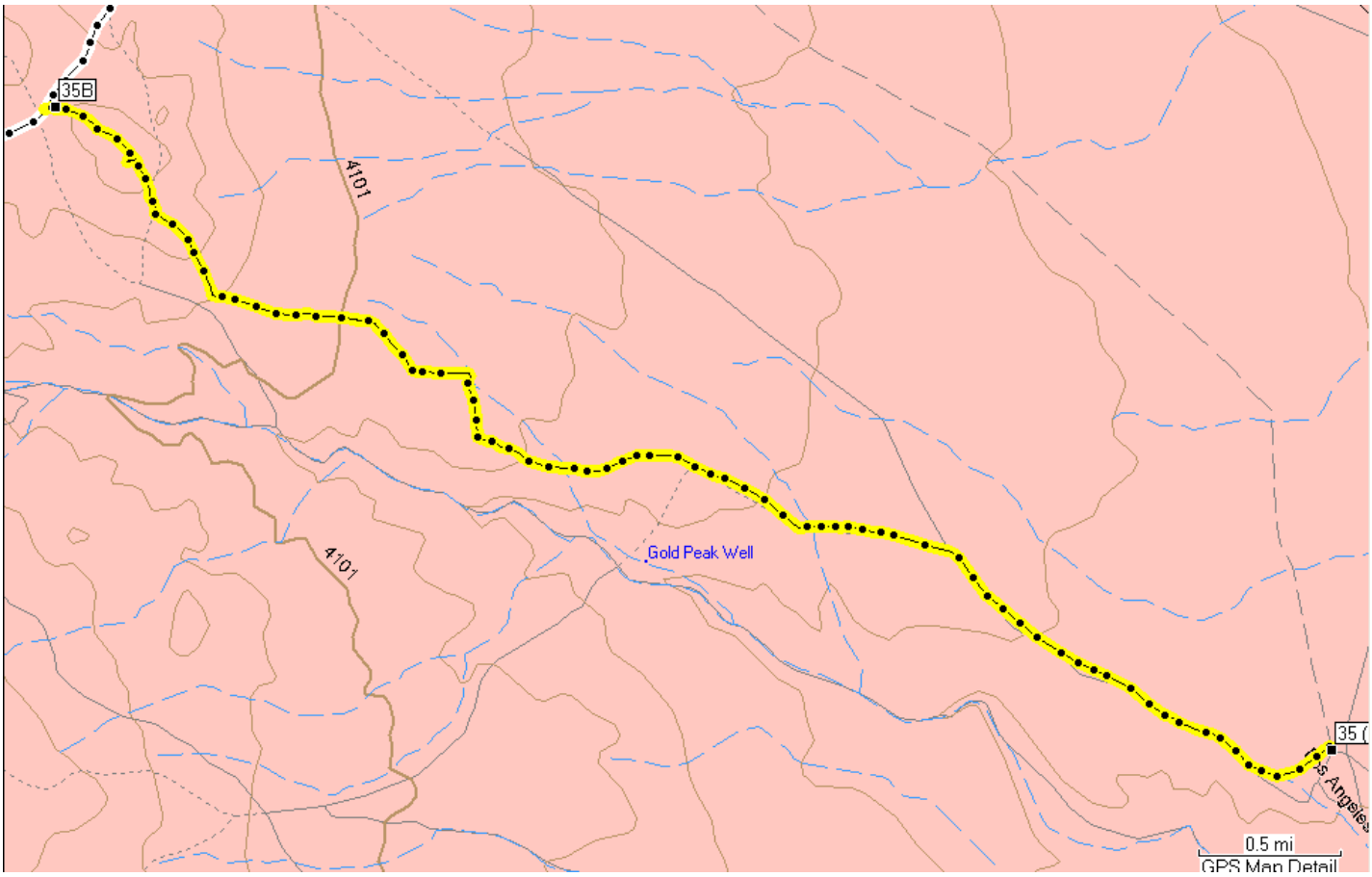
Trail 54 (0.96 mi)

- 54 (102): N35 29.534 W118 10.949 (SC102 intersection)
- 52 (103): N35 28.873 W118 11.210 (SC103 intersection)

Trail 55 (0.61 mi)

- 55 (102): N35 29.615 W118 11.073 (SC102 intersection)
- 55 (36): N35 30.063 W118 11.177 (SC36 intersection)

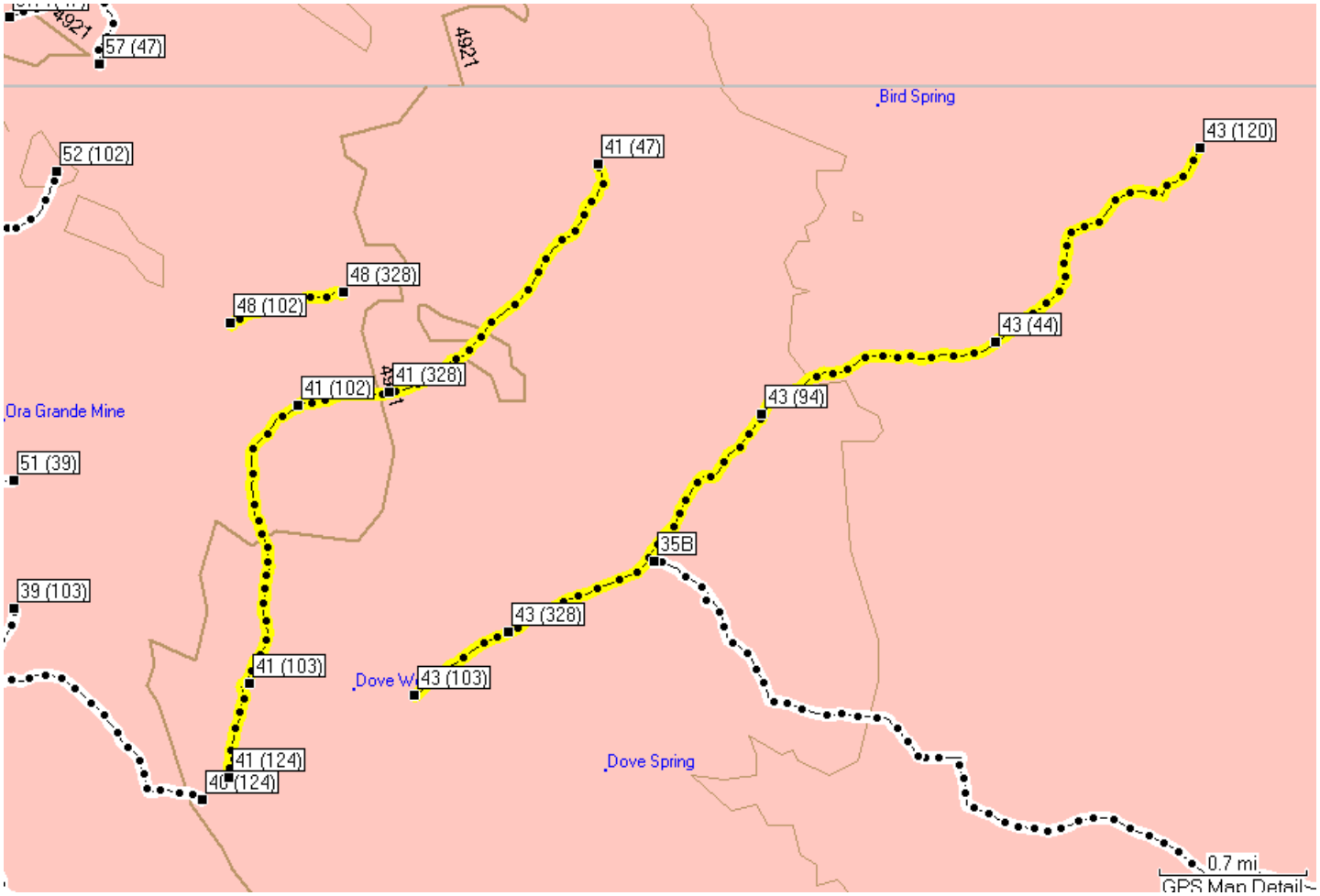
- **Rating: INTERMEDIATE, Single-tracks**
- **COMMENT: The combination of Trails 54 & 55 together bisect the western section of SC102 providing a scenic and needed challenging single-track option to SC36 from SC103. SC36 has become WIDE-track from over-use as the only western connection between SC103 and SC47.**



Trail 35 (5.66 mi)

- 35 (94): N35 26.071 W118 00.965 (SC94 intersection)
- 35B: N35 28.034 W118 05.752 (Trail 43 intersection)
- **Rating: INTERMEDIATE/NOVICE, NARROW-track**

COMMENT: Trail 35 tracks the fence-line outside the Dove Springs Open Area to the west providing connection to the western trails for two-wheel and small four-wheel vehicles. NOVICE riders can navigate the narrow-track terrain and avoid the groomed dirt roads.



Trail 41 (3.94 mi)

- 41 (102): N35 28.679 W118 07.550 (SC102 intersection)
- 41 (103): N35 27.528 W118 07.799 (SC103 intersection)
- 41 (124): N35 27.142 W118 07.903 (SC124 intersection)
- 41 (328): N35 28.730 W118 07.094 (SC328 intersection)
- 41 (47): N35 29.669 W118 06.032 (SC47 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 41 takes a north/southbound single-track rider from the SC124/176 intersection all the way to SC47 crossing SC103, SC102 and SC328 along the way creating multiple bail-out and access options. The terrain include intermediate-level rider challenges traversing ridges and valleys flowing out of the Pinyon/Wiley's Knob mountain range. The trail provides direct travel towards the Horse Canyon area trails without detouring far east or west and having to navigate the groomed road traffic.**

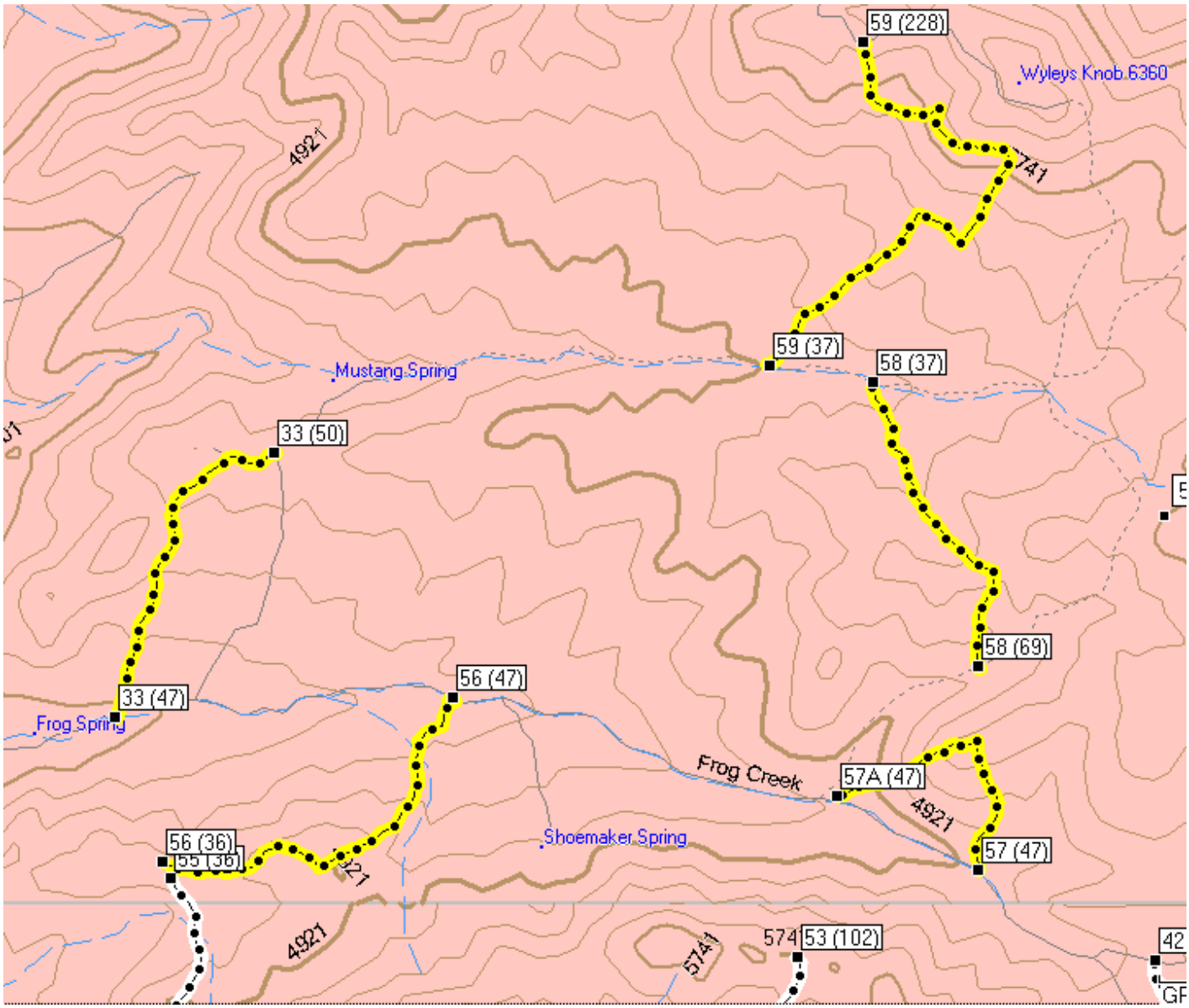
Trail 43 (4.94 mi)

- 43 (103): N35 27.480 W118 06.965 (SC103 intersection)
- 43 (120): N35 29.739 W118 02.984 (SC120 intersection)
- 43 (328): N35 27.739 W118 06.491 (SC328 intersection)
- 43 (44): N35 28.940 W118 04.022 (SC44 intersection)
- 43 (94): N35 28.642 W118 05.204 (SC94 intersection)
- **Rating: INTERMEDIATE, NARROW-track**
- **COMMENT: Trail 43 provides a direct and unique narrow-track access from the Pinyon Mountain area to connect to SC82 for two-wheel and small four-wheelers. It brings those riders to the**

northern trails and destinations without the need to navigate the groomed road traffic far to the east or west just to travel north. The trail crosses major arteries allowing bail-outs and access points along SC103, SC120, SC328, SC44 and SC94.

Trail 48 (0.56 mi)

- 48 (102): N35 29.014 W118 07.894 (SC102 intersection)
- 48 (328): N35 29.141 W118 07.320 (SC328 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 48 runs along a well-used ridge between SC102 and SC328 necessary for a bail-out and access point from the north to SC102 and it's trails to the south.**



Trail 33 (1.08 mi)

- 33 (47): N35 30.491 W118 11.357 (SC47 intersection)
- 33 (50): N35 31.190 W118 10.842 (SC50 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Trail 33 is a unique single-track from SC47 to the ridge-top where SC50 crests above Mustang Spring. Trail provides the rider with side-hills and narrow ridge climbing experience for intermediade-level rider training and bypassing the groomed wide-track SC50.**

Trail 56 (1.26 mi)

- 56 (36): N35 30.108 W118 11.201 (SC36 intersection)
- 56 (47): N35 30.540 W118 10.260 (SC47 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Takes advantage of a ridgeline traverse east from the highest point of SC36. Narrow ridge provides overlooks to the north over SC47 (Frog Creek valley) and connects to SC47 with a technical slope down to the valley.**

Trail 57 (0.90 mi)

- 57 (47): N35 30.086 W118 08.557 (SC47 intersection)
- 57A (103): N35 30.281 W118 09.013 (SC47 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: Intermediate-level double hill-climb creating a fun challenge next to the established SC47 road.**

Trail 58 (1.02 mi)

- 58 (37): N35 31.374 W118 08.897 (SC37 intersection)
- 58 (69): N35 30.624 W118 08.557 (SC69 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: An expert-intermediate hill-climb providing very challenging single-track challenge that creates a difficult drainage hill-climb when dry and intermediate-level climb after a wet run-off. Excellent entertainment lacking in the northern trail system.**

Trail 59 (1.86 mi)

- 59 (228): N35 32.271 W118 08.928 (SC228 intersection)
- 59 (37): N35 31.419 W118 09.233 (SC37 intersection)
- **Rating: INTERMEDIATE, Single-track**
- **COMMENT: A needed intermediate-level southern escape route from SC228 below the peak at Wiley's Knob. The only other single-track down-hill from the Knob is the expert-level SC34 option on the east side of Wiley's Knob.**

Trail 59 looking east.

Jawbone Canyon Single Trail System Proposal

Trail 59 looking west.

Comment Letter #21B: Norman L. Beze

From: Beze, Norman L
To: Jones, Peter@Parks
Cc: Canfield, Dan@Parks; Chris Horgan-Stewards of the Sequoia; scotts4hire@aol.com
Subject: MORE: GIS Files (Jawbone-Dove Single-Track)
Date: Monday, April 01, 2013 9:36:15 AM
Attachments: Jawbone Tracks.gdb
1364442550-09788-99.190.173.34.kmz
1364442808-09888.gpx

Peter,

#21-2 In case you need more options for conversion of the tracks we supplied in the last email, the following link to "GPS Babel" is nested within GPS Visualizer and offers numerous additional track and map format conversion options…

http://www.gpsvisualizer.com/gpsbabel/

If this is still not sufficient for your use, please let me know so we can pursue meeting a specific requirement.

Norm

From: Beze, Norman L
Sent: Wednesday, March 27, 2013 9:24 PM
To: 'Jones, Peter@Parks'
Cc: 'Dan.Canfield@parks.ca.gov'; 'Chris Horgan-Stewards of the Sequoia'
Subject: RE: GIS Files (Jawbone-Dove Single-Track)

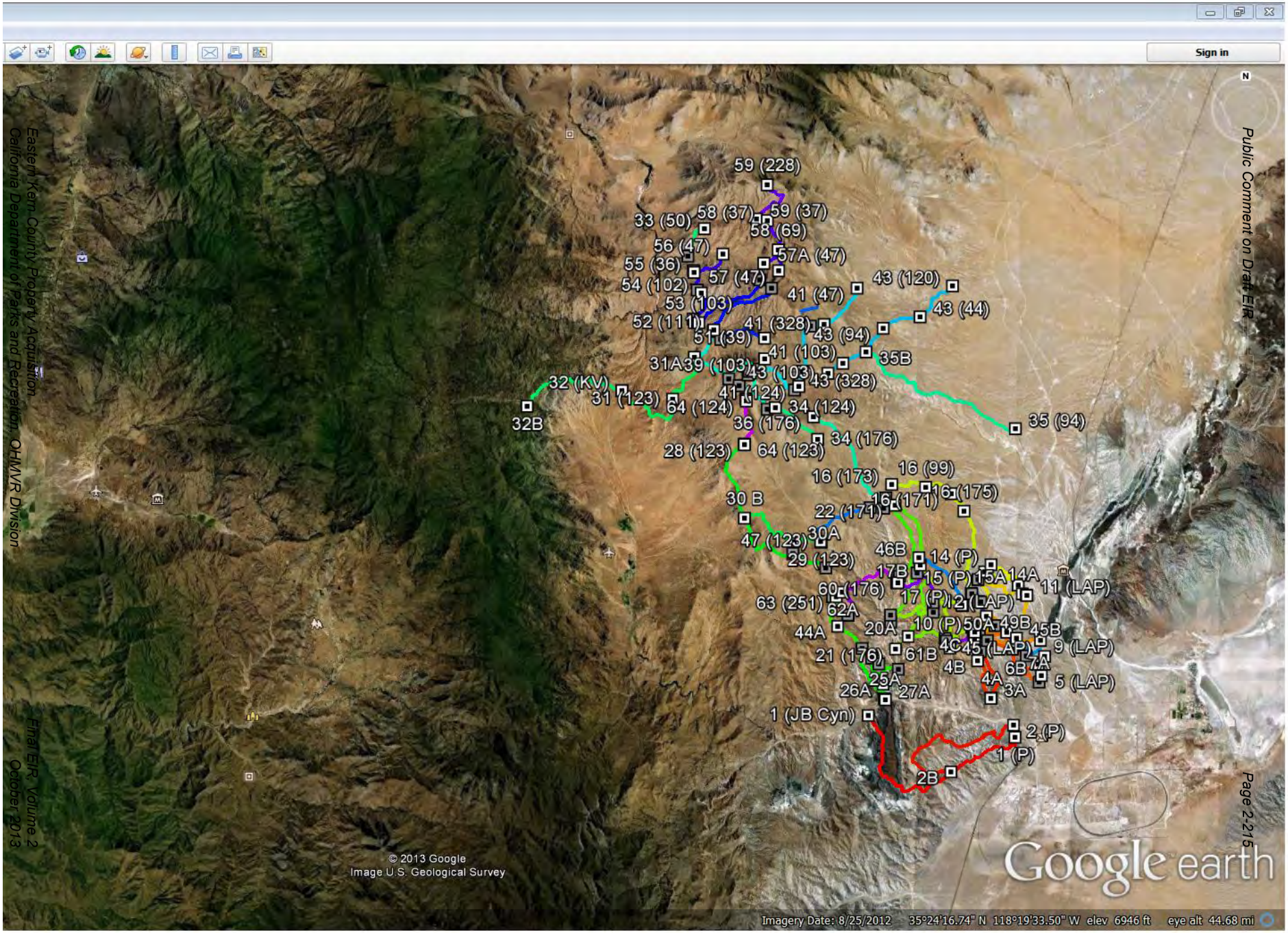
Peter,

Please evaluate the attached files. I included the .gdb, the .kmz (Google Earth) and the .gpx versions. I converted them using GPS Visualizer (http://www.gpsvisualizer.com/convert_input) hoping that helps get the data needed in your hands.

Please let me know if it is sufficient or if I need to try again. I could always burn them to a DVD if that helps.

Thanks again for your interest … it is very much appreciated!

Norm



Note: Graphic reflects .kmz file submitted by commenter viewed via Google Earth

Comment Letter #22: Boswell Family

April 1, 2013

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation (OHMVD) Division
1725 23rd Street – Suite 200
Sacramento, CA 95816
Peter Jones
Peter.jones@parks.ca.gov

Notice of Availability – NOA
Draft Environmental Impact Report (DEIR) – Dated February 2013
Eastern Kern County Property Acquisition - State Clearing House No. 2012091066

Acquire and manage 59 parcels totaling 28,275 acres from ReNu Resources, LLC (ReNu) largely interspersed with lands owned by Bureau of Land Management (BLM). No changes in land uses or significant site improvements are proposed.

OHMVR Division,

On behalf of our family, the following comments are offered regarding the proposed property acquisition located in Eastern Kern County. For clarification, our family owns a small recreational property within Southern Kelso Valley adjacent to the Piute Mountains which may potentially share a fence line with the OHMVR if the acquisition is successful. Our family has been active in the OHV community for three generations, from assisting with the early start of the Land Rover Association club out of the British Pacific shop in South Pasadena back in the 1970's, to current heavy involvement in both rock crawling and motorcycle riding including occasional competitions, members of Cal4Wheel, to occasional off-road racing in M.O.R.E. events and support for various S.C.O.R.E. events in both the US and Mexico.

From an initial view, we are supportive of the acquisition for various reasons.

#22-1

First we back recreational activities and public lands that support public activities. We have traveled to countless locations over the years, many of which have since been closed to our recreation or the public in whole. An increase to recreational land would be a first if successful. Continued pressure continues to threaten some of our most treasured OHV areas, some found within the close proximity of this proposal. Johnson Valley OHV Area, located in Lucerne Valley, continues to receive pressure of a closure, and includes some of the most sought after rock crawling trails and terrain for our sport. Although we have been wheeling there for almost 15 years, events such as the King of the Hammers indicate the ever growing interest for this sport. The north-west end of the proposed acquisition includes a portion of and lies adjacent to BLM land holding an untapped gem of opportunity for future rock crawling. The mountain terrain is perfect for this type of trail, comprised mostly of large boulders lying in low canyons with steep ledges. If it is true the OHMVR will be working with the BLM to create an expansive recreational area, combining the existing BLM lands with this proposal would be optimum, and future consideration for this type of trail and sport should be discussed. We would be available to meet with the agencies to assist in scouting or discussing options and designs.

#22-2

Secondly, we believe the OHMVR option would be less destructive than alternative development. OHV trails do not require clear cutting, do not require certain grades, are only wide enough for individual passenger vehicles and are often only single track. OHV is typically a seasonal activity. OHV does not blast with explosives. OHV does not construct devices in the path of migrating birds. It is apparent the initial intent for this area by both ReNu and the County of Kern has been for wind and solar development since 2009. This proposal offers a far less destructive option than the previously considered development plan.

#22-3

Third, we prefer public land remaining for existing and public use. However, the DEIR indicates the property is interspersed with lands owned by BLM. It is also mentioned that the 'OHMVR Division acquisition would lead to future preparation of a general plan governing use of the project property. The potential loss of the property as grazing land could occur in the foreseeable future given the state livestock policy preference for no or limited grazing in state parks. Future grazing use of the property would be determined during the general plan approval process'. Concerns:

A. Our family supports the current grazing operations. We look forward to each season with these animals and the benefits they bring to our valley. Positive acquisitions or development occurs when all existing uses can continue in some fashion or some areas, and safely with new proposals. Perhaps during this 'general plan' approval process, additional considerations could be discussed for geographical areas or corridors.

#22-4

B. The DEIR notes a potential revision to the 'general plan', which may again have the ability to affect the existing private land owners in the close proximity. A similar case occurred due to this same property in 2009 which affected the adjacent private properties, which at the time of the public hearing was presented to the adjacent land owners that inconsistencies were found in the general plan, whether correct or not. The DEIR notes once the parcels are acquired by the state; they would be reclassified to the state or federal land designation. This classification applies "to all property under the ownership and control of the various state and federal agencies operating in Kern County (military, USFS, BLM, Department of Energy, etc.). A request is now being made to the State of California to reconsider what was previously performed by the Kern County Planning Department for this land noted as part of the acquisition. Perhaps if a general plan approval process is once again required for this project site as noted in the DEIR, the adjacent private properties which were once affected by the previous zone changes from E-20 to A could be corrected in this upcoming general plan process. Would the affected site become "non-jurisdictional" only because of State or Federal owned or would the corrections be made from the previous modifications in 2009 for this previous owner? Section 13.5.5 notes long term plans for the Kelso Valley residence will be evaluated during the general planning process – what does this refer to? Reference the items below for a partial history of 'general plan' and 'zone change' modifications which occurred due to the previous acquisition of this same land. (This included ReNu's property currently being discussed in the DEIR by the OHMVR).

JULY 28, 2009 EMAIL FROM CH2M HILL TO KERN COUNTY PLANNING:
Reference "CH2M HILL" File page 134 of 756
Reference "City of Vernon" File page 15 of 55
Subject: ***"City of Vernon: Height Limits for MET Towers/Variance Requirements"***
Attachments: ***"February 5, 2009 – Thursday, 10:00 a.m. Agenda Director's Hearing Kern County Planning Department – Appeals: Zoning and Parcel Maps (Reference items 2, 3 and 4)"***
Question 1 asks *"In the Estate District (E), the height limit is 80 feet. Based on the attached information, it appears that a Variance is required to allow a met tower to exceed this height limit. Can you please confirm, as this is inconsistent with our previous understanding of the permit requirements? Is this same standard applicable to all district height limits or just the E district?*

JULY 31, 2009 CH2M HILL SUBMITTAL OF METEOROLOGICAL TOWER BUILDING PERMIT APPLICATIONS TO KERN COUNTY PLANNING DEPARTMENT LORELEI H OVIATT DIVISION CHIEF - RE: City of Vernon:
Reference: "Untitled Folder" File pages 17 – 26 of 177
It notes *"On behalf of the City of Vernon, CH2M HILL is submitting a request for a Variance and this Building Permit application package for up to twelve (12) meteorological (met) towers for Kern County's review and approval. The Variance is requested to allow the met towers to exceed the 80-foot height limit in the Recreation Forestry and Estate zone districts. The City of Vernon controls approximately 55,000 acres of land about 15 miles north of the City of Tehachapi in the southeastern Kern County. The erection of these met towers is necessary to evaluate the site for development of a Wind Energy Project. The application for a Wind Energy Project will be submitted to Kern County by*

August 7, 2009. This letter provides information to assist Kern County staff in processing these Building Permit applications." It notes *"We have consulted with the Building Inspection Division and at their direction included the materials contained herein."*

AUGUST 10, 2009 APPLICATION FOR ZONE CHANGE – KERN COUNTY PLANNING DEPARTMENT:

Reference: "City of Vernon Folder" File pages 27-36 of 78

Applicant: ***"City of Vernon"***

Proposed Change of Zone: *"Apply the Wind Energy Combining District along proposed wind turbine strings and rezone (E-20) to (A) within Hoffman Summit Project Site"*

Domestic Water: *"Private On-site Water Well"*

Square Footage or Acreage of Site: *"+/-54,000 acres; of which 11,200 acres is proposed for development at this time."*

Section E – Basis or explanation of need for change of zone: *"The proposed zone change would allow construction of a 192 MW wind energy generating facility. The Wind Energy Combining District would be established along turbine strings. The zone change also includes land within the Hoffman Summit Project Site currently zoned Estate-20 (E-20). This land is proposed to be rezoned to Exclusive Agriculture (A) to facilitate development of the proposed wind energy generating facility."*

AUGUST 10, 2009 CITY OF VERNON RENEWABLE ENERGY DEVELOPMENT PROGRAM – Part 2:

Reference: "Untitled Folder" File page 100-106 of 177

Under ***"Program Overview and Objectives"***, it notes *"Since October 2008, the City of Vernon (City) has controlled about 54,000 acres of land in fee title, purchase options, and easements in Kelso Valley, Kern County (County), California. The City plans to develop wind and solar energy generating projects on these City-controlled lands as part of the city of Vernon Renewable Energy Development Program (Program). Approximately 17,000 acres in the northern portion of Program area are primarily being considered for solar power development, and the remaining balance of land is primarily being considered for wind energy development."* It notes *"The western Solar Lands include the Kelso Valley, an area of primarily less than 10 percent slope. The Kelso Valley contains a number of springs, the most notable being Green Spring. Wetland areas, associated with these springs and Cottonwood Creek, are located throughout the valley floor."* It notes *"The Wind Lands encompass approximately the southern third of the City-controlled lands. Parcels in this area are mountainous and include several prominent ridgelines, stretching southwest toward Butterbredt Peak."* It notes *"The Estate-20 (E-20) zone does not allow Project-related facilities; therefore, rezoning is required. Figure 3 represents the zone districts locations within the Project area."*

AUGUST 11, 2009 LETTER TO LORELEI H. OVIATT, DIVISION CHIEF KERN COUNTY PLANNING DEPARTMENT FROM CH2M HILL:

Reference: "ZCC 2 MAP 110 CITY OF VERNON" File pages 124-125 of 148 (additional information pages 126-135)

Reference: "ZCC 8 MAP 131 CITY OF VERNON" File pages 9-10 of 36 (additional information pages 11-36 including receipts)

The letter is titled ***"RE: City of Vernon renewable Energy Program Kern County Application Package Submittal"***

It notes *"Dear Lorelei: CH@M HILL is pleased to submit this application package on behalf of the City of Vernon (City) in support of its plans to develop wind and solar energy generating projects on approximately 54,000 acres owned or controlled by the City in southeastern Kern County."*

It notes *"As part of the HS Project, the City requests the following discretionary approvals from Kern County:*

- *Zone change/rezone to amend Kern County Zone Maps 110 (T29 R35), 111 (T29 R36), 131 (T30 R35), 132 (T30 R36) to establish the Wind Energy (WE) Combining District ("WE District") to allow the installation of wind turbine generators (WTG) pursuant to Chapter 16.94 of the Kern County Zoning Ordinance.*

- *Zone change/rezone to amend Kern County Zone Maps 131 (T30 R35) and 132 (T30 R36) from Estate-20 (E-20) to Exclusive Agriculture (A) pursuant to Chapter 19.112 of the Kern County Zoning Ordinance to allow for development of wind energy facilities within the HS Project site"*

AUGUST 31, 2009 LETTER FROM KERN COUNTY PLANNING DEPARTMENT TO CH2MHILL:
Reference: "ZCC 2 MAP 110 CITY OF VERNON" File pages 122-123 of 148
Reference: "ZCC 8 MAP 131 CITY OF VERNON" File pages 7-8 of 36
The letter is titled ***"RE: Preliminary Review for City of Vernon Wind Project"***
It notes *"This department is in receipt of your recent submittal of materials for the above-referenced project."*

It notes *"The project consists of approximately 54,000-acres of land located near the unincorporated area of Kelso Valley, in eastern Kern County. The discretionary actions being sought include zone changes to allow for the inclusion of the Wind Energy (WE) combining district, as well as, conditional use permits for the temporary placement of concrete batch plants during construction."*

It notes *"The "Hoffman Summit Wind Project" name is not available for this request. Please provide a revised project description with different project name. Also, the project subarea names need to be revised. Potential names could include Subarea 1, Subarea 2, etc. At this time Staff believes calling a portion of a wind project "solar" will only lead to public confusion as to the scope of the project proposed."*

DECEMBER 15, 2009 KERN COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS STAFF REPORT:
Reference: "McQuiston" File pages 71 – 234 & 247 - 249 of 285
Applicant: ***"City of Vernon by CH2M Hill and Kern County Planning Department"***
Project Size: ***"52,000 acres"***
Project Analysis: *"The Project site encompasses approximately 52,000 acres governed by the Kern County General Plan situated in the Piute Mountain and Jawbone Canyon areas of eastern Kern County. The site is owned largely by private individuals, with properties ranging in size from 2-1/2 acres to 640 acres. The request has been initiated by Staff and the City of Vernon following the review of a proposed wind energy zone change request submitted by the City of Vernon.* ***During the course of reviewing that request, Staff examined the project site and the surrounding parcels' General Plan map code designations and zone district classifications. Staff subsequently identified numerous areas of land with zone classifications inconsistent with their map code designations."*** It notes *"During the course of processing this request, Staff notified all affected agencies, utilities, County departments, and surrounding property owners within 1,000 feet of the project site. Staff has received approximately 45 phone calls inquiring about the project, primarily from surrounding property owners, requesting clarification about the scope of the request."* It notes Staff received a letter of opposition from a land owner requesting their existing zoning remain. It notes *"Staff explained the reasoning behind the proposed change to bring the plan into conformity with adopted General Plans."* It notes *"At the November 12, 2009, Planning Commission hearing, five individuals spoke in opposition to the request."* One speaker *"asked how the City of Vernon could request a zone change on private property."* Another speaker stated *"the City of Vernon intends to build a wind farm and that they have not contacted the local residents for comments."* Another speaker noted *"she owns 120 acres in the Kelso Valley area."* She *"also stated that turbines cause excessive vibration and her son and granddaughter are prone to having seizures." She said she "has lifelong migraines and the proposed turbines will trigger them."* The Kern County Commissioner Belluomini spoke after this last speaker and stated *"that the request before the Planning Commission was for a change in zone classification to the A District and not to add the WE (Wind Energy) District. Commissioner Belluomini stated the request was merely to fix inconsistencies between zoning and the kern County General Plan and urged the individuals in attendance to come back when a wind energy project was being considered by the Commission."* Another speaker stated *"the City of Vernon has joined with Kern County on this project and the County should not see this as a model of government collaboration."* The future project proponent for the Jawbone Wind Energy Project *"spoke in favor of the project and thanked the applicant for not taking*

time to make a presentation." He stated *"wind energy development is a positive in this area and owners should be considerate of wind developers."* This Staff Report notes *"Ms. Oviatt restated that a wind energy zone change had been submitted by the City of Vernon, however, the application had not been deemed complete. She further stated this change will not result in a wind farm until after full public review and an EIR for a zone change to the WE District has been completed and processed for consideration before the Planning Commission and the Board of Supervisors."*

DECEMBER 15, 2009 KERN COUNTY BOARD OF SUPERVISORS:
Reference: "McQuiston" File pages 216-234 of 285
City of Vernon by Ch2M Hill and Kern County Planning Department
Resolution No. 2009-458
AYES: McQuiston, Maben, Maggard, Watson, Rubio
Resolution No. 2009-459
AYES: McQuiston, Maben, Maggard, Watson, Rubio

JANUARY 14, 2010 KERN COUNTY BOARD OF SUPERVISORS AMENDS ZONING MAP:
Changed from E (20) (Estate-20acres) and RF (Recreational – Forestry) to A (Exclusive Agriculture).

#22-5

C. Currently there are several BLM California wind development applications currently on file for this area. How will the OHMVR noting BLM parcels interspersed throughout work with these known wind energy project applications? Although the DEIR notes by bringing the private lands into OHMVR Division control, the project would eliminate the potential for wind energy development…. Would this also eliminate the potential issues associated with wind energy development such as access roads, high voltage transmission lines, or easements through proposed OHMVR acquisition property to access these interspersed BLM parcels? This would help address future security concerns, future public safety concerns, etc. Although all future foreseeable mitigation is not being considered at this time, how do the applications dating back approximately 8-years affect the overall development plan for the OHMVR Division? See below for partial list of BLM California Wind applications in this area.

BLM CALIFORNIA WIND AUTHORIZATIONS AND APPLICATIONS - MAP:
CALIFORNIA DESERT BLM DISTRICT OFFICES – RENEWABLE ENERGY PROJECTS AND UTILITY CORRIDORS – PROJECTS AS OF JANUARY 7, 2013:
http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/application_maps.Par.30605.File.dat/CDD_Application_Map.pdf

REFERENCE MAP – SEE BELOW FOR DESCRIPTIONS:
1. **CACA 047847** – noted as Wind Energy Projects Type II Testing (Authorized).
2. **CACA 051016** - noted as Wind Energy Projects Type II Testing (Authorized).
3. **CACA 052841** - noted as Wind Energy Projects Type II Testing (Pending).
4. **CACA 051454** - noted as Wind Energy Projects Type II Testing (Pending).
5. **CACA 049547** - noted as Wind Energy Projects Type II Testing (Authorized).
6. **CACA 051386** - noted as Wind Energy Projects Type II Testing (Authorized).
7. **CACA 052477** - noted as Wind Energy Projects Type II Testing (Authorized).

Total BLM acres in this region alone: 163,654 acres +/-

http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy.Par.5556.File.dat/BLM%20Solar%20Apps%20&%20Auths%20July%202012.pdf

1. Serial Number: **CACA 047847**
   Received Date: August 22, 2005
   Size (Acres): 2,678 acres
   Serial Number: CACA 47847
   Received ROW Grant Authorization: September 20, 2010

Size (Acres):	**9,706 Acres (Increased)**
Field Office:	Ridgecrest
Project Name:	North Sky River Type II
Grant Expiration Date:	10/17/2013
Project Application Type:	Wind Testing
Geographic Location:	Tehachapi Mountains T290S R 340E & 350E, T300S R340E & 350E, T310S R 340E & 350E (Roughly W/SW of the intersection of Jawbone Canyon Road & Kelso Valley Road – in Piute Mountains)
Applicant:	**Boulevard Associates, LLC**

2.

Serial Number:	**CACA 049547**
Field Office:	Ridgecrest
Project Name:	Competitive Power Ventures Type II
Grant Expiration Date:	7/22/2013
Size (Acres):	**44,219 Acres**
Project Application Type:	Wind Testing
Geographic Location:	Bird Springs; T280S R360E (Roughly between Kelso Valley Road & Hwy 14, North of Jawbone Canyon Road)
Applicant:	Competitive Power Ventures, LLC

3.

Serial Number:	**CACA 051016**
Field Office:	Ridgecrest
Project Name:	Barren Ridge Type II
Grant Expiration Date:	7/20/2014
Size (Acres):	**10,665 Acres**
Project Application Type:	Wind Testing
Geographic Location:	Barren Ridge; T310S R360E & 370E (Roughly South of Jawbone Canyon Road East of Hwy 14)
Applicant:	Tehachapi Wind Energy, LLC

4.

Serial Number:	**CACA 052477**
Field Office:	Ridgecrest
Project Name:	Wind Energy Type II
Grant Expiration Date:	11/10/2014
Size (Acres):	**18,283 Acres**
Project Application Type:	Wind Testing
Geographic Location:	Kern County; T280S R370E (Roughly between Hwy 14 & Hwy 395 – appears to connect to CACA 049547 Bird Springs)
Applicant:	Wind Energy Inc.

5.

Serial Number:	**CACA 051386**
Field Office:	Ridgecrest
Project Name:	LH Renewables Kern County Type II
Grant Expiration Date:	12/20/2013
Size (Acres):	**25,674 Acres**
Project Application Type:	Wind Testing

Geographic Location:	Kern County; T270S R370E (Roughly between Kelso Valley Road & Hwy 14 – North of Jawbone Canyon Road)
Applicant:	LH Renewables, LLC

6. Serial Number: **CACA 051454**
   Field Office: Ridgecrest
   Project Name: Jawbone Canyon Type II
   Application Received: 11/26/2009
   Size (Acres): **47,226 Acres**
   Project Application Type: Wind Testing
   Geographic Location: Jawbone Canyon (Roughly between Kelso Valley Road & Hwy 14)
   Applicant: Jawbone Canyon Power Partners

7. Serial Number: **CACA 052841**
   Field Office: Ridgecrest
   Project Name: Sierra
   Application Received: 3/31/2011
   Size (Acres): **7,881 Acres**
   Project Application Type: Wind Testing
   Geographic Location: T270S & 280S R350E, T280S R360E & 370E, T290S R370E
   (Roughly west of Kelso Valley Road in Piute Mountains)
   Applicant: Tehachapi Wind Energy, LLC

#22-6

Expanded Acquisition Area:

Although the DEIR does not address this area in detail, this plan is favored by our family. As noted, larger swaths of land could engulf the OHV area, leading to greater consistency and less conflicts, and additional resource protection could be achieved. This may also satisfy Kern County based on their latest public display for this adjacent property. Reference proposed wind energy boundary map hearing on September 25, 2012 @ 2:00pm:
http://kern.granicus.com/MediaPlayer.php?view_id=2&clip_id=2147
At **04:12:10** – Chairman Zack Scrivner states *"I think this boundary that has been proposed by Miss Oviatt works for the Second District, and I'm pretty sure of that. But what I don't know is what is appropriate for the rest of the County right now. We haven't studied those areas. We've done (20) EIRs in the last four (4) years in the Second District but we haven't done and wind EIRs anywhere else in the County. And so Miss Oviatt and her Staff are asking for some direction from this Board and so I'm going to do my best to give her my position and my recommendations. First of all I support Option A, the Wind Development Guidance Map and I have the following additional comments because I want to give as much direction as I have, as I can. Given what I've heard from ranchers and my constituents in the Twin Oaks area and what I know about current wind turbine technology, I will not support a wind energy development on the City of Vernon's property.* ***I urge the City of Vernon to pursue other uses for this property, a conservational recreational area, maybe an off-highway vehicle park.*** *Contrary to recent statements made in the local media and elsewhere, there is a deed restriction on this property, which precludes commercial wind development or any other development without the approval of this body, without the approval of the Kern County Board of Supervisors. I will not support a wind project located within the boundaries of the Greater Tehachapi Specific Plan, and I won't support wind projects located in the Sand Canyon Specific Plan and, and this is regardless of any new wind technology, I don't think that turbines are a right fit in those areas. So Miss Oviatt, would you be able to put up a map of those areas so people can see? That would, that would put up, that would put the Unincorporated Communities such as Stallion Springs, Bear Valley, etc. completely off limits. Miss Oviatt, Thank you Miss Oviatt. And it's not on this map; it's not addressed in the*

Greater Tehachapi Specific Plan, however I think we need to, I'd like to make some comments regarding the Harte Flats area. I've heard from residents in Harte Flats, for the Harte Flats area, I won't support projects on the South side of Highway 58 and I will only consider areas outside the blue lines proposed by Staff that address Community concern, and reduce the impacts to aesthetics. I know this is a high hurdle for developers but in my experience they always find a way to a, to make a development work or they can find a better place. I agree that we should let property owners go through the process, but I've heard enough comments and Community input over the last ten (10) months to understand the various positions of my constituents in the Second District. They want thoughtful developments in a contained area and yet others among my constituents want an opportunity for wind developers to consider their land for future development. I think that the Wind Development Guidance Map and these public discussions we've heard today and those we've heard in the workshops and the comments that are on the record will create a path for future wind development in the Second District. Wind energy development is a wonderful resource in the Second District, I think that this Board understands that and I support it. But I must assure that it is developed with the least environmental impact and with the greatest benefit to the Community and to the tax payers of Kern County. The fact that we do environmental impact studies shows that there are impacts with these projects, so I don't think that we can pretend they're so benign that they can go anywhere. Wind is a resource in the Second District, no doubt about that, so is our quality of life, and most residents in these Communities moved here because they love the natural surroundings and I think that a lot of our speakers have expressed that point of view….." He states *"But as Second District Supervisor this line means something to me, and as long as I'm here, I want to see good thoughtful projects which are inside the blue line. Whatever happens today, I expect our Planning Director Miss Oviatt to take my comments seriously and I'm sure she will, and to convey very clearly to developers exactly what I want and what I don't want in my District when it comes to wind development, these are the guidelines of my Communities, and this is how the wind developers, I expect them to fit into this."*

#22-6

The uncertainty lies with the fact that previously approved EIR's do not guarantee to the public that the mitigation items or locations of items discussed in the documents will be followed. This leads to a taking of adjacent property owner's intended uses for their land, destruction of the environment, damage to habitats and injury or death to species. We hope for a balance of all items when the OHMVR Division is successful with this proposal.

Since approximately a dozen private properties are located within the Southern Kelso Valley area at or around the intersection of Jawbone Canyon Road and Kelso Valley Road, consideration during the preparation of the general plan to existing private properties and residents to allow for proper separation of potential future camping locations and potential restroom locations would be valuable. Again we ask that the General Plan, specifically zoning, although different in nature for this application, be reconsidered for this area as it was in 2009 for the current owners. Wetlands, although not connected to navigable waters, exist within the basin of Kelso Valley and should be considered during the preparation of the general plan.

As a whole, we support the acquisition by the OHMVR Division for all parcels noted. We suggest consideration be given where appropriate in the future preparation of the general plan to ensure unity with all stake holders.

If you should have any questions, please feel free to contact us.

Respectfully submitted,

Boswell's
rokboz@yahoo.com

Comment Letter #23: Mark R. Faull

Mark R. Faull
8260 Charles Place
California City, CA 93505
(760) 373-3451

April 1, 2013

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
1723 23rd Street, Suite 200
Sacramento, CA

Lead Contact: Peter Jones, Park and Recreation Specialist
Peter.Jones@parks.ca.gov

Subject: **Abbreviated Comments on Draft Environmental Impact Report for Eastern Kern County Acquisition** (State Clearinghouse No. 2012091066)

Thank you for this opportunity to enhance the Draft EIR for the East Kern Acquisitions project. As a resident and avid researcher of eastern Kern County for almost 29 years I hope that my acquired knowledge can be of assistance.

Due to conflicting concurrent obligations, I am unable to provide the depth and cited references I would ordinarily provision. I remain pleased and happy to assist California State Parks with continued communications and acquired research (as well as local insights) should this be an internal goal.

PALEONTOLOGICAL RESOURCES

#23-1

Dove Spring Formation

The current Draft EIR unfortunately overlooked the extremely prominent paleontological resources reflected in the local Dove Spring Formation. The Dove Spring Formation is prominent within Red Rock Canyon State Park, the upper strata of which extend westward beyond the park boundary into the new acquisition lands as well as adjoining BLM properties.

The Dove Springs Formation was earlier referred to as the Ricardo Formation (Dibblee 1952), which was revised to become the Ricardo Group containing the Dove Springs Formation and the Cudahy Camp Formation in 1989 (Loomis and Burbank 1988).

The Dove Springs Formation contains a globally recognized vertebrate fossil collection from a portion of the Miocene and represents the most complete collection for its age recovered from any United States fossil beds west of Nebraska. The most recent publication documenting this significance is Whistler et al. 2009.

The earliest vertebrate fossil recovery initiated with Merriam pursuant to a series of articles. Dr. Merriam published seven intermediary works defining this topography's special and unique fossil heritage, leading up to his comprehensive paleontological review of what he termed the "Ricardo group" in 1919 (Merriam 1913, 1914; 1915a; 1915b; 1915c; 1916; 1917; 1919). Numerous significant publications occurred between 1919 and 2009 and can be provided upon request.

Miller and Amorosa 2007 have most recently mapped the westward extent of the Dove Springs Formation west of Red Rock Canyon State Park.

Paleontologists at the Los Angeles County Museum of Natural History represent the experts on this paleofauna and their archives curate over 10,000 specimens collected locally pursuant to permits with California State Parks and the Bureau of Land Management.

References:

Dibblee, T. W., Jr.
1952 Geology of the Saltdale Quadrangle, California. *California Division of Mines Bulletin 160*, p.5-43. September 1952. San Francisco.

Loomis, Dana P. and Douglas W. Burbank
1988 Stratigraphic Evolution of the El Paso Basin, Southern California: Implications for the Miocene Development of the Garlock Fault and Uplift of the Sierra. *Geological Society of America Bulletin* 100:12-28. January 1988.

Merriam, John C.
1913 New Protohippine Horses from Tertiary Beds on the Western Border of the Mohave Desert. *University of California Publications, Bulletin of the Department of Geology* 7(23):435-441.

1914 The Occurrence of Tertiary Mammalian Remains in Northwestern Nevada. *University of California Publications, Bulletin of the Department of Geology* 8:275-281.

1915a New Species of the Hipparion Group from the Pacific Coast and Great Basin Provinces of North America. *University of California Publications, Bulletin of the Department of Geology* 9:1-8.

1915b Extinct Faunas of the Mojave Desert and their Significance in a Study of the Origin and Evolution of Life in America. *Popular Science Monthly* 86:245-264.

1915c Horses from the Miocene and Pliocene of California. *University of California Publications, Bulletin of the Department of Geology* 9(4):49-58.

1916 Mammalian Remains from the Chanac Formation of the Tejon Hills, California. *University of California Publications, Bulletin of the Department of Geology* 10(8-9):111-127,129-135.

1917 Relationships of Pliocene Mammalian Faunas from the Pacific Coast and Great Basin Provinces of North America. *University of California Publications, Bulletin of the Department of Geology* 10(22):421-443.

1919 Tertiary Mammalian Faunas of the Mohave Desert. *University of California Publications, Bulletin of the Department of Geology* 11(5):437a-437e,438-585.

Miller, David M. and Lee Amorosa
2007 Preliminary Surficial Geology of the Dove Springs Off-Highway Vehicle Open Area, Mojave Desert, California. U. S. Geological Survey Open File Report 2006-1265.

Whistler, David P., Richard H. Tedford, Gary T. Takeuchi, Xiaoming Wang, Zhijie Jack Tseng and Michael E. Perkins
2009 Revised Miocene Biostratigraphy and Biochronology of the Dove Spring Formation, Mojave Desert, California. Papers on Geology, Vertebrate Paleontology, and Biostratigraphy in Honor of Michael O. Woodburne. *Museum of Northern Arizona Bulletin 65*. Flagstaff, Arizona.

Unnamed Local Fossil-bearing Strata

#23-2

A second triangular wedge of an "Unnamed Formation" of indeterminate age extends westward into certain southeastern acquisition parcels covered by the Draft EIR, which has yielded a vertebrate fossil assemblage. Paleontologists suspect the assemblage of being Pliocene in age, but have been unable to secure accurate dating confirmation. The unnamed formation exists within a triangular wedge bound by the Garlock fault on the south, the El Paso Fault on the north and the Sierra Frontal Fault on the west.

Most of the "unnamed formation" occurs as remnant patches exposed as low ridgelines, not uncommonly cut and capped by apparent Pleistocene erosional depositions. Paleontologists at the Los Angeles County Museum of Natural History are the most knowledgeable researchers regarding these strata and their archives curate several examples of recovered fossils.

#23-3

BOTANICAL RESOURCES

The Draft EIR does not mention the newly published Red Rock Canyon Monkeyflower, *Erythranthe rhodopetra* (Fraga 2012). The type locality for this new species lies within adjacent Red Rock Canyon State Park. The new species is of constricted or limited distribution. Formerly thought to be populations of the more widespread Palmer's Monkeyflower, new range and distribution data are extremely important to collect. The proximity of these acquisitions to Red Rock Canyon warrants consideration of this species within the final EIR.

Reference:

Fraga, Naomi S.
2012 A Revision of Erythranthe Montioides and Erythranthe Palmeri (Phyrmaceae), with Descriptions of Five New Species from California. *Aliso* 30(1):49-68.

#23-4

CULTURAL RESOURCES

Death Valley 49ers

The Draft EIR does not contain any reference to the important passage of the Death Valley 49ers in early 1850. Reference to their passage and its importance can be gleamed from Faull 2000, as well as other publications.

Reference:

Faull, Mark R.
2000 Recognition of Cultural Significance at Red Rock Canyon, Kern County, California. In *Proceedings of the Society for California Archaeology, Volume 13.* Fresno, California. p. 259-265.

#23-5

Los Angeles Aqueduct

The creation of the first Los Angeles Aqueduct was an event of statewide and even national significance (Faull 2000; also Faull 1991). The trace of this aqueduct passes through the eastern acquisition parcels and several acquisition parcels contain remnants of important construction camps utilized during the multi-year construction process of the aqueduct.

The rearrangement of water resources in California is a major factor influencing the 20th Century transformation of California culture, economy and even the balance of power within our state. The Los Angeles Aqueduct was the first major water

redistribution project, which eventually enabled the arid southland to outpace northern California in population.

Sites associated with the establishment of this aqueduct deserve consideration under the National Register of Historic Places criteria. In addition to their significant aforementioned contribution to California history, the innovative layout of the camps and the worker motivational strategies are also significant historical accomplishments for the era.

It appears that several acquisition parcels may contain the remnants of aqueduct camps, such as San Antonio Camp, Water Canyon Camp and Gray Ridge Summit Saddle Camp.

References:

Faull, Mark R.
2000 Recognition of Cultural Significance at Red Rock Canyon, Kern County, California. In *Proceedings of the Society for California Archaeology, Volume 13.* Fresno, California. p. 259-265.

1991 *The Red Rock Railroad: The History and Remnants of a Short-lived Early Twentieth Century Supply Spur*. A paper presented at the 25th Annual Meeting of the Society for California Archaeology, Sacramento, California. Subsequent Paper available from author.

#23-6

The Keysville Massacre

Brief mention is made within the Draft EIR of Captain Moses A. McLaughlin's Keysville Massacre of 35 Native Americans on April 19, 1863. While the massacre is believe to involve mostly innocent individuals, the incident occurred against the backdrop of greater cultural unrest and conflicts after Euro-American settlers and miners entered the southern Sierra Nevada, Coso Mountains, Slate Range, El Paso Mountains and Owens Valley.

These Euro-Americans impacted the crucial winter pinyon nut crops by cutting down vast quantities of these trees to smelter minerals. Perhaps one early article in the *Daily Alta California* (28 July 1860:1) unknowingly summed up an essential and pivotal element in the worsening conflict when it stated, "we have plenty of firewood. It is a very scrubby pine, called by the Indians pinon. They gather the seed for food". In addition, cattle had been introduced, which forged upon the spring and early summer annual and perennial plants utilized by Native Peoples for sustenance. Conflicts escalated into violence.

The initial conflicts occurred in the Eastern Sierra region. Over time the epicenter of some conflicts shifted southwest into the southern most Sierra Nevada. On April 17, 1863 the *Los Angeles Tri-Weekly News* reported "the Indians are becoming troublesome" having "blockaded Walker's Pass … and we have been informed all travel has been obliged to be suspended in consequence." This was one of the main supply route to provision the miners of the Eastern Sierra region. According to Captain McLaughlin's report part of Captain McLaughlin's justification of his actions was that one miner had been murdered in "Kelsey" [Kelso] Canon" (Barras 1984:76). As such, one of the incidents that appear to have motivated the retaliatory massacre on April 19, 1863 occurred in or near the EIR project area.

Trouble persisted and again impacted the project vicinity as *The Los Angeles Tri-Weekly News* (19 June 1863) announced the death of two additional men hauling freight through the Kelso Valley.

These local incidences fit into a larger paradigm of cultural conflict and transition.

References:

Barras, Judy
1984 *Their Places Shall Know Them No More*. Judy and Bud Barras, Tehachapi, California.

#23-7

Native American Cultural Traditions and Heritage

It remains extremely important to recognize the ongoing, unbroken, living family and cultural traditions of our Local Native Americans, which occur and transact upon the proposed acquisition lands. These family and community traditions must be formally acknowledged and recognized. Every attempt should be made to reasonably accommodate the perpetuation of these invaluable cultural traditions, which lie at the heart of self and community identity, as well as protecting the most sacred and spiritual grounds within the proposed acquisition from undue incidences or harm.

Comment Letter #24: Blair Groves

From: Blair Groves
To: Jones, Peter@Parks
Subject: EKCA Draft EIR Report
Date: Monday, April 01, 2013 11:04:08 AM

Dear Peter,

#24-1 In Reading the first couple pages of the EKCA Draft EIR Report there is some concerns that I have. We'll Start in Order as they appear in the Report, In the
S.1 PROJECT DESCRIPTION portion of the report it states that, "This Draft Environmental Impact Report (EIR) assumes that in the foreseeable future the OHMVR Division would manage the former ReNu parcels for OHV recreation. It further assumes all existing uses (including grazing) would continue to occur on the acquired parcels, subject to management necessary to protect natural and cultural resources, ensure public safety, and facilitate effective operations and subject to potential change under a general plan." Then in Table S-1. Summary of Project Impacts and Mitigation Measure under Agriculture and forestry it states that " The potential loss of the property as grazing land could occur in the foreseeable future given the state livestock policy preference for no or limited grazing in state parks. Future grazing use of the property would be determined during the general plan approval process. Therefore, actual loss of grazing land is speculative at this time and cannot be assessed." Then immediately after that it states that" Upon acquisition of the project parcels, the OHMVR Division would implement Agricultural Resource Management Measures to manage rangeland health. These measures would not result in a loss of access to public grazing land or loss of use of grazing land by the operator. Implementation of the Agricultural Resource Management Measures would apply federal standards to the presently unregulated ReNu parcels resulting in a beneficial impact". The Report contradicts itself here, are they going to close down the grazing or are the going to allow it to continue?

#24-2 In the Table S-1. Summary of Project Impacts and Mitigation Measure under the GEOLOGY AND SOILS section it states that
"IMPACT: Portions of designated routes traversing acquisition parcels have soils with high and moderate erosion potential and areas within the acquisition parcels may be prone to erosion. A 1% increase in annual usage would not significantly increase erosion potential. The OHMVR Division would implement geology and soils management measures, including a soil conservation plan to address all trails, routes, and open areas on the acquired parcels". We already monitor trail in the surrounding area using photos as evidence. We already have soil reports that look at the type of trail, the amount of traffic on the trail and other aspects that affect the condition of the trails.

#24-3 In the HAZARDS, HAZARDOUS MATERIALS, AND PUBLIC SAFETY section of Table S-1. summary of Project Impacts and Mitigation and Measure it states that there are "Three project parcels (A-2, A-7, and B-10) have open pits or shafts, which may become dump sites or safety hazards if accessed by the public. A 1% increase in visitor use could result in increased public exposure to an existing safety hazard. Filling the open pits and closing or fencing the shaft as proposed by the Management Measures would prevent public injury and eliminate the safety hazard." There is no documentation of these sites. All Mine shafts have already been fenced off in these areas. Furthermore there is no legal access to any of these mine shafts, If people stay on designated trails then there's no access.

#24-4 In the 2.5.2.1 Management of the Acquired Parcel section it states that"The project does not propose construction of new facilities to support the existing land uses, although minor projects such as vault toilet installation or facilities improvements for Americans with Disabilities Act (ADA) compliance or safety are foreseeable." There is already in place 6 of these toilets through out the area of concern that are ADA compliant.. The station building at the entrance to jawbone canyon off hwy 14 was just upgraded and re-opened last year. The building and surrounding areas are already compliant with the (ADA) act. There is an information center already located inside the building that offers all kinds of information about the surrounding area and wildlife that fall within the parcels up for sale.

#24-5 The 2.5.2.1 also states that " No changes in the land use are proposed. No expansion of open riding or the existing trail network is proposed." Seeing how there is going to be no new trails or areas to ride then WHY is there such a push for the state to buy the land? This whole project was sold to the public as a way to get new "single track trails" in the network. It seems there is some hidden agendas being pushed and that the public was misled in order to get them through.

Thanks for your time,

Blair Groves, FOJ employee

Comment Letter #25: Bruce Hafenfeld

Comments on Draft EIR
California State Parks and Recreation
OHMVR
By
Bruce Hafenfeld
Hafenfeld Ranch
P.O. Box 58
Weldon, Ca. 93283

#25-1 S.3.5- Exclusions for resource protection-

- Parcel B-9 and B-10. This is an important grazing area which includes water haul sites and spring areas with watering troughs.
- Parcels A-4, A-6 and A-7 This is another important water source

Excluding grazing – Impacts are not proven, only assumed. The alternative was not selected here but requires further study and is referenced in S-3-3.

#25-2 S.3.3- "Environmentally superior alternative." Does this then include 4,318 acres under resource protection alternative? This is a confusing way to present this alternative. Exclusions in S.3.5 would have significant impact on livestock management.

#25-3 S.4- Grazing interest should be carefully considered. It will be necessary for the OHMVR Division to carefully consider the interests of those who currently utilize the land and its resources.

#25-4 1.1 Project Overview- assumes livestock grazing would continue "subject to management necessary to protect natural and cultural resources...." Assumes? Utilizing management by BLM and livestock operator would be more cost effective.

#25-5 1.1 Third paragraph-This action is irresponsible. Only government acquires something then tries to figure out how to use it let alone fund it! Our taxpayer dollars at work!

#25-6 2.4.2- ReNu parcels are managed along with the BLM and USFS permittee for the simple reason the land is open range. We cannot manage them differently as the land is a checkerboard of private and BLM. To install 20 miles of fencing is ludicrous and a waste of taxpayer dollars.

#25-7 2.4.4- The water trough at Butterbredt Springs **IS** functioning and maintained when cattle are present.

#25-8 Table 2-1- Summary of Management Measures- the term of permits are automatically rolled over every 10 years.

#25-9 4.1.4- Assumes potentially adverse impacts of grazing on recreation and biological resources. Does the policy acknowledge and understand the potentially adverse impacts of OHV use on the resource or is it only focused on grazing?

"Contract grazing" does not put food on my table nor the table of those that are employed by this ranch. "Raising livestock for commercial trade" is the way we make our living as well as those before us for the past 100 years or more. Grazing is the custom and culture of the land. And I am sure that if you checked, your "Contract" Grazers probably "raise livestock for commercial trade." State Parks OHV policy does not meet the test for continued commercial grazing or investment in infrastructure by the permittee.

#25-10 4.1.5 Kern County

4.1.5.1-" Kern County General Plan (Goals) Goal 2. Protect areas of important mineral, petroleum **AND AGRICULTURAL RESOURCE** potential for future use. Goal 5. Conserve prime agriculture lands from premature conversion." Kern County and its policies should be incorporated into all OHV planning for this project. After all, the state came to Kern County.

#25-11 Table 4-2- Operations Manual, Livestock Grazing Policy- There is nothing in this section that works for grazing, only a myriad of conflicts. "Protecting and restoring natural processes is at the core of the State Park Systems natural resource management. Livestock grazing is an artificial process impacting physical and biological resources." I do believe that there were cattle before there were motorcycles, artificial? This table shows a very real and clear bias in the State Park System towards the age old practice of grazing. How does OHV use work for State Parks in this section?

#25-12 4.3.1- Thresholds of Significance -"According to appendix G of the CEQA guidelines, a project would normally be considered to have a significant adverse impact on the environment if it would: .....

- Conflict with existing zoning for agricultural use, or a Williamson Act contract.....
- Result in the loss of forest land or conversion of forest land to non-forest use.

This does not agree with your summary.

#25-13 4.3.2- Proposed Agricultural Resource Management Measures-Term of RCA allotments- if terms and conditions are met, the term will roll for another 10 years. There is currently a proposal before congress to increase the term to 20 years.

Monitoring – BLM and USFS monitoring is generally done with premittee present and aiding in the monitoring process.

#25-14 4.3.3-4.3.3.1- permits roll over from 2018 to 2028. Very likely. Same as USFS permits. These statements are opposite of the statements in the CEQA document as well as at the previous public meeting! By not addressing the effect on commercial grazing, that it is not a

environmental effect subject to CEQA review, is a very hollow statement. Just as grazing has potential effect, so does the removal of livestock after 100+ years of grazing. What about the loss of food and product to consumers? This operation produces enough beef to feed thousands of people to say nothing of the by-product that comes from beef. The State Parks policy gives every opportunity to eliminate livestock use and very little assurance of continued livestock use. Again, there is that very clear bias. California Cattlemen's Association as well as Kern County and California Farm Bureau both have a significant concern with this policy now and in the past.

#25-15 Management Measure in sections 6.3.2, 7.3.2 and 8.3.2 may seem insignificant if measured in square feet, but may indeed be significant and should include the presence of the livestock operator who has the experience to determine the needs of the livestock.

#25-16 4.4- Depending on resource protection impacts, there could be cumulative impacts to grazing!

#25-17 4.5- Mitigation may indeed be needed if water sources are cut off that affects thousands of acres.

Questions:

#25-18 1. Why does the state wish to purchase Kelso Camp and meadow, School House Springs and meadow and Landers Meadow? What importance is there to OHV use while using OHV funds to acquire? These are all sub-irrigated meadows that are of no use to OH vehicles. Landers Meadow is non contiguous from all other parcels.

#25-19 2. Cost Benefit Ratio- Your documentation talks of only a 1% increase in ridership at what cost? Do the funds you have to acquire also include enough funds to develop and manage in perpetuity? Where will that money come from and what assurance is there that funding will be there in perpetuity?

#25-20 3. Updated appraisal- there is a new sale of a section of comparable land with water and a meadow directly across from School House Spring. It is section 34. T29S,R34E

#25-21 4. Because of the "checkerboard" land ownership, how do you plan on managing separate from the BLM when you have both state and federal standards to meet? By virtue of the "checkerboard" pattern, the lands to be acquired will be very difficult and non cost effective to manage.

*Please refer to CEQA document when reviewing this submittal.

CHAPTER 1 INTRODUCTION

1.1 PROJECT OVERVIEW

The California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division proposes to acquire and manage 59[1] mostly non-contiguous privately-owned parcels (approximately 28,275 acres) in eastern Kern County, California, from ReNu Resources, LLC (ReNu), a private company that owns and manages agricultural land in California. From east to west, the lands rise from the high floor of the western Mojave Desert into the southern Sierra Nevada and Piute Mountains (Figure 1-1). The ReNu parcels are mostly interspersed in a checkerboard pattern with lands owned by the Bureau of Land Management (BLM), although some parcels are within the Sequoia National Forest or adjacent to land under private or other ownership. Off-highway vehicle (OHV) and other recreation occurring on the adjacent public lands (both in and outside of designated OHV areas) also occurs on many of the ReNu parcels, and open range cattle grazing occurs on all but three of the parcels. The parcels are within an area frequently referred to as the Onyx or Rudnick Ranch, not to be confused with the areas around the town of Onyx, approximately 20 miles northwest of the project area.

If the land is acquired, the OHMVR Division in partnership with BLM would determine the most effective way to manage the ReNu and adjoining BLM parcels using resources available from both agencies. This Draft EIR assumes that, in the foreseeable future, the OHMVR Division would manage the former ReNu parcels for OHV recreation. It further assumes all existing uses (including grazing) would continue to occur on the acquired parcels, subject to management necessary to protect natural and cultural resources, ensure public safety, and facilitate effective operations and subject to potential future change under a general plan.

Based on these assumptions, this Draft EIR analyzes the physical environmental impacts of the property purchase and management by the OHMVR Division. It considers management likely to be implemented primarily to ensure resource protection, public safety, and effective operations once the property is acquired. Should the OHMVR Division acquire the ReNu parcels, the OHMVR Division would prepare a general plan for its properties, but a general plan is not part of this current CEQA process. The outcome of the general plan would depend on many factors, including additional detailed resource inventories, stakeholder outreach, available funding, consultation with regulatory agencies, and coordination with the BLM and USFS. As such, forecasting future land use changes is too speculative for inclusion in this EIR analysis. Preparation and approval of a general plan would be a separate action from this project and thus subject to separate environmental review.

1.2 INTENDED USES OF THE EIR

The California Environmental Quality Act (CEQA; PRC §21000 et seq.) and the CEQA Guidelines (14 CCR §15000 et seq.) establish the OHMVR Division of CDPR as the Lead Agency for the project. The Lead Agency is defined in CEQA Guidelines section 15367 as "the public agency which has the principal responsibility for carrying out or approving a project." The Lead Agency decides whether an EIR or Initial Study/Negative Declaration is required for the project and is responsible for preparing the appropriate environmental review documentation. In this case, the OHMVR Division has determined an EIR is the appropriate CEQA document for

[1] The NOP issued for this Draft EIR listed 60 parcels. One 160-acre parcel, Assessor's Parcel Number 442-040-01 in the Caliente area, has been sold to another buyer and is no longer part of this acquisition project.

the beginner to the expert OHV recreationist. Three vault toilets exist within Jawbone Canyon Open Area, one of which is on a ReNu parcel. The Ridgecrest Field Office recorded approximately 55,000 visitors to the Dove Springs Open Area and 52,000 visitors to the Jawbone Canyon Open Area from October 2011 through September 2012 (BLM, RFO 2013b).

Between the Dove Springs Open Area and the Jawbone Canyon Open Riding Area there are many miles of designated OHV routes available for backcountry exploring, scenic tours, and non-competitive riding. Because the boundaries of the open areas have sometimes been difficult to distinguish, and surrounding lands are thus subject to illegal motorized travel, the Friends of Jawbone has been working with the Ridgecrest Field Office and using OHV Grants Program funds to erect hard fencing along the boundaries of the open areas (see Figure 2-5).

With the exception of the three southwestern parcels, the entire project area and surrounding public lands are open to primitive camping. Authorized camping is not limited to designated sites, but motorized access to camping areas must occur via routes or lands open to motorized travel. Many popular camping areas have been identified by signs; these sites are shown on Figure 2-3. Within Jawbone Canyon itself, there are a number of these popular primitive camping sites and OHV staging/off-loading areas (Photo 2-5). Most of the sites within the OHV area are accessible by 2-wheel drive vehicles with trailers. Numerous camping and OHV staging/offloading areas also occur within the Dove Springs area.

2.4.2 Cattle Grazing

Almost all of the ReNu parcels are within one of two grazing allotments: the Rudnick Common Allotment (RCA) managed by the BLM and the Piute Allotment managed by the USFS (see Figure 4-1). The public lands adjoining the ReNu parcels are subject to cattle grazing consistent with federal permits. The ReNu parcels within the two grazing allotments are privately owned and therefore not managed by the BLM or USFS or subject to the direct terms of federal permits. Due to open range grazing in eastern Kern County (see below), cattle move freely from public lands onto private lands, unless private landowners fence cattle out. Hafenfeld Ranch, LLC. is the current grazing permittee for the public lands within the RCA and Piute Allotments and also holds a license agreement with ReNu to graze the private project parcels.

Range improvements, such as water tanks, cattle guards, and spring boxes, have been installed throughout the project area, including on the ReNu parcels (see Figure 4-2). Pasture and corral fencing is also present (Photo 2-6). The Kelso Camp area (see Parcel K-13 on Figure 2-4) has facilities for receiving/shipping and hay storage, a cabin serving as a year-round residence for one employee, and sub-irrigated pasture (meadows). Landers Meadow has loading chutes, corrals, and springs and is also used for shipping and receiving. Schoolhouse Meadow (see Parcel K-20 on Figure 2-4) also has sub-irrigated pasture. The three southwestern parcels (Caliente Creek) are outside of any allotments and are not subject to grazing.

As described in greater detail in Chapter 4, grazing occurs on an open range basis. In California, open range grazing is determined at the county level. Kern County is an open range grazing area. This means that landowners within an allotment who wish to exclude cattle must fence cattle out. Although the OHMVR Division would not be a grazing operator, the OHMVR Division would monitor cattle grazing within its property and initiate management as warranted.

2.4.3 Friends of Jawbone and the Jawbone Station Visitor Center

Friends of Jawbone is a 501 (c)(3) (i.e., non-profit) organization with headquarters at the Jawbone Station Visitor Center at the intersection of State Route 14 and Jawbone Canyon Road (see Figure 2-3). Friends of Jawbone supports BLM's operations and maintenance in the project area by maintaining trails (including scraping, grading, and maintaining erosion control features),

digging post holes and installing signs, repairing and installing fences, repairing and assembling kiosks, cleaning restrooms, picking up trash, and supporting safety and visitor outreach. Friends of Jawbone also supports BLM's restoration efforts in the project area by repairing unauthorized trails through:

- Ripping (using equipment to break the compacted road surface up) a predetermined area of the illegal trail access
- Fencing and photo monitoring of all restored areas
- Installing informational signing and conducting public outreach
- Supporting archeological and biological inventories prior to site restoration

Site restoration consists of a variety of techniques designed to accelerate natural revegetation and improve native habitat. Active restoration takes place along the initial line-of-sight of the unauthorized trail and is meant to discourage future incursions into the restoration area. In areas where trespass has been an ongoing problem, fencing is installed (Photo 2-7). Friends of Jawbone coordinates with and works to complement the efforts the BLM Ridgecrest Field Office to avoid duplication of effort. As a recipient of OHV Grants Program funds, Friends of Jawbone also coordinates with the OHMVR Division. Friends of Jawbone has a signed agreement with ReNu to provide maintenance and restoration on ReNu lands (Young 2009).

The Jawbone Station Visitor Center, operated by volunteers from Friends of Jawbone, was constructed using joint funding from BLM, the OHV Grants Program, and Friends of Jawbone. Jawbone Station is not on one of the ReNu parcels, but it does serve as the main gateway to the entire project area. Jawbone Station contains visitor information including maps, pamphlets, and guide books of the area, as well as gifts and information on the area (cultural history and natural history). Volunteers man the station and help visitors with recreation information including which trails to use, where to camp, and what to see and do in the area. The facility also includes a large garage, workshop, meeting rooms, storage facilities, flush and vault toilets, a covered outdoor picnic pavilion, and small botanical garden area. Both landline and cellular service is available at Jawbone Station.

Friends of Jawbone, in partnership with the California Trail Users Coalition and support from OHV Grants Program funds, publishes a detailed map of eastern Kern County and adjacent high desert areas. The mapping effort an extensive digital database developed by Friends of Jawbone provide a significant source of information about the facilities and operations of the greater project area, including the ReNu parcels.

2.4.4 Butterbredt Spring

Butterbredt Spring, extending from Parcel B-9 (see Figure 2-4), is a favorite spring birding destination as it is one of the best places in California to observe the spring migration of songbirds in California (Photo 2-8). Butterbredt Spring has been designated as a "Globally Important Bird Area" by the American Bird Conservancy. The Audubon Society, Santa Monica Bay chapter, established Butterbredt Spring as a wildlife sanctuary in cooperation with the prior private landowner. ReNu continues that cooperative relationship, although there is no formal contractual relationship (Kaschak 2012). The area is fenced and closed to motorized recreation; informal footpaths traverse the site. The area is subject to grazing, consistent with grazing permit conditions, and contains a non-functioning water trough for cattle.

limited, although Friends of Jawbone currently installs and maintains fencing and implements restoration throughout the area.

Special Projects. Special projects are those that are not considered routine but are required to solve a facilities problem, such as installing a vault toilet or informational kiosk, ensuring ADA compliance at existing facilities, or fixing a trail to address public safety. No specific projects have been identified, although additional signage in the Landers Meadow area, which serves as a western gateway to the area, is likely. The only such projects anticipated upon acquisition and prior to adoption of a general plan would be minor in scope, consistent with Public Resources Code section 5002.2 (c).

Special Events. Special events include organized group activities such as recreational events (including OHV competitions and poker runs), tours for large groups interested in the project area and media events that draw an unusually high number of people to the park unit and/or congregate people in confined areas. Section 2.4.5 describes the only organized events known to occur in the project area. No new special events have been suggested or proposed but may be proposed should the acquisition proceed. Events involving state property would potentially be subject to the issuance of special event permits, which require a separate review and approval process.

2.5.2.3 Management Measures

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. Implementation of specific management measures to protect these resources is incorporated into the project. 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. They are thus considered prior to making a significance conclusion for issues in which they pertain, namely cultural resources, biological resources, and geology and soils. Table 2-1 provides a summary of the management measures that are included in the project:

Table 2-1. Summary of Management Measures
LAND USE (Section 3.3.2):
OHV Travel Route Designations. Identify areas of unauthorized OHV use and develop a response plan (e.g., restoration, signage, barriers, educational kiosks, and law enforcement).
Public Education. Post OHV opportunities and regulations throughout the property. Explore partnering with other agencies and organizations for public education on OHV recreation issues.
Law Enforcement Program. Work jointly with local authorities and federal agencies to address multi-jurisdictional issues. Assess needs and assign law enforcement to provide daily patrols.
Pacific Crest Trail Corridor Protection. Collaborate with USFS and BLM to manage OHV recreation on state lands in a manner compatible with Pacific Crest Trail corridor.
AGRICULTURAL RESOURCES (Section 4.3.2):
Terms and Conditions of RCA Grazing Permit. Apply terms and conditions of RCA grazing permit to livestock operations on the acquisition property within the RCA for the duration of the permit term.
Monitoring Rangeland and Livestock Operations. Annually monitor forage conditions on parcels used for grazing and livestock operations. Conduct rangeland health assessments.

public lands in the area, thus maintaining opportunities for future recreation, whether for additional motorized or non-motorized uses. In particular, acquiring additional parcels south of the current project area would create a wider swath of buffer lands around the OHV area and minimize the potential for conflicts between land uses. In addition, resource protection would be afforded to more sensitive cultural resource sites and special-status species habitat.

The OHMVR Division has been approached by private property owners for some of these parcels, and other parcels may be available. Any additional parcels would be subject to negotiation, appraisals, and other purchase requirements, and none of the parcels in the expanded acquisition area were subject to resource surveys as part of this EIR. Furthermore, the availability of opportunity purchase funds would also need to be determined. Given that the proposed acquisition meets the OHMVR Division's objectives for the area by consolidating a large area of recreation opportunity under public ownership, and that subsequent parcels could be considered as part of future long-range planning, this alternative was not selected.

S.3.5 Exclusions for Resource Protection

Based on initial cultural and biological surveys conducted for this EIR, several parcels or groups of parcels were identified as having higher potential resource values than other parcels. These "resource sensitive" parcels are:

- Parcel D-2 (west ½): next to Dove Springs Open Area; important area for cultural resources (grinding rocks); ¼ mile of desert riparian habitat; good Mohave ground squirrel habitat. Fencing is in place on west side of SC103.
- Parcels B-9 and B-10: Contains Butterbredt Spring and lengthy corridor of desert riparian habitat; good potential for rare plants; important for cultural resources (grinding rocks). Some fencing is in place.
- Parcels A-4, A-6, and A7: around Alphie Springs; parcels have no designated trails; good tortoise area; good potential for rare plants. Some fencing is in place.
- Parcels S-3, S-4, and S-6: Next to Red Rock Canyon State Park; good tortoise area; Mohave ground squirrel present; cultural resources; good potential for rare plants.

Under this alternative, in order to reduce the incidence of OHV trespass on these parcels, existing routes that pass through the parcels would be eliminated. In particular, a two mile section of Road SC262 between Power Line Road and SC175 would be closed off. Power Line Road would remain open.

Additionally, State Parks would exclude cattle grazing on the nine parcels listed above before the current permit term expires in 2018. Removing grazing from the state properties would not affect the permittee's right to graze cattle on the adjacent BLM lands. As such, the OHMVR Division would be responsible for keeping cattle off of the parcels, presumably though the use of extensive fencing.

This alternative would require installation of as much as 20 miles of fencing. Fencing could interfere with the grazing permittee's movement of cattle in the broader area. The fencing would prevent or degrade most recreational uses of the property since designated travel routes would be closed off with gates or cattle guards. Existing cattle improvements found within the parcels including corrals and water sources would have to be relocated out of the protected parcels. The state would have to work with the grazing permittee and BLM to determine where to relocate any grazing related infrastructure.

The project impact to desert tortoise would remain significant and unavoidable under this alternative since OHV recreation would still continue in desert tortoise habitat, annual ridership in habitat areas would increase by 1%, and proposed Biological Management Measures and mitigation could not fully offset the effects of increased OHV recreation on the desert tortoise. This alternative was not selected as it would be premature since more extensive studies would need to be conducted on the acquisition parcels as well as the adjacent BLM parcels during the general plan process to assess the big picture need for resource protection measures.

S.3.6 Environmentally Superior Alternative

With the exception of the No Project Alternative, all project alternatives would accomplish many of the project objectives. Acquisition of the ReNu parcels under all project alternatives would provide better overall management of the lands by allowing land managers increased access to these currently private lands that support recreational uses and sensitive biological and cultural resources. The Exclusions for Resource Protection Alternative has specifically identified parcels that would remove 4,318 acres from effects of existing and future recreation and grazing uses. This alternative would result in a higher level of protection to cultural and biological resources and for this reason it is considered the environmentally superior alternative. It would not eliminate the significant unavoidable impact to desert tortoise. The OHMVR Division would establish an extensive data gathering and management program after acquisition, and the acquisition would bring OHMVR Division resources into an existing popular OHV recreation area; therefore, the proposed project was selected.

S.4 AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

CEQA Guidelines section 15123(b) requires the EIR Summary to identify areas of controversy known to the Lead Agency, including issues raised by agencies and the public and issues to be resolved including choice among alternatives and whether and how to mitigate the significant effects.

The following issues were most prominent in the agency and public comments (see Section 1.4):

- Effects on existing livestock grazing
- Pacific Crest Trail trespass by OHVs
- Effects of OHV recreation on Red Rock Canyon State Park
- Whether expanded OHV opportunities or other development would occur within the acquired parcels
- Protection of sensitive biological and cultural resources
- Adequate staffing and law enforcement
- The project as an alternative to expanded wind energy development
- Overall transparency of the acquisition and planning process

Should the OHMVR Division proceed with the acquisition, subsequent to and separate from the acquisition process, the OHMVR Division may prepare a general plan for the area. It will be necessary for the OHMVR Division to carefully consider the resources, the interests of those who currently utilize the land and its resources, adjacent landowners and federal agencies, other stakeholders, and available funding in determining long-term management of the area.

Table 4-1. California Department of Conservation Farmland Classifications

Classification	Description
Grazing Land	Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
Urban and Built-up Land	Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
Other Land	Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and non-agricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Source: CDC 2013

4.1.3.2 California Land Conservation Act (Williamson Act)

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. The Williamson Act program is administered by the CDC, in conjunction with local governments. The landowner commits the parcel to a 10-year period wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes.

4.1.4 California Department of Parks and Recreation, OHMVR Division

The legislative mandate of the OHMVR Division is to manage vehicle recreation on state lands (Chapter 3, Section 3.1.3). General plans prepared for each park unit establish the designated land uses within the park and the policies governing its use and management. The OHMVR Division would prepare a general plan for the acquired project parcels in a subsequent planning process.

Contract grazing occurs at two SVRAs, Hollister Hills and Carnegie, as part of a resource management program to provide fuel reduction and weed control services. CDPR does not currently have units with commercial grazing operations, i.e., with a focus on raising livestock for commercial trade, as opposed to grazing an area for the purpose of resource management. CDPR has little policy on the matter of grazing. CDPR's Operations Manual (CDPR 2010) briefly addresses livestock grazing on state park land (Table 4-2). The policy acknowledges the potentially adverse impacts of grazing upon recreation and biological resources yet recognizes that grazing can serve a park purpose.

Table 4-2. CDPR Operations Manual, Livestock Grazing Policy

Table 4-2. CDPR Operations Manual, Livestock Grazing Policy

0317.2.4 Livestock Grazing	Since 1957, after statewide review by the State Park and Recreation Commission, livestock grazing has been considered incompatible with park purposes, including natural resource protection and providing a meaningful outdoor recreational experience. Protecting and restoring natural processes is at the core of the State Park System's natural resource management. Livestock grazing is an artificial process impacting physical and biological resources. Grazing also impacts recreational opportunities. However, there are occasions when livestock grazing may be appropriate when it is clearly shown that a core park purpose is significantly served, e.g., natural resource restoration and interpretation (see State Park and Recreation Commission Policy II-6). In addition, short-term grazing may be appropriate to consummate land acquisition.
0317.2.4.1 Livestock Grazing Policy	It is the policy of the Department of Parks and Recreation that livestock grazing is an inappropriate use of parkland resources except under certain circumstances where a core park purpose is served. Due to the potential for inconsistent application of the Department's Livestock Grazing Policy and uncoordinated scientific monitoring, the Chief of the Natural Resources Division and appropriate Field Division Chief will approve any grazing contracts, leases or agreements deemed beneficial to the State Park System prior to execution. Livestock grazing may be permitted under the following circumstances: a. When directly contributing to historic interpretation approved in a unit's General Plan; b. When necessary for a specific natural resource restoration purpose, which normally does not include fuels reduction or an alternative to extirpated ungulate grazing; or c. When it is a necessary component to an acquisition agreement, including scaled-down grazing to improve natural resources.

Source: CDPR 2010

4.1.5 Kern County

4.1.5.1 Kern County General Plan

The parcels proposed for the acquisition are privately owned and currently under the jurisdiction of Kern County. The Kern County General Plan (2009) land use designation of the project parcels is Extensive Agriculture. The Land Use, Conservation, and Open Space Element of the Kern County General Plan identifies the following goals and policies relevant to agricultural uses.

Goals

- Goal 2. Protect areas of important mineral, petroleum, and agricultural resource potential for future use.
- Goal 5. Conserve prime agriculture lands from premature conversion.

Policies

- Policy 1. Appropriate resource uses of all types will be encouraged as desirable and consistent interim uses in undeveloped portions of the County regardless of General Plan designation.
- Policy 2. In areas with a resource designation on the General Plan map, only industrial activities which directly and obviously relate to the exploration, production, and transportation of the particular resource will be considered to be consistent with the General Plan.
- Policy 5. Areas of low intensity agriculture use (Map Code 8.2 (Resource Reserve), Map Code 8.3 (Extensive Agriculture), Map Code 8.5 (Resource Management)) should be of

may be allowed to graze. The RCA is divided into 11 pastures (Table 4-3), 4 of which encompass most of the proposed acquisition parcels: Kelso Valley, Dove Springs, Sheep Troughs, and Jawbone Canyon (Figure 4-2).

Table 4-3. Grazing Allotments in Project Area

BLM Pastures (RCA)	Acres	Pasture Description/Features
Cane Canyon	3,200	Permitted to Onyx Mtn. Cattle Company/
Pinyon Well	5,600	Permitted to Onyx Mtn. Cattle Company/fencing, cattle guards
Rocky Point[1]	5,000	Year round pasture. Used for holding purposes when cattle are moved between Onyx Ranch and outside range facilities/fencing, cattle guards
Kelso Creek[1]	20,000	Used as paired pasture with Bird Springs/Shoemaker Spring, Sageland Spring (private), Willow Spring
Kelso Valley[1, 2]	32,000	Adjacent to USFS Piute Allotment. Pasture used late summer through winter. Contains wrangler residence, shipping and receiving. All cattle moved here twice yearly. Calves birthed, weaned and vaccinated here. Used for rest between drives/Western Spring, Butterbredt Spring, Quail Spring (private), Kelso Valley Well, Kelso Road Well, Butterbredt Well and Reservoir, Butterbredt Pipeline, Kelso Valley Corral, Kelso Road Well Corral, Quail Spring Pipeline (private), fences, cattle guards
Sheep Troughs[1, 2]	28,000	Year round pasture. Contains 26% public lands. Schoolhouse Meadow (by Schoolhouse well) has sub-irrigated pasture. Provides summer grazing at higher elevations/fences, cattle guards, Jawbone Canyon Well
Jawbone Canyon[1, 2]	33,000	Used as paired pasture with Dove Springs. Limited use due to seasonal closures to protect desert tortoise habitat/cattle guards, fencing, Nudist Spring, Cowboy Spring,
Dove Springs[1, 2]	31,000	Used as paired pasture with Jawbone Canyon. Limited use due to seasonal closures to protect desert tortoise habitat/fencing and gates, cattle guards, Bishop conduit and trough, Dove Spring corral, Section 32 syphon, Section 17 syphon, Bishop's Claim well, Dove Well,
Bird Springs[1]	27,000	Used as paired pasture with Kelso Creek/cattle guards, fences, Linebarger Corral, Dove Spring Corral, Shorthorn (Little Syphon) Corral, Alexander Corral, Rankin Pipeline, Double Syphon Pipeline, Dove Well
Canyons[1]	27,000	Adjacent to USFS Scodie Allotment/cattle guards, fences and gates, Horse Canyon Corral, Soldier Wells Corral, Cow Heaven Pipeline, Boulder Canyon Pipeline, Cow Heaven Spring, Rock Spring, Boulder Spring, Sage Canyon Spring, Colt Spring, Horse Canyon Spring
Aqueduct[1]	17,000	Unreliable source of water. Used periodically/cattle guards, fences, Linebarger Corral, Shorthorn (Little Syphon) Corral, Rankin Pipeline, Double Syphon Pipeline, Highway Well (new salton well)
Total	228,800	

4.3 PROJECT IMPACTS

4.3.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally be considered to have a significant adverse impact on the environment if it would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland (as defined by Government Code section 51104(g)).
- Result in the loss of forest land or conversion of forest land to non-forest use.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

None of the parcels to be acquired are considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on CDC maps. Therefore this issue is not further analyzed in this chapter.

None of the parcels to be acquired are under a Williamson Act contract (ReNu 2012). Therefore this issue is not further analyzed in this chapter.

Acquisition parcels are zoned for agricultural use or recreation-forestry by Kern County. After acquisition these lands will be subject to state park planning. The County zoning designations would no longer apply to the state-owned lands. Therefore, the issue of conflict with existing zoning designations is not further analyzed in this chapter.

The Landers Meadows parcels may meet the definition of "forest land" per Public Resources Code section 12220(g), which is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. If acquired, the lands would be managed for recreation, biological resources, and other public benefits, which would be consistent with the definition of forest land. Therefore, this issue is not further analyzed in this chapter.

4.3.2 Proposed Agricultural Resource Management Measures

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). 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 permit term (2/28/2018) or until livestock

operation policies are established in a general plan adopted for the project property. Permit conditions are summarized in Table 4-4 and attached in Appendix C. See also Section 6.3.2.

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.

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4.3.3 Other Changes in Environment Resulting in Conversion of Farmland

4.3.3.1 Loss of Private Grazing Land

The acquisition would not directly convert the 28,275 acres of private land to non-agricultural use in the near term. Grazing that presently occurs on the acquisition parcels in conjunction with the BLM grazing permit issued for the RCA pastures would continue as part of the acquisition project for the duration of the BLM permit, which expires in 2018. Livestock operations on the Landers Meadow parcels would continue as part of the acquisition project for the duration the USFS permit, which expires in 2020. Access to state property within the RCA would continue because property boundaries of the individual project parcels are unfenced. Cattle on BLM grazing land or other private parcels would have roaming access onto OHMVR Division lands per the Kern County Estray Ordinance (4.1.5.2). No grazing currently occurs or is proposed on the Caliente parcels (1,440 total acres).

OHMVR Division ownership could result in the future loss of agricultural use of the project parcels resulting in the removal of almost 27,000 acres from grazing land production. After property acquisition, the OHMVR Division would undertake a park planning process to apply park classifications to the property and further designate approved uses (Land Use, Section 3.1.3). OHMVR Division general plans do not currently include commercial grazing as a park use. Loss of grazing access on most or all acquisition parcels is, therefore, a potential foreseeable effect of the project.

According to CDPR policy 0317.2.4.1 (Table 4-2), "livestock grazing is an inappropriate use of parkland resources *except under certain circumstances where a core park purpose is served.*" (emphasis added.) In the case of the ReNu parcels, the OHMVR Division may determine that grazing is an important historical and cultural component of the lands, and thus continue to allow livestock grazing as part of historic interpretation approved in a unit's general plan or may determine grazing serves a resource restoration purpose (see CDPR policy 0317.2.4.1). Thus, current CDPR policy does not preclude grazing entirely, and CDPR and/or the OHMVR Division could establish different policies toward grazing in the future. So, while the potential loss of grazing land could occur given the preferences stated in the existing state livestock policy (Table 4-2), the future loss is not certain. The designation of livestock operations as an approved park use would be determined by future planning efforts and is not the subject of this EIR (see Chapter 1, Section 1.1). Therefore, the future loss of access to non-federal land grazing land and the Landers Meadow parcels resulting from the planning process subsequent to OHMVR Division acquisition is speculative and not assessed by this EIR.

If the adopted general plan excluded grazing as designated use of park property, the cattle operator would lose key facilities associated with the project parcels such as shipping and holding areas, rest areas, pasture, and the wrangler residence. The effect of acreage removal on the ability of the current rancher to maintain its commercial livestock operations or keep other agricultural land in production is speculative. The potential effect on the commercial business is not an environmental effect subject to CEQA review.

Upon securing ownership of the project property, OHMVR Division would inventory and evaluate the condition of biological, cultural, and soil resources present on the property (see Management Measures in Sections 6.3.2, 7.3.2, and 8.3.2). Grazing use of the project property may be restricted in some locations if it is determined that protective measures are required to avoid resource damage. Implementation of area restrictions needed to protect natural and cultural resources would result in a loss of access to grazing land if fencing is needed to protect a resource. The potential need for use restrictions is not known at this time and therefore the potential reduction in available pasture from such closures is speculative. The total amount of pastureland affected by fenced off cultural resources would be measured in terms of square footage and would likely total less than a few acres over the entire project area. This amount is a negligible portion of the almost 27,000 acres of project property that are being grazed. Therefore, the amount of lost grazing land resulting from implementation of resource protection Management Measures identified in Sections 6.3.2, 7.3.2, and 8.3.2 is considered less than significant.

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The terms of the RCA grazing permit, which presently apply only to public land in the RCA, would be applied to the project property upon OHHVR Division acquisition as an Agricultural Resource Management Measure (4.3.2). OHMVR Division would monitor the livestock operation for compliance with permit conditions. Existing conditions of the private property rangeland have not been assessed. If the rangeland forage is impaired, compliance with permit conditions could result in improved rangeland health by requiring that livestock be removed from the pasture sooner than is presently practiced. This would be a beneficial effect of the project. If the private pasture land is already well maintained, new monitoring of the property by OHMVR Division would cause no change from existing conditions. Implementation of the Agricultural Resource Management Measures would not result in a loss of grazing land designated for livestock operations and would have the beneficial effect of enforcing rangeland health standards (see Biological Resources, Section 6.2.4). Therefore, the impact of the project on agricultural land is less than significant.

4.3.3.2 Loss of Public Grazing Land

Upon acquisition of the project parcels, the OHMVR Division would implement Agricultural Resource Management Actions as described in Section 4.3.2. The livestock operator holding the BLM grazing permit for the RCA would continue to utilize the project parcels for the duration of the BLM permit term (2/28/2018). The OHMVR Division would not fence its property to exclude cattle, other than fencing that may be necessary to protect resources, and Hafenfeld Ranch would retain its ability to move cattle between project and BLM parcels. All current points of access to BLM land from the project parcels would continue unhindered. There would be no loss of access to public grazing land and no loss of use of public grazing land. Therefore, the project impact on public grazing land would less than significant.

The BLM permit for the RCA is tied to a base property controlled, but not currently owned, by Hafenfeld Ranch (Figure 4-1). This base property is not included in the acquisition parcels and its ownership is unaffected by the proposed project. As such, the Hafenfeld Ranch would retain its ability to use its base property to secure future BLM grazing permits for the RCA pastures under the BLM Livestock Grazing Regulations.

The OHMVR Division would determine the future of cattle grazing on the acquired property through a general plan process involving land owners, public agencies, and other stakeholders (Project Description, Section 1.1). If the adopted general plan excluded grazing as a designated use of park property, the cattle operator would lose key facilities associated with the project parcels (see Section 4.2.5). This could affect the operator's ability to use BLM parcels.

The interspersed locations of private and public grazing lands make cattle operations dependent upon both lands. The loss of access to and passage through the proposed acquisition parcels could impair the ability of the livestock operator to herd cattle between non-contiguous BLM parcels (Figure 4-2). This could render parts of the RCA inaccessible and therefore unavailable to the livestock operator holding future BLM grazing permits. Thus, the loss of access to state land could result in the loss of at least some BLM grazing land under cattle production. While the BLM land would not be converted to a non-agricultural use, the loss of ability to use the land through access issues could still create a loss of functional public grazing land. Given that the future of grazing on the project parcels would be determined by a separate planning process subsequent to the acquisition project, it is uncertain whether loss of grazing on OHMVR Division land would occur. As a result any impact to public grazing land resulting from a potential future loss in grazing on state land is speculative.

The AUMs permitted by BLM take into consideration the availability of forage on private parcels available to the permit holder. If the ReNu parcels within the RCA are removed from production due to OHMVR Division ownership, BLM could reduce the AUMs permitted to the livestock operator in the RCA permit, which considers the availability of forage on private grazing land in its AUM calculations. While a reduction in permitted AUMs is not a direct loss of agricultural land, the effect could be a loss of agricultural production on the public grazing land. As stated above, the future of grazing on the state parcels would be decided in a separate planning process subject to the acquisition project. As a result, any loss of production values on public grazing land resulting from a potential future loss in grazing on state land is speculative.

4.4 Cumulative Impacts

Because the acquisition project would not eliminate or significantly curtail grazing, the acquisition of the ReNu parcels and management of those parcels would not contribute to cumulative impacts on agricultural resources (as related to rangeland) in the project area and vicinity. Furthermore, grazing on the acquisition parcels in the RCA is subject to a permit issued by BLM. The permit specifies the grazing conditions in the allotment.

4.5 Mitigation Measures

The acquisition of the ReNu properties and interim management of those properties would not create any agricultural or forestry resource impacts that would warrant the use of mitigation measures.

6.2.4 Rudnick Common Allotment (RCA)

The acquisition parcels are located within the RCA managed by BLM (see Chapter 4.0 for discussion of BLM grazing management). The BLM has standards and guidelines, approved by the Secretary of the Interior in July 2000, that were prepared in consultation and coordination with three of BLM-California's four Resource Advisory Councils. To assure standards are being met, the BLM Ridgecrest Field Office has three levels of monitoring on grazing allotments (Email comm., Samuel Fitton, 9/12/2012).

Utilization studies are performed usually twice during a grazing season. These studies estimate the amount of current year's growth that has been consumed by livestock. Acceptable levels of growth are generally below 40% usage. The usage is monitored on perennial shrubs and grasses that are known forage species (e.g., desert needle grass [*Stipa speciosa*], sand grass [*S. hymenoides*], four wing salt-bush [*Atriplex canescens*], *Ephedra*, bitterbrush [*Purshia tridentata*], and spiney hopsage [*Grayia spinosa*]). Greater than 40% usage is considered over grazing as it does not leave enough new growth for the plant to carry on its physiological functions properly. Utilization studies are performed by toe-point transects. There are two to five study sites per pasture or allotment.

Vegetation trend studies are performed every 10 years in the spring and summer. Permanent transects have been established in various places recording cover, species richness, and presence or trend of forage species within the overall plant population, bare ground, and litter.

Separately, rangeland health studies are performed every ten years. Representative sites measure Proper Functioning Condition on riparian sites. BLM staff characterize wildlife habitat and record all plant species found on a site for diversity, surface soil characteristics, cryptogramic soil, non-native species, and special-status species. Four health standards are measured: soil permeability, riparian/wetland condition, stream morphology, and native species. In the rangeland health study determination, the standards are deemed met or not met, and if the standards are not met, BLM staff determines if cattle grazing was the cause. The most recent rangeland health study was performed in 2004. The RCA did not meet standards primarily around riparian areas at the time, and cattle were considered a factor. The BLM prescribed a variety of best management practices to be implemented to reduce grazing pressure on riparian areas (BLM 2004).

6.2.5 Vegetation Communities

Vegetation communities are defined by species composition and relative abundance. Vegetation mapping was conducted to characterize habitats within the project area and identify potential suitable habitats where rare plants may occur. The report entitled Botanical Resources Report summarizes survey methods and results and is included in this document as Appendix E. Vegetation communities that occur in the project area are described below and shown on Figure 6-4a-g. The elevation range, soil and vegetation types, and disturbance factors/existing condition in each ReNu parcel are summarized in Appendix I, Table I-1 Summary of Elevation, Soils, Vegetation Types, and Disturbances for the Acquisition Parcels. In general, vegetation communities correspond to alliances or associations described in the second edition of A Manual of California Vegetation (MCV2; Sawyer et al. 2009).

6.2.5.1 Barren and Rock Outcrop

Barren areas have very low cover but fine-textured soil that may be high in clay or alkalinity. White bursage (*Ambrosia dumosa*) is the most common woody species. In 2012, a very dry year, the species richness of annuals was limited, but the special-status species Mojave spineflower

Comment Letter #26. Katherine Klemic

Katherine Klemic
3250 Clark St.
Placerville, CA
95667

April 1, 2013

Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastern Kern County Property Acquisition, State Clearinghouse No. 2012091066

To: Peter Jones, Park and Recreation Specialist,
Peter.Jones@parks.ca.gov

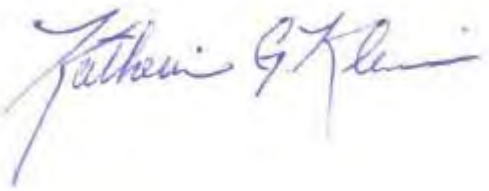
#26-1 I apologize for the fragmented nature of this response, but I want to be on record prior to close of the comment period to have appeal standing. I am appalled with the lack of attention that Kern County pays to the importance of due diligence in notifying potentially interested parties. This is the second project in as many years that my family has not been contacted during initial scoping and we have only found out through our network of neighbors about activities happening near our property in T29S, R35E, Section 28. I have serious concerns about the lack of attention given to what future projects may impact my family's property that we will not be provided opportunity to comment or collaborate.

#26-2 I understand that this DEIR states "No changes in land uses or significant site improvements are proposed. No expansion of open riding or the existing route network is proposed. No new points of access to the project property or changes to open range grazing are proposed." However, it is unclear what the impact will be to the private residences and to the cultural resources in the area. This project describes the significant impact of "take" on an endangered species (Desert Tortoise) but only discusses a 1% increase in visitor use. This raises serious concern as to the necessity of this project. Due to the large file size of the documents and appendices I was unable to access the entire DEIR so some of my concerns may have been addressed. I do not feel that you have done an adequate job making the documents accessible to the average citizen.

#26-3 I will attempt to continue reviewing this Draft document in the hopes that OHMVR is not trying to 'pull a fast one' and that there are protections in the document for resources in the fragile Kelso Valley area. This area is already being seriously impacted by the trespass of wind farms on the landscape. Increased OHV use will put our properties unduly at risk. As it is my family has stopped riders from setting "warming" fires near our property lines in dry conditions and we have had to other individuals not to ride on the hills above our property that will lead to erosion. I am concerned that if CA Dept. of Parks and Recreation acquire these lands eventually the designated open riding areas will expand. This will leave our property at greater risk from human-caused wildland fire, from erosion and from theft and trespass when we are not on site. I was not afforded enough time to ensure there are provisions in the DEIR to protect our interests. If the OHVs stay East of Butterbredt and out of the valley, I have fewer concerns on a personal level, but my concerns about the impacts of uncontrolled OHV to cultural resources and the desert tortoise remain.

#26-4 I wish I had time to provide more constructive comments, but I was not afforded that luxury. I can only hope that you plan to do right by the resources and think long and hard before putting non-renewable resources at risk for what appears at first glance to be no real benefit.

Sincerely,



Katherine G Klemic

Comment Letter #27: Stephen Re

From: stephen re
To: Jones, Peter@Parks
Cc: stephen re
Subject: Jawbone Land Acquisition
Date: Friday, March 08, 2013 6:47:45 PM

Division Chief Jenkins,

#27-1

I do support the land acquisition Jawbone area for OHV use and grazing.
This will be beneficial for the environment and the public by consolidating management under state parks and not the B.L.M.
We need more single track trails to disperse the volume of traffic on existing road type trails.
Single track trails are also important to horses and mountain bikers as we like to get away from the main more traveled trails.
There is at least 70,000 people on many holiday weekends each year enjoying this area.
I would like to see the EIR include a statement to promote making more single track trails in this area and not closing any existing trails.

Thank you for your consideration.

Stephen Re

Comment Letter #28A: Michael Sampson

March 19, 2013

California State Parks, Off Highway
Motor Vehicle Recreation Division
1723 23rd Street, Suite 200
Sacramento, CA 95816
Attn.: Peter Jones

Re: Eastern Kern County Property Acquisition Draft EIR—Paleontology

#28-1 The February 2013 Draft Environmental Report does not adequately address the issue of paleontology and the potential presence of fossil-bearing deposits within the proposed acquisition area. I recommend the OHMVR Division follow the following measures: (1) request that their consultant hire a professional paleontologist to provide the requisite expertise, (2) the paleontology contractor then should conduct a records search for the region that would focus upon known fossil localities and their respective geological contexts (e.g., the Dove Springs Formation and others), (3) compare the records search results with geological formations found within the acquisition area to identify *potential* areas where fossil localities might occur, and (4) recommend protective measures for areas identified as holding a high potential for paleontological finds.

The San Diego Natural History Museum has a large team of paleontologists on staff that regularly conduct contract work. I know that paleontologists from the Los Angeles County Natural History Museum have conducted considerable research in the western Mojave Desert region (e.g., within Red Rock Canyon State Park), but, I do not know if the Museum performs contract work.

Thank you for your consideration of these recommendations.

Sincerely,

Michael Sampson
4640 East Talmadge Drive
San Diego, CA 92116

From: Michael Sampson [mailto:calarchaeologist@gmail.com]
Sent: Wednesday, April 03, 2013 9:13 AM
To: Jones, Peter@Parks
Subject: Comment on Archaeology for Eastern Kern County Acquisition EIR

Please see attached letter. It had been sitting here at home, forgotten, and I neglected to send it sooner.

Michael Sampson

Comment Letter #28B: Michael Sampson
March 29, 2013

California State Parks, Off Highway
Motor Vehicle Recreation Division
1723 23rd Street, Suite 200
Sacramento, CA 95816
Attn.: Peter Jones

Re: Eastern Kern County Property Acquisition Draft EIR—Cultural Resources

#28-2 The February 2013 Draft Environmental Report did a fine job of discussing cultural resources and proposing recommendations for future monitoring and protection of archaeological sites. However, I wish to make the following recommendations related to the protection of archaeological sites in the acquisition area: (1) All vehicular trails that currently traverse archaeological sites should be realigned around those sites. Then, the abandoned trail segments should be restored. (2) Dust originating from vehicular trail use will over time degrade and obscure prehistoric rock art (including, pictographs, petroglyphs, and cupule petroglyphs). The OHMVR Division should devise a means of lessening the amount of dust in areas at or close to rock art locations, such as, realignment of OHV trails, placing a dust-control medium on the trail where it passes close to rock art sites, etc. (3) Install split-rail fences or peeler-log fences along the margins of OHV trails at locations where they pass next to archaeological sites, sensitive plant habitat, fossil localities, sensitive wildlife habitat, fragile geologic formations, or other locations requiring protection.

#28-3 I also recommend that the remaining unexamined portions of the proposed acquisition area be surveyed for archaeological sites; you need those data to make informed land-management decisions. I would suggest that additional, more in-depth historical research on the property be conducted in an effort to fully comprehend the cultural significance of the historic sites in the acquisition area. It would appear to me that the property has one or more work camp sites associated with the construction of the original Los Angeles Aqueduct, as well as evidence of past ranching activities and mining.

Thank you for your consideration of these recommendations.

Sincerely,

Michael Sampson
4640 East Talmadge Drive
San Diego, CA 92116

Comment Letter #29: Paul Slavik

March 28, 2013

Peter Jones
Parks and Recreation Specialist
Regarding the DIER for the Eastern Kern County Acquisition

Dear Peter

Please add these comments to the body of documents relating to the proposed Eastern Kern County Acquisition (EKCA). First I want to thank you and Dan Canfield for the informative tour on the morning of March 16, 2013. That tour emphasized the huge potential of this acquisition as an important addition to the OHMVR Division's portfolio for recreation in California. The ultimate goal of unifying management under the OHMVRD will insure the long range protection of the ecosystems on that beautiful landscape and at the same time provide for much needed off-highway recreational opportunities. The DIER from my perspective is an excellent document.

After reading the DEIR and listening to the public comment at the scoping meeting later that day I have some comments:

#29-1 Butterbredt Springs should have a high level of protection possibly completely fenced off from the public.

#29-2 OHMVR should engage the grazing permittee in all facets of the project that affect the historic grazing operation. Grazing should at the very least continue as it has under the BLM guidelines. The permittee should not feel threatened by new management but all parties work cooperatively for the best outcome.

#29-3 The Pacific Crest Trail should be protected from trespass. I would submit that one way to do that is by creating a long distance single track trail system that challenges the most experienced riders. I understand that we have to wait for a general plan to be developed but if the non-motorized community understands what the future could look like I believe they would feel a lot more comfortable. Incorporate Friends of Jawbone into the project as much as possible.

Sincerely yours,

Commissioner Paul Slavik
21122 Lockhaven Circle
Huntington Beach, CA 92646
714-964-7217
pslavik@socal.rr.com

Comment Letter #30: Scott Spencer

From: scotts4hire@aol.com
To: Jones, Peter@Parks; norman.l.beze@boeing.com
Subject: land acquisition at Jawbone
Date: Tuesday, March 19, 2013 10:17:59 AM

#30-1

Dear Mr Jones,my name is Scott Spencer,and I'm the owner of the Jawbone Canyon Store.I'm very excited about the land purchase in our area.Although I haven't read the EIR,I'm concerned about language in the description that vaguely states new routes [trails] aren't part of the planning for this area.I'm surprised by this,because I would hope that a trail system,especially single track,is a vital component of developing this area for off road recreation.This is a huge purchase,and the off road riding public is growing frustrated in the way green sticker dollars are spent to close trails that have historically been open for decades.It seems to me [and my many customers] that there is now an opportunity to address the complete lack of a well designed trail system.We have proposed such a system to the BLM,and now I believe it has been forwarded to your dept.It is called the "Jawbone Canyon Store Trail Plan."I hope you will give ernest consideration to this carefully crafted plan,which has been endorsed by off road organizations and hundreds of riders.I can't imagine that when the state purchased the Hungry Valley property the thought existed that new trails wouldn't be added.There is a vital need to add trails at Jawbone,the road system currently in place is simply too dangerous for a variety of off roaders who may encounter a buggy or side by side vehicle coming at high speed in the opposite direction.I would be happy to show you the existing problems and suggest solutions for our beautiful area.Please feel free to contact me with any questions you may have at 818 674-2132.Please respond to this e-mail so I know you received it.Thanks for listening,Scott Spencer

Comment Letter #31: Edward Waldheim

Ed Waldheim
3550 Foothill Blvd.
Glendale, Ca 91214

March 25, 2013

RECEIVED
MAR 27 2013
Hungry Valley District

Peter Jones
Parks and Recreation Specialist
P.0. Box 1360
~~Leech~~, CA 93243
Lebec

Reference: Draft Environmental Impact Report

Dear Peter:

In reading this entire report I have tried to come up with a very simple summary that explains my concerns.

#31-1 My comments throughout this document are in reference to the management areas by BLM/FOJ as they relate to Jawbone Canyon Road, Kelso Valley Road to the East, ending at LA Aqueduct 2. The area between these two routes, are areas where BLM and FOJ have intensive management. I have no comments on all the other areas within the acquisition area document. My comments are based strictly on FOJ work in this area of involvement.

#31-2 After reading through this, it seems the OHMVR Division has no intention of working with anyone on the property to be acquired, and furthermore makes strong allegations that BLM will not be an equal partner, in as much this document continually keeps talking about SVRA and the brilliance of that type of management, while pretty much degrading anything that the Friends of Jawbone and BLM have done In Jawbone.

#31-3 Peter, I have made this clear to you from day one that this area is maintained unlike anything else you have acquired. It is managed with the highest standards but throughout the document you continually degrade what we do in order to seemingly boost your reason for this to be a SVRA.

Let me say, I will argue that this is not to become a SVRA. This is open desert and the last thing we need is the infrastructure of a SVRA, no matter how much money you have.

From day one I have made it very clear that law enforcement is desperately needed, nothing else.

#31-4 There is a need to come up with a MOU for the BLM to manage the new acquired parcels and keep the integrity of our desert free of the SVRA mentality.

Ranchers, private property water rights, hunting, cattle grazing, mineral and gem rock collecting all will be adversely affected by the continued push for a SVRA type of facility.

There is nothing you can bring to the table, except law enforcement, that is not already in place in this area.

I have read through the report and hope that you take seriously my notes and comments that are listed.

Eastern Kern County Property Acquisition Draft Environmental Impact Report Comments by page and item number:

S.1.

#31-5 This is a broad statement that make the reader feel the State has to buy this property so it can have "Implemented primarily resource protection, public safety and effective operations once property is acquired".

Throughout this book, there is only your justification for the desire to take over. You do not paint a true picture of what is going on, especially on ReNu property. All they have are existing trails and maybe a toilet...that is it.

Pages S-2 through S-8
Table S-1

#31-6 **Livestock:**
This clearly states "No" on livestock grazing in State parks.

#31-7 **Air quality:**
OHMVR Division Management activities including operation and maintenance. So here again it is a foregone conclusion it will be managed by OHMVR and no mention of BLM. Will your management be restricted only to parcels acquired? Interesting concept.

#31-8 **Impact:**
This entire paragraph is nothing but inflammatory writing to make the reader feel that no management is currently taking place. That is so far from the truth.

#31-9 **Impact:**
Again in measure BIO - 1 law enforcement good, but state is going to Friends of Jawbone and BLM to put up fences and signs to prevent off-designated route of travel in Tortoise habitat. Has anyone from state looked what BLM/FOJ has been doing for the past 4 years? Is the state now going to bring staff and displace the local residence workers who are already doing this work?

#31-10 **Recreation:**
Any increase in visitor use would result in proportional increase in need for facility

maintenance such as trail signage fencing, and vault toilets.

#31- 10 This is wrong. You are making assumptions that are not true. What we have can handle double visitors with zero impact on signs and fencing, it is the criminals that law enforcement needs to capture, nothing to do with more visitors.

#31-11 **OHMVR may curtail firearms**:
Here you go… this makes it very clear of your intentions.

Page S-9
S.3.2.
#31-12 **No project alternative**:

Here again the authors of this document make broad assumptions, like we will have more illegal dumping. Would you please show me what current management has failed to do? There is no illegal dumping that is not taken care of as soon as it is found. We always have visitors who do not pick up after themselves, but that again is a law enforcement issue.

Should some of the parcels be developed for wind or solar energy: Are you telling me you could include energy development, yet ban cattle, rock collecting, hunting? The environmental impact of building wind or solar equipment is far greater on the land than a few cattle, rock collectors, or hunters.

This is a killer if I ever saw it. There should be absolutely no energy development on these purchased properties. Period!

Chapter 1 Overview
1.1
#31-13 **Re: Project overview**

OHMVR Division again is making assumptions that they are going to manage it. There is no mention about BLM or Friends of Jawbone who are already involved in this area. This again is very troubling that no effort is being made to work with BLM to be the lead agency; they have more land than the State does, and thus should never abdicate their management of Federal Land to the State.

It is very presumptuous that OHMVR appointed itself as lead agency and I can just see it being set up to run over anyone in their way.

Interesting concept is that all ReNu lands are used for designated trails. If you add up sections of land that a designated trail comes through it may add up to 20 miles of trails that traverse ReNu Property, out of over 211 miles in the Jawbone/Dove Spring area. So, is the state going to force a SVRA style management on us for maybe 20 Miles of trails going through ReNu property?

Page 1-2:
#31-14 OHMVR clearly plans to manage, there is no discussion. So perhaps we should limit State management to parcels acquired.

#31-15 **Page 1-4:**
Wind Development in reference to chapter 12.

There is no way that this should be considered.

#31-16 **Page 2-3**
Project objectives and priorities:

It is interesting how the State can write a book from Sacramento and make all these statements about facility access to an existing public landmark. Maintain public land corridor. Work with federal partners and non profit to provide and manage a comprehensive recreation opportunity in the greater project area.

(Ok, finally something about BLM and Friends of Jawbone.)
But further down "provide comprehensive law enforcements" *(ok).* Emergency medical response.(*Not needed as they don't even know about th existing Kern County Search and Rescue Teams*) Outreach, Visitor Education and Interpretation.(*The State probably does no not know we have over 50 kiosks in the surrounding areas and one in each main access point. We also have a staffed Visitor Center open 365 days a year.)*
There is so much already in place.

#31-17 **Page 2-3:**
2.4.1
Recreation:
All county roads are street legal only. Not "some".

#31-18 **Page 2-5:**
Volunteers man the station:
The station is manned by paid staff 365 days a year, from 9 a.m. to 5 p.m.

#31-19 **Page 2-6:**
2.4.5
Other existing uses
Moose Anderson Days is a one day event, there is no poker run.
High desert trails event does not cross ReNu land; it is run entirely on Kern County roads.

#31-20 **2.5 Project Characteristics**
2.5.2.1:
Continued land use activity:
Again wrong information is put here to boast SVRA management, minor projects fix facilities, and they are not on ReNu property.
ADA compliance, again false statement, they all are compliant. BLM knows what they are doing.
Trails re-alignment: There are none on ReNu property.

#31-21 **Page 3-12:**
3.3.2
Proposed land use management measures:
OHV travel route designation

"OHMVR will travel routes and flag unauthorized routes": I guess it is assumed that BLM and FOJ just have not been doing anything these past 4 years. Clearly the State has no clue what has been done.

#31-22 **Public education:**
The Friends of Jawbone already does this.

#31-23 **Page 3-13:**
3.3.3.
Conflict with applicable land use plans, policies, or regulation
"May eventually propose to classify and manage some or all the lands as an SVRA ".

There you are... this is all about trying to make this a SVRA.

#31-24 **Page 11-1:**
11.1.1
BLM management
Shooters must remove their debris. This is a true statement and already in place. Unfortunately, without law enforcement, we cannot site violators.

#31-25 **Page 11-3:**
11.2.2.
Sequoia National Forest:
Piute mountain trails, as described, 64 miles are not part of BLM/FOJ management.

#31-26 **11.3.2:**
Proposed resource management
Firearms:
OHMVR will assess the extent of hunting and develop standards and policies accordingly.
Rock hounding will only occurred with approval of the Parks Director.

#31-27 **Page 12-4:**
12.5. Exclusions for resource protection
Power line and SC 175- route SC262 will be closed. Nine sensitive parcels will be closed.

#31-28 **Figure 12: Is not included.**

#31-29 In closing, I want to respectfully request that when you start doing negotiations on the management of the acquired properties, that a true partnership be established with BLM, OHV, and FOJ. That a MOU be developed and OHV have minimal building of hierarchy in Jawbone. We need LEO, yes, and a General Plan, but that is about it. The

#31-29

last thing we need is have full team of State staff just driving around in their vehicles, creating more smoke emissions. If you need something done, FOJ can do the job with funds from OHV. Our organization is an economical benefit to our local communities.

This entire acquisition, in Jawbone/Dove Springs was done to make sure we secure our trail system. It was never to create a SVRA that is really not welcome here. You decided to purchase more than we needed. OK, but that, needs to be left as is in its present use, no OHV. Then all you need is some fencing, which we can do. It is felt that law enforcement is more necessary, and that alone is what is needed.

Sincerely yours,

Edward H. Waldheim

STATE OF CALIFORNIA

DEPARTMENT OF PARKS AND RECREATION

OFF-HIGHWAY MOTOR VEHICLE RECREATION DIVISION

PUBLIC COMMENT PERIOD

ON

PROPOSED EASTERN KERN COUNTY ACQUISITION

Saturday, March 16, 2013

4:20 p.m. to 6:00 p.m.

held at

Holiday Inn Express
901 Capitol Hills Parkway
Tehachapi, California

IN ATTENDANCE:
PAUL SLAVIC, OHMVR Commission Chair
EDWARD PATROVSKY, Commissioner

SUPERINTENDENT GAFFNEY, District Superintendent
OHV STAFF CANFIELD CANFIELD, OHMVR Staff
PETER JONES, Parks and Rec Specialist
PAULA HARTMAN, TRA Consultant
VARIOUS OHMVR staff

MEMBERS OF THE PUBLIC

Reported by CHERYL L. KYLE, CSR No. 7014

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916-492-1010 866-457-1010 FAX 916-492-1222

1 (Tehachapi, California, Saturday, March 16, 2013.)
2 --oOo--
3 (Public Comment Period commenced at 4:27 p.m.)
4 SUPERINTENDENT GAFFNEY: We're going to
5 officially go on the record from now on, so she needs
6 to hear your name. It would be nice to know where
7 you're from or who you are representing, as well.
8 OHV STAFF CANFIELD: So folks will come up to
9 the table here if you want to go on the record.
10 SUPERINTENDENT GAFFNEY: And you'll have five
11 minutes to make your comments. I would also suggest
12 that maybe those folks that thought they had a comment
13 earlier or made a comment earlier try to get those
14 thoughts together and come up here and make those
15 comments again because that was not part of the formal
16 record that will end up in the EIR, just to be really
17 clear.
18 TRA CONSULTANT HARTMAN: From a CEQA standpoint,
19 for those of you who may or may not be familiar with
20 the CEQA, what we are looking for formally on the EIR
21 are the comments on the adequacy of the environmental
22 analysis. I recognize it's hard sometimes to find out
23 where that dividing line is. It's totally okay to come
24 up and say we want to see this or that, we want to see
25 more single track. That's fine. It's something

1 that -- certainly, that's why Commissioners are here to
2 listen to, but it's really not a comment on the
3 adequacy of the CEQA analysis.
4 We want to see such and such alternative.
5 Exactly, that's the kinds of things we want to see for
6 the EIR. So I just want you to be aware that it's
7 important we get your name and who you're representing,
8 and we will respond in the final EIR to all questions
9 regarding the significance of the analysis or any other
10 inadequacies of the EIR. So we will be responding to
11 your comments, comments that are more along the lines
12 of we do or don't like the acquisition, those kinds of
13 more general comments. Or things about what you want
14 to see in the future, we will acknowledge those. We
15 will receive them in the final EIR, but we won't be
16 commenting -- we won't be responding to them directly.
17 So just wanted to kind of give you that sense.
18 And as a reminder, or maybe Dan is better at
19 this, but as a reminder, 5:00 p.m., April Fools' Day,
20 April 1st, that is the closing comment period, and so
21 we very much need all of comments on the EIR by
22 5:00 p.m. on April 1st as e-mail or alternative e-mail
23 is the main one. I can't remember --
24 OHV STAFF JONES: E-mails or you can send
25 physical letters, as well. And that information was in

3

1 the handout here.
2 TRA CONSULTANT HARTMAN: And they're all going
3 to Peter, he's making sure --
4 SUPERINTENDENT GAFFNEY: And to be clear, if you
5 don't want to comment today or you want to formulate
6 some thoughts, there is no reason why you can't put it
7 into writing and send it in. This is actually an added
8 benefit that we're having the public meeting. We
9 aren't required to do it. We wanted to do it. So we
10 wanted you to have the opportunity to not have to put
11 the letter together.
12 Going back to the original point, though, five
13 minutes, and we're not really going to be able to have
14 a discourse on this. This is you guys telling us what
15 your comments are on this.
16 So the opportunity we had before, which is what
17 we wanted, was to ask questions, clarifying questions.
18 Now it's all about you making comments on the record.
19 And when we get to a point where it feels like
20 everybody has made comments, we will close public
21 comment, and then I'm definitely here if you want to
22 talk about anything at all afterwards off the record or
23 whatever you want to call it. We've got two
24 Commissioners and plenty of staff members.
25 TRA CONSULTANT HARTMAN: If we have not that

many comments and it's 5:15 and there are a few people that have more than five minutes to say, will they have a second opportunity?

OHV STAFF CANFIELD: Yes, absolutely. Cheryl loves to take down these kinds of things.

SUPERINTENDENT GAFFNEY: Questions about the process?

Comment #32: Bruce Hafenfeld

BRUCE HATENFELD: Thank you. My name is Bruce Hatenfeld. I'm the current livestock operator with a BLM permit, and we lease the -- currently we lease the new lands that you are proposing to acquire. Our home ranch is located in the Kern River Valley. I'm the past president of California Cattlemen Association, and I'm also the past division chief of the Policy Division, National Cattlemen Beef Association. We are a family operation. We are a cow-calf and stock operation that utilizes desert, approximately close to 300,000 acres.

I will like to comment on your EIR today. Five minutes can be a little tough with this document that you put in front of us, but I'll try to move it along if I can actually read my own writing.

#32-1 I want to reference S.3.3, Environmental Superior Alternative. Does this then include the 4,318 acres in Resource Protection Alternative? If

#32-1

1 this is indeed true, it's a very confusing way to
2 present the possibility or present this alternative.
3 In other words, S.3.3.5 was not selected as the
4 alternative. If that is indeed the case, the
5 exclusions within S.3.5 would have significant impact
6 on livestock management activities.

#32-2

7 I'd like to address S.4, please, which is Areas
8 of Controversy to be Resolved. This assumes the
9 livestock grazing would continue with management
10 necessary to protect the natural and cultural
11 resources, but it assumes there has been poor
12 management by the BLM and livestock operator. In fact,
13 you make reference in your EIR document about the last
14 study that was done on riparian issues in 2004. This
15 was prior to the ReNu's acquisition of the property and
16 prior to our use of it.
17 I think it would serve a lot better if you were
18 to get a better analysis from the BLM on the present
19 conditions of all of the sensitive areas and riparian
20 areas.

#32-3

21 1.1, Project Overview, this assumes livestock
22 grazing would continue, as I said, and to protect the
23 natural resources. But one of the things that we don't
24 talk about is working with the livestock operators in
25 the overview on sensitivity of the impacts to the

6

#32-3

1 operators on the ground.
2 Included in the use in the EIR under 1.1, this
3 action is likely to occur -- under this action, it's
4 like acquiring something and then figuring out how we
5 are going to use it and fund it. Only, I guess, the
6 government can do that. And I think you guys learned
7 your lesson when you tried to buy Pozo. Your EIR was a
8 little different when you approached Pozo Creek, and
9 you did it based upon your management rather than just
10 acquisition. But as an individual who is a private
11 enterprise, I don't think I would buy something and
12 then try to figure out how I'm going to manage it and
13 how much it's going to cost me to manage it. And we
14 have asked that question and certainly have not had any
15 feedback from the OHV Division as to that. I think
16 when you look at a state that's broke, you people are
17 here on credit, most of my government works on credit,
18 and I've got to tell you it bothers me when I see the
19 government trying to buy more land.

#32-4

20 I would like to address 2.4.2, Cattle Grazing.
21 ReNu parcels are managed along with the BLM and the
22 U.S. Forest Service permit areas. For this reason
23 within open range we cannot differentiate management on
24 ReNu parcels and BLM. Folks, it's a checkerboard. And
25 the checkerboard is a very, very difficult thing to

#32-4

1 manage if you wanted to manage the individual parcels,
2 which is next to an impossibility. So the land has
3 been managed under the terms and conditions of our
4 grazing permits for the BLM and our terms and
5 conditions of our permits for the Forest Service.

#32-5

6 Under 2.4.4, Water Troughs, under the
7 Butterbredt Springs area, it states that they're not
8 functioning. That is not the case. They are
9 maintained when cattle are present, unless when we have
10 no livestock use in the area. But we do maintain that
11 livestock watering facility with a spring box within
12 Butterbredt.

#32-6

13 Under Table 2.1 -- 2-1, I'm sorry, the Summary
14 of Management. Our terms of our permits are ten years,
15 but if terms and conditions of permits are met, they
16 automatically flip for another ten years. So when you
17 refer to within your document of honoring grazing up to
18 the term of the end of the term of the permit, it's
19 likely that that permit will be flipped for an
20 additional ten years, and, in fact, the industry has in
21 front of Congress right now a request to move those to
22 a 20-year term.

#32-7

23 Under 4.1.4, it assumes potentially adverse
24 impacts for grazing on recreation and biological
25 resources. Do they also estimate the same impacts

#32-7

through OHV use? Folks, I've got to tell you, you know, having lived on this land and looked at this land, and I see what the OHV does to the land. And when you look at the impacts on the livestock, I don't understand why Parks is even messing with OHV. When you look at what Parks has stood for over the years, it seems a little strange to me.

SUPERINTENDENT GAFFNEY: How much more do you have?

BRUCE HATENFELD: I've got a couple of pages here.

SUPERINTENDENT GAFFNEY: I think we will let you keep going. We're a couple of minutes left here.

BRUCE HATENFELD: I will put this in writing. It will be submitted back to you, and we will be moving it up the food chain in Sacramento. 4.1.5 -- correction.

#32-8

I'm going to go to Table 4-2. Under your Operations Manual, Livestock Grazing Policy, we don't have much room to wiggle here. The first sentence in the 031.2 -- 0317.2.4:

> "...after statewide review by the State Park and Recreation Commission, livestock grazing is considered incompatible with park

#32-8

1 purposes, including natural resource
2 protection and providing a meaningful
3 outdoor recreational experience."
4 Protecting and restoring natural resources is
5 one of the State Parks system's natural resource
6 management.
7 "Livestock grazing is an
8 artificial process impacting physical
9 and biological resources."
10 So I don't get a warm fuzzy feeling when I read
11 your document about the continuation of livestock
12 grazing. I see every opportunity for the OHV Division
13 to suspend livestock grazing based upon your own
14 Operations Manual.

#32-9

15 I'd like now to move to 4.1.5, the Kern County General
16 Plan, where you address the protected areas for
17 mineral, petroleum, and agricultural resources. Under
18 policy five for the Kern County General Plan, areas of
19 low intensity agricultural, which I believe this
20 certainly qualifies, should be and may be allowed to be
21 grazed. It is the position of the county to continue
22 to graze those areas, even though they are not
23 considered prime agricultural areas. I think you brush
24 it aside as being not important, and that bothers me.
25 Under the Threshold of Significance, 4.3.1, conflicts

#32-9

1 with existing zoning for ag use and Williamson Act,
2 again, you don't address it. It has the potential for
3 conflicts for threshold of significance and the result
4 in the loss of forestland and/or conversion of
5 forestland. Mainly I address that because that's based
6 upon your acquisition of Landers Meadow. We do not
7 agree or I do not agree with your summary in regards to
8 that.

#32-10

9 4.3.2, terms of the RCA allotment, again, they roll
10 over for ten more years. It's mentioned many times in
11 there you would chop it off at 2018, which would be the
12 end of the current term grazing permit.

#32-11

13 Monitoring, BLM, U.S. Forest Service, monitoring is
14 generally done with the permittee and the permit holder
15 to aid in the monitoring, to work together to recognize
16 issues that the permittee must address. So I, again,
17 would think that you might want to address that so you
18 don't send three scientists out without contacting the
19 permittee to work with them and come up with logical --
20 I mean I think it's fair to assume you guys don't have
21 a lot of livestock experience except down there. And,
22 by the way, those contracts that you have down there
23 are not commercial contracts. They're referred to in
24 here as benefits to the resource down there for fire
25 and invasive plants. That doesn't give me a very warm

11

1 and fuzzy feeling either.

#32-12

2 4.3.3 again, your opposite -- your statements within
3 the CEQA document, when I look at the public meetings
4 that we addressed and how you assured us that livestock
5 grazing would continue, but there's no commercial
6 grazing within the Park system now, and the
7 environmental effects subject to the CEQA review is a
8 very hollow statement. Just says grazing has the
9 potential effect, so does the rollover after 100-plus
10 years of grazing of withdrawing grazing. So, in other
11 words, what I'm trying to say there, it's like for
12 every action there's always an opposite and equal
13 reaction. Removing grazing is not always the best
14 thing, but it's like, okay, we're going to analyze it.
15 We're going to analyze whether we should graze it. You
16 should also analyze whether you shouldn't graze it. So
17 both sides of the review process should include yes and
18 no.
19 SUPERINTENDENT GAFFNEY: About one more minute,
20 Bruce.

#32-13

21 BRUCE HATENFELD: One thing that I think you
22 need to make that's very important to us in my
23 industry, we produce a lot of food. We produce a lot
24 of byproduct, and every one of you here today came in
25 here on my byproduct, and we produce enough food to

#32-13

feed thousands of people. I happen to think the production of food and fiber is a little bit more important than recreating, but that's my opinion.

#32-14

Park policy gives every opportunity to eliminate the livestock grazing. Management measures with the Section 6.3.2 at seven, three and two, and 8.3 and two may seem insignificant if measured in square foot, but it is significant when you're talking about the distribution and use of livestock.

#32-15

Okay. Some future things here, one thing that really bothers me is I hear that we're talking about one percent or less of ridership. Where is the cost benefit ratio? How many millions of dollars is it going to cost to acquire it, and what's the cost benefit ratio for those OHV funds, which you very adamantly explained, come from those Green Sticker dollars? What's the cost benefit ratio? I didn't see it in here, but nor did I look at the entire document.

#32-16

One thing that really bothers me also is your acquisition of Kelso Camp, Schoolhouse Meadow, and Landers Meadow. I see absolutely no reason of importance for OHV to acquire meadowlands within the acquisition area. I've talked to you folks about it before. The only answer I guess is you don't want conflict from other landownership. I see no reason to

#32-16

spend OHV dollars on meadows that are critical to any livestock grazing operation with the BLM, which is a bigger banana than the banana you're buying. Hopefully, you're going to do some more look at that and whether those parcels are actually needed for your acquisition.

I'm going to cut it off there. I thank you for your time. I thank the staff for addressing the grazing issues in the CEQA. We were very concerned during the scoping that that wasn't going to happen, but I think you got a lot of letters from a lot of folks that said maybe you need to do that. Thank you very much.

OHV STAFF CANFIELD: No side conversations, please. It's hard for the stenographer to hear the comments.

TRA CONSULTANT HARTMAN: Just go ahead and step outside if you do have some things to talk about. It's real tough to hear. The acoustics are challenging with the columns, et cetera.

OHV STAFF JONES: Anyone earlier that spoke and wants to go more on record, we would encourage you also.

Comment #33: Bob Robinson

BOB ROBINSON: My name is Bob Robinson, Robert Robinson. And I'm co-chair and steward preservation

#33-1

1 officer for the Kern Valley Indian Council, Indian
2 community in Kern River Valley Tehachapi area.
3 Covered comment is Far West did the survey for
4 cultural resources, and at no time did anyone from Far
5 West try to attempt to contact any of the local people
6 in the area that had any knowledge of this. It's a
7 very vast, extensive area. And we have people that
8 were born and raised in the Kelso Valley area, they
9 live on allotments out there, that were instrumental in
10 identifying resources on the North Sky River Project.
11 And after the initial survey that was done by CH2M Hill
12 that identified at least seven sites.
13 And after going back with AECOM and having a
14 tribal member that went out, and they identified almost
15 50 sites that were eligible. And at the end of the
16 project there were actually 90 sites that were
17 identified. And I don't know what -- I haven't seen
18 the report from Far West, but I think they could have
19 benefitted greatly by just simply going and talking to
20 the local people, and that's always missing, almost
21 always.
22 There is an exception right now with Southern
23 California Edison that's doing a project south of
24 Tamer, transmission project, and we have some tribal
25 members out there doing consultation. And they're

#33-1

1 benefitting the project extensively. They're working
2 with Simon Well, Historic Presentation Office, and that
3 was my first comment.

#33-2

4 One of the things I talked about earlier was
5 identifying trust allotments that were sold under
6 the -- and also Indian Homesteads which are under a
7 separate act from the Southern Homestead Act. They are
8 handled through the Bureau of Indian Affairs and were
9 handled by trust allotments. And there's records of
10 those in the Kern County Recorder's office, and copies
11 I have are from the land office before it was -- from
12 Sacramento before it was BLM, and I have copies of
13 those. I'm going to transcribe those and pass them on
14 to Alicia, I think her name is.

#33-3

15 And the Kern River Valley Indian Council has
16 future possible claims for restoration of some of these
17 allotments upon completing our federal recognition
18 process. We need to be federally recognized in order
19 to go to Congress and request the statute of
20 limitations be withdrawn and make those claims. And I
21 guess there is precedence in place for that process,
22 for those allotments that were sold with uninformed
23 consent or without consent of the property owners that
24 were on those allotments.

#33-4

25 And also identify and maintain records of

#33-4

prehistoric and historic grave sites and cemeteries in the area and also allow access of tribal members to those area and allow burials within those cemeteries that become identified. And I'm not sure where all of them are at; have to talk to other people in the tribe. Because those have been kept secret a lot because there is no real enforcement out there at all. Lots and lots of our sites have been looted, and graves have been dug up extensively. And so those are going to be things that need to be kept on confidentiality-only basis. And with cooperation from you folks to make it so roads don't lead right up to these areas which they do right now on some of these properties, and they go right -- because they were originally old homesteads or allotment areas, and the roads still go there and people still go there with their metal detectors and all that stuff.

Okay. That's all I have to say, and thank you very much.

Comment #34: Ed Waldheim

#34-1

ED WALDHEIM: My name is Ed Waldheim, president of Friends of Jawbone ten-year commissioner back in the '80s and involved with all of the grants, been working on access to public lands since Nixon signed the executive order for the California Desert Conservation Areas in '78. So I've been intimately

#34-1

1 involved both at the decision making up at the top,
2 down to now where the rubber meets the road, and that
3 is on the ground. I am very much in tuned with what it
4 takes to manage public lands, so much so that being on
5 the task group for the West Mojave Plan for the Desert
6 Advisory Council subgroup for the WEMO, West Mojave
7 Management Plan, I'm going to push very hard to educate
8 the Bureau of Land Management that they have to get
9 serious in managing our limited-use areas.
10 With the DRECP, Desert Energy Renewable
11 Conservation, coming out and the WEMO, we will end up
12 with 92 percent of our public land in some type of
13 conservation, DWMA, wild national areas, and so forth.
14 So the rules have changed like we have never seen them
15 before. You will stay on a designated trail, end of
16 discussion.
17 This is where I look to the State Parks to be
18 the big help in the law enforcement. I am not
19 interested in the SVRA type of management. I think
20 it's excessive. It's a waste of money for our area.
21 For SVRAs, it's a different story, we can talk about
22 that. But for our areas, and that's going to come
23 afterwards in the general management plan, we do not
24 need that high level of focus that they have done.
25 What I do with $420,000 a year managing almost a

18

#34-1

1 million acres, managing 1200 miles of trails, I'm doing
2 pretty good. I finished up with Jawbone/Dove Springs
3 area, now it's a question of maintaining. And our
4 biggest area of problem is the illegal activities of
5 renegades, of the law-breaking folks. I can't put it
6 any other way. They're criminals; they're just bloody
7 criminals. That is an issue that I have been fighting
8 wars and I desperately need help in that. I do not
9 need help on managing the trails, signing the trails
10 and so forth. I'm moving into the El Pasos. I'm
11 moving into the Red Mountain. Our staff have signed
12 all those areas, and it will take us, if we're lucky to
13 get the money and with the cooperation of Bureau of
14 Land Management, they helping us and we helping them,
15 we will be able to get those areas under the same type
16 of control as we have here now.
17 Now, please understand that my responsibility
18 has been to Michael and to Renewable Resources. When
19 they first purchased the property, we were worried that
20 they would just kick us out and we would lose the whole
21 enchilada, end of story. But thanks to Michael and
22 their staff, they made provisions where we talked.
23 They give me a written authorization to keep the trails
24 that we have in the Jawbone/Dove Springs area, which
25 are the subject properties that you are going to

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#34-1

purchase, 20,000 acres of that were the boundary of the Jawbone/Dove Springs area, and that means Jawbone Canyon Road to the west and up to the Red Rock State Park, all the way up to SC120 up in the northern area. Those are the areas we do.

We do not work on the areas west of Jawbone Canyon Road or Kelso Valley Road with the exception of trying to resolve the trespass issues in the triangle between Piute Mountain Road and Kelso Valley Road and the PCT. The other day we totally locked it all up, fences are everywhere in that area, and we're just trying to see where the bubble is going to burst, and that's where law enforcement is going to do enforcement there. We've got to stop it. It has to be stopped.

Having said that, I do not see where the acquisition is going to hurt us in the sense of it will consolidate our Jawbone/Dove Springs trail system; 211 miles of trail we have. When you add the power lines road that brings it up closer to 300 miles of trails. That is what I'm trying to protect. I'm trying to protect at all costs our opportunity in the Jawbone/Dove Springs area.

I will participate, and Mr. Slavik says I need to think broadly on the other areas if there is something that's to take place on other area, I want to

#34-1

be partners of it. One of the things that I'm very upset about is that both the State of California and the Bureau of Land Management act like we do not exist. And it's very unnerving. We are a 501(c)(3) nonprofit. We run the visitor center. We have 14 full-time boots every day on the ground, and the hierarchy is me, one person, there's nothing else, and every day they go on the ground.

Any time the Bureau of Land Management shows up at 6:30 in the morning and they want something done, we take care of it. I mean we will go anyplace. We'll go anyplace that we can physically go, and we'll take care of it. So we work very, very good with the Ridgecrest Field Office. Barstow Office is a whole different ball game. We hope with the new manager maybe we'll get there, but it's going to be a fight.

I am very worried about the water rights. We are fighting in Cantil because of the Department of Water and Power because of the energy company, the Chinese buying the property for putting solar panels up there, it turned the whole thing in, they necessarily -- they have to sell their product. Where the product could be sold, could be sold to the Department of Water and Power. The Department of Water and Power will take every advantage they can to get

#34-1

their fangs into the water rights. They tried in Indian Wells. I think Indian Wells told them to go fish, and so they didn't get their fangs into that.

We people in California City and the surrounding areas, the aquifer is very, very important to us, and we don't want to lose that. So the Department of Water and Power I have not heard where they are participating in this area because, remember, it's federal lands where they are using. It's not their land. It's not like Olancha or further south where they put fences up because they own it in fee title. They do not own it in fee title, and I'm glad because now we get to use their access routes which we use an awful lot. I don't want to lose that. I do not see them as a player in this area. I've never seen them at the table. They started coming to my meetings in Inyo National Forest, and we've dialogued with them to try to manage the lands for the public up in that area.

Please understand that I meet quarterly with five national forests, and I do the same thing for the Bureau of Land Management for the whole California desert, so we work very closely with the stakeholders all the way around, which is more unnerving for me that this process excludes me for any meetings. Decisions are being made, and we are not being consulted. Am I

#34-1

1 the public? Yes, I am the public. Am I wanting to be
2 considered a little bit more than just the public?
3 Yes, because I have put efforts in there that no other
4 nonprofit has put in to the degree that we have there.
5 You know that very well. There's no nonprofit that has
6 the land managing responsibilities that the Friends of
7 Jawbone have here.
8 Katrina is going to turn over El Mirage to us
9 next year if the grant is successful, and we will be
10 managing that whole facility also for her because right
11 now it's just going into disrepair. But that's to be
12 seen if we can get the money to do that. Friends of
13 Jawbone want to continue to be participating in these,
14 continuing to help manage the area. We welcome the
15 State of California to bring the resources in for the
16 monitoring, maybe, okay, fine. But the most important
17 is help us with the general plan and also help us with
18 the law enforcement. Number one is law enforcement.
19 Once we get the law enforcement, we arrest these
20 people, we take the motorcycles away, we put them in
21 jail, then the message will get around not only for
22 this area, but the whole California desert. Remember,
23 the whole California desert and the Forest Service is
24 designated trails only. That is the message that the
25 public knows, but they refuse to accept. So the guns

#34-1

and the tickets and the jail is the only message that will work. You can educate all you want, Jeff. I appreciate you want to do it, but time is over. The sheriffs have said enough is enough, we are now in the ticket mode, just sign the carbon copy and thank you very much. That's where we have to get really serious, and we are not taking that seriously.

Back to the water rights, I want to make sure that we've identified all of the private properties that are to come up with a map, just like we did in El Mirage with all of the private properties that are within the sphere of influence of where you're going to purchase the property so we know what's left over of these properties. Do we need to contact them, maybe, maybe not. I'm not so worried about that. But I want to know an inventory, okay, we purchased this. What is left over in there. You know, what have we not grabbed; what's not going on.

I am very concerned that the open areas, the open areas were clearly designated through the management plans as an open area, both Dove Springs and Jawbone. And I'm concerned that we want to start monkeying around with our open areas. The open areas are precious areas where the people can do what they would like to do. It's a novelty for California. It

#34-1

doesn't happen in other places in the country, and we want to protect that open-area status. I don't want to start dealing with soil standards. I don't want to deal with vegetation, but I think we're doing pretty good.

I have personally managed the open area just like a limited-use area. I have signed trails. I have graded major trails, and within the last four, five years you will see the difference that they're not riding everywhere they want to, like they used to. They go on the trail that I have signed for them and I have graded for them so they can get to the store, to wherever they want to go, and that has reduced the impact on the rest of the open area.

So there's ways of managing the open area without having to really crack down on things. It's a management issue, and I plan on doing the same thing in El Mirage. I mean El Mirage has no trail maintenance whatsoever. Once I do that, then it alleviates the stuff that's taking place. Trails get wider because we don't maintain the loops. Get rid of the loops, the trails start getting closer and closer, and closer. So it's really great.

Again, the water has me concerned. I want to exclude any acquisition of wells or areas that have

#34-1

1 mills, unless the state can show a clear reason why
2 they want to buy these meadows for environmental
3 reasons or for the bird sanctuary or bird migration or
4 something like that, it's very possible. In the
5 Butterbredt area, it's an incredible place. With
6 Shelly Ellis at the BLM, the biologist, we helped her
7 put the fence around there, with Keith Axelson also
8 we've worked with them closely. The signs that are in
9 Butterbredt, Friends of Jawbone paid for those, the new
10 ones that the Audubon said they were depleted, we paid
11 for those for them to do that. As far as the restroom
12 in that area, that's a management issue. It's probably
13 not a bad idea, but something we can definitely talk
14 about during the general plan that's something you want
15 to do there.
16 The bird counts in there, you have people from
17 San Francisco, there are thousands and thousands of
18 birds that come through that area. And we talked with
19 them and they loved being in that area. Our SB 123
20 that we use to go through that area does not really
21 affect the migration of the birds in that. We have no
22 problems. It's only one trail, and one trail only.
23 The illegal riding that takes place, we are trying to
24 work on that. We keep on closing it off, but, again,
25 law enforcement needs to take care of that.

26

SUPERINTENDENT GAFFNEY: Coming up on ten minutes, Ed.

ED WALDHEIM: I'm sorry. That's it.

SUPERINTENDENT GAFFNEY: Let's go around the room and see if there is anybody else at this point.

ROBERT ROBINSON: My name is Robert Robinson. I'm co-chair of the Kern County Indian Council and the historic preservation officer.

#33-5

And one of the things that I think I brought up at the last meeting was there be language -- I don't know if there is or not; I haven't read through the whole thing -- but language that this property cannot be used by any companies for mitigation land. That if they're ordered by Kern County to -- for instance, they buy a piece of property or BLM, if they're on a piece of BLM property, to do any kind of project that they have to have mitigation property for their project for whatever reason, that they can't come and claim the state property and say this habitat here is suitable for mitigation for my project. And that they actually have to go out and find another piece of property that is suitable.

I say that because right now there's a possibility that Kern County is involved with the water company or water irrigation district around Bakersfield

#33-5

1 to purchase the remainder of the Onyx Ranch down in the
2 south fork area, and it's 2500 acres or something.
3 It's all down in farmland, and they want to purchase
4 that for a hawk habitat for a developer down in the
5 Rosemont area, so want to export the water out of the
6 valley. And it's something that's actually possibly
7 could be happening. It's in a six-month-long escrow
8 right now because of all of the issues involved. But I
9 want to make sure that this property is not used for
10 that kind of a purpose.

#33-6

11 And also will any of this property be eligible
12 for land exchange in the future? Any of this property
13 could be -- for instance, is not suitable for off-road
14 vehicle and you find another piece of property that's
15 suitable for off-road vehicle and that person wants to
16 exchange this piece of property for this property; is
17 that mentioned in the EIR?

#33-7

18 And also from the tribal people who actually go
19 out in these areas today and gather food and fiber, and
20 they're covered under BLM to be able to do that and the
21 Forest Service to do that, but on the State Parks
22 property, I don't know. I would like that put into the
23 language.

#33-8

24 And what my comments have always been to BLM and
25 to Forest Service on trails are that they should be

#33-8

destination oriented, that our public lands shouldn't be basically Magic Mountain where you just go around and around in circles all over. The trails should actually be going to some place and coming back to some place. And that's all I have to say. Thanks.

SUPERINTENDENT GAFFNEY: Anybody else have any formal comment they would like to enter into the record?

#32-17

BRUCE HATENFELD: Bruce Hatenfeld. I think Ed and his group have done a marvelous job, I really do. And we've worked hard to work with him on step-overs and different areas where fences have created some issues for us, but these guys have done a great job out there, and have worked very hard.

And I think we as livestock permittees have done the same to get along. And I would like to think that when you leave here today that you know that our industry and what we do out there, we do believe we can get along. We really do. And, yeah, there are some conflicts from time to time, but you all know this gentleman, and we've managed and worked with him pretty good. So just good job.

SUPERINTENDENT GAFFNEY: I think I'm going to close public comment, unless anyone stands up and waves their hand. Thank you for that. We're done with our

1 public comment that we're going to enter into record
2 for EIR purposes.
3 (Reporter interrupted for clarification.)
4 SUPERINTENDENT GAFFNEY: We're going to take a
5 break.
6 (Brief discussion held off the record.)
7 TRA CONSULTANT HARTMAN: If you've got anything
8 else that you want to say, Cheryl might be on break,
9 but she's ready and raring to go back to it.
10 And also should someone else come in who
11 couldn't get here until 5:30, absolutely we will take
12 that comment. We're here until 6:00.
13 (Break taken in proceedings at 5:09 p.m.)
14 SUPERINTENDENT GAFFNEY: So if there are no
15 other comments, we're going to officially close the
16 meeting, and I believe it is now 6:01 p.m.
17 (Public Comment Period concluded at 6:01 p.m.)
18 --oOo--
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20
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22
23
24
25

1 REPORTER'S CERTIFICATE

2 --oOo--

3 STATE OF CALIFORNIA) ss.
)
4 COUNTY OF SACRAMENTO)

5 I, CHERYL L. KYLE, a Certified Shorthand
6 Reporter in and for the State of California, duly
7 commissioned and a disinterested person, certify:
8 That the foregoing transcript was taken before
9 me at the time and place herein set forth;
10 That the statements of all parties made at the
11 time of the proceeding were recorded stenographically
12 by me to the best of my ability and were thereafter
13 transcribed into typewriting;
14 That the foregoing transcript is a record of the
15 statements of all parties made at the time of the
16 proceeding.
17 IN WITNESS WHEREOF, I subscribe my name on this
18 1st day of April, 2013.
19
20 _____
21 Cheryl L. Kyle, CSR No. 7014
Certified Shorthand Reporter
22 In and for the
County of Sacramento,
23 State of California
24
25 Ref. No. 13049

31

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CHAPTER 3 RESPONSES TO COMMENTS

3.1 WRITTEN COMMENTS RECEIVED ON EASTERN KERN COUNTY PROPERTY ACQUISITION DRAFT EIR

For ease of reference, the key comment text has been extracted directly from the comment and included here. Comments have not been edited other than to correct minor spelling errors.

Comment Letter #1. BLM Ridgecrest Field Office

Comment #1-1: Thank you for the opportunity to comment on California State Parks' acquisition of the Onyx Ranch located within Kern County. The Ridgecrest Field Office supports the proposed acquisition as a contiguous block of land in public ownership provides an opportunity for collaborative management to better meet the mission of both our agencies.

The Ridgecrest Field Office manages public lands for multiple uses. Some of the activities occurring on BLM administered land adjacent to the proposed acquisition include livestock grazing, off-highway vehicle use (OHV), and renewable energy development. The Jawbone and Dove Springs OHV Areas receive a high concentration of OHV use. Additionally, BLM has partnered with the Friends of Jawbone to provide better service to the public and protect the resources on BLM lands within the area affected by the proposed land acquisition.

As discussed at our March 20, 2013 meeting, BLM is committed to the development of a Memorandum of Understanding (MOU) for the management of the BLM and State lands in conjunction with the proposed acquisition. Jim Kenna, BLM California State Director, has delegated me as the BLM point of contact. I am confident that we will develop a MOU that will provide for the cooperative management of the area and allow both our agencies to provide a better product for the public than what would have been possible working independently.

Response to Comment #1-1: Development of a MOU between the OHMVR Division and BLM regarding cooperative management of these project parcels and interspersed BLM lands is underway. The agreement will address mutual aid and law enforcement efforts across jurisdictional boundaries that currently have no physical demarcation. The MOU will also address establishing a cooperative relationship with respect to implementing resource protection measures, including monitoring to comply with applicable standards and guidelines.

Comment Letter #2. U.S. Air Force, Edwards Air Force Base

Comment #2-1: The R-2508 Complex Sustainability Office (CSO) is in strong support of conservation and the freedom enjoyed through public land use efforts. Both the Air Force and the Navy operate over and in close proximity to the Onyx Range property and conduct various flight test operations that include low-level terrain following activity and functional airborne radar testing. The R-2508 CSO does not anticipate any additional adverse impact to military operations from the acquisition of Onyx Ranch and support the concept providing the use of the property remains compatible with our military mission.

Response to Comment #2-1: The comment expresses general support for the project provided the use remains compatible with the Air Force and Navy's military missions. No specific comment was raised on the adequacy of the EIR. No further response is necessary.

Comment Letter #3. Native American Heritage Commission

Comment #3-1: The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archaeological resources, is a significant effect requiring the preparation of an EIR (CEQA

guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine:

- If a part or all of the area of project affect (APE) has been previously surveyed for cultural resources, which we know that it has.
- The NAHC recommends that known cultural resources recorded on or adjacent to the APE in the draft Environmental Impact Report.

Response to Comment #3-1: Pre-field research consisted of a record search at the Southern San Joaquin Valley Information Center (CSU, Bakersfield) of the California Historical Resources Information System on January 20, 2011 by OHMVR Division Associate State Archaeologists Kelly Long and Alicia Perez. Ms. Long and Ms. Perez conducted an additional record search at the BLM Ridgecrest Field Office on October 3, 2011. The record searches conducted at the Southern San Joaquin Valley Information Center and BLM Ridgecrest Field Office, and consultation with Donna Begay, then-Tribal Chairwoman with the Tubatulabals of Kern Valley, identified 18 previously recorded sites within the project area: six prehistoric resources, nine historic-era resources, two multi-component resources, and one resource with an unknown occupation period. Approximately five previous archaeological surveys have been conducted within the project area. EIR Section 7.2.4.1 discusses the pre-field research methods, methodology, and results.

EIR Appendix J, Table 3 provides a list of known cultural resources within the project boundary. EIR Section 7.2.4.3 includes a discussion of "potential historical resources," "existing condition of historical resources," and "existing condition of archaeological resources" within the project boundary.

Comment #3-2: If additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible.

- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

Response to Comment #3-2: State archaeologists completed a cultural resource survey of portions of the project area during the months of March, April and October 2011. Supplemental archaeological field work was completed by Far Western Anthropological Research Group, Inc. in June 2012. A total of 4,708 acres of the 28,275 acre project area was surveyed for cultural resources. A Cultural Resource Survey for the Onyx Ranch Acquisition Kern County, California (Perez 2012) report was prepared and includes: a cultural resource setting, including prehistoric, ethnographic and historic overviews, and previous cultural resource studies of the project area; a current inventory of known cultural resources within the project area; preliminary resource evaluations according to the National Register of Historic Places and the California Register of Historical Resources significance and integrity criteria; an assessment of the potential for significant impacts to historical resources; and, options for avoiding or minimizing impacts to historical resources in compliance with CEQA and Public Resources Code sections 5024 and 5024.5.

Appendix J of the EIR contains a copy of the report titled "A Cultural Resource Survey for the Onyx Ranch Acquisition," Kern County, California (Perez 2012). All confidential cultural information has been removed in accordance with Government Code 6254.10. The OHMVR Division will coordinate with the NAHC in providing a copy of this report to the planning department.

Comment #3-3: Contact has been made to the Native American Heritage Commission for:

- A Sacred Lands File Check, and cultural resources have been identified to your agency.
- A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter.
- Lack of surface evidence or archaeological resources does not preclude their subsurface existence once ground-breaking activity begins. If that occurs, the NAHC suggests that inadvertent discoveries be coordinated with the NAHC.

Response to Comment #3-3: The OHMVR Division requested a Sacred Lands File Search and a Native American Consultation List from the NAHC on February 16, 2011, and again on April 26, 2012. A list of appropriate Native American Contacts for consultation for this project was received by the OHMVR Division from the NAHC on March 7, 2011, and again on May 3, 2012. The OHMVR Division agrees with the NAHC that a "lack of surface evidence of archeological resources does not preclude their subsurface existence once ground-breaking activity begins." In accordance with 14 CCR section15064.5(f), an accidental discovery plan is discussed in EIR Section 7.3.2 "Proposed Cultural Resources Management Measures." In accordance with Public Resources Code section 5097.98 and 14 CCR section 15064.5(e) the accidental discovery plan also includes the inadvertent discovery of Native American remains and coordination with the NAHC.

Comment #3-4: Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) 15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e) and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Response to Comment #3-4: EIR Section 7.1.3 "Public Resources Code Sections 5024 and 5024.5" includes guidelines for the inadvertent discovery of cultural resources during construction activities and a Native American consultation and monitoring plan to be implemented for any future proposed projects. Please also refer to response to Comment #3-3.

Health and Safety Code §7050.5 is discussed in EIR Section 7.1.6. Also refer to response to Comment #3-3.

Comment Letter #4. Kern County Planning and Community Development Department

Comment #4-1: The Summary, S.3.2 No Project Alternative, (Page S-9) states that "Should some of the parcels be developed for wind or solar energy, the adverse effects on wildlife, including avian migratory corridors, and recreation could be substantial." Under the No Project Alternative, the OHMVR Division would not acquire the 59 private parcels and the property would remain under the land use control of Kern County. This area is not eligible for any commercial wind projects as it is restricted by the Kern County Zoning Ordinance Section 19.08.160 Height of Structures to protect the military airspace complex. In addition, Kern County has experience with permitting of over 8000 MW including large scale commercial solar PV. The representation of this statement that the adverse impacts on wildlife and recreation from renewable energy development could be "substantial" is prejudicial and unsubstantiated. It should be deleted from the summary. Staff notes it is not included in the body of the DEIR in Section 12.2 No Project and there are no other places in the document so a deletion will not affect the analysis required by CEQA.

Response to Comment #4-1: The comment is correct that potential effects of renewable energy development are not discussed in EIR Section 12.2 No Project. The sentence "Should some of the parcels be developed for wind or solar energy, the adverse effects on wildlife, including avian migratory corridors, and recreation could be substantial" is stricken from Section S.3.2 No Project Alternative. Please see text amendment in Errata, Chapter 4 of this document.

Comment Letter #5. American Motorcyclist Association, District 36

Comment #5-1: As the AMA Congressman for American Motorcyclist Association/District 36, I would like to wholeheartedly support the Off-Highway Motor Vehicle Recreation Division of California State Parks Department's acquisition of the Eastern Kern County property. This is a much needed facility in the area and will support the natural condition and environment in the area for perpetuity. The OHMVR is the Gold standard for environmental responsibility and motorized recreation combined. This may sound like a contradiction in terms, but the OHMVR State Vehicle Recreation Areas (SVRAs) are by law required to have the highest environmental responsibility of any State Park. This results in having an off-highway recreation facility that is sustainable while providing a safe interactive experience for the user.

District 36 and many others are excited to be partners in developing and supporting a new off-highway recreation area, as these activities bring together families and create an environment of self reliance, self esteem and executive function, not to mention physical fitness that's fast declining in this computer driven world.

The financial impact of this facility is undeniable, not only for local businesses but state wide. Many of the OHV recreational trailers and equipment are built (Weekend warrior, FMF, etc.) in California, providing jobs and sales taxes for the many social programs in the State.

The AMA and District 36 applauds the OHMVR for partnering with the BLM as well as others to create and enhance a facility for the betterment of all who might use this facility and for those who live and work nearby.

Response to Comment #5-1: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment Letter #6. Americans for Responsible Recreational Access

407 emails commenting on the Draft EIR were received via ARRA. 370 of these emails comprised the same language, which is presented in Comment 6-1. The names of individuals

submitting this comment are listed with the email in Chapter 2.0. The additional 37 emails contained personalized text from the senders. Those personalized comments included with the ARRA email are separately listed below in Comments #6-2 through #6-38 along with a response.

Comment #6-1: As a member of Americans for Responsible Recreational Access, I write in support of the OHMVR Division acquiring and managing nearly 30,000 acres in Kern County and providing off-highway vehicle opportunities.

The draft Environmental Impact Record makes it clear that existing OHV uses will continue under OHMVR Division management, and that the Division will provide for appropriate management and maintenance of OHV opportunities. I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Response to Comment #6-1: The comment expresses the opinion of 370 commenters who submitted the email comment. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-2 (Steve Aronson): My family, my friends, and their families all depend on these areas for camping, riding, education, and socializing. This is a huge part of our lives, and we greatly appreciate your efforts to maintain and improve access.

Response to Comment #6-2: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-3 (Geoffrey Beasley): Please feel welcome and encouraged to work with and to solicit any and all needed assistance from 4x4 and motorcycle clubs. We appreciate your efforts to keep public lands open to all forms of recreation by all members of the public, and we want to work with you to ensure future generations can also enjoy the wonders of the desert.

Response to Comment #6-3: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-4 (Michael Behrens): I look forward to taking my family to the area in the near future to enjoy off-road exploration.

Response to Comment #6-4: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-5 (Brian Berge): I whole heartedly support this investment in our future.

Response to Comment #6-5: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-6 (Devin Bragg): As an avid OHV user I fully support the continued use of existing and expanded OHV opportunities. The need for usable OHV land is increasing proportionally with the number of people involved in the sport. More space means less wear on the trail systems and reduced accidents due to overcrowding.

Response to Comment #6-6: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-7 (Dan Combs): I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Kern County.

Response to Comment #6-7: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-8: I totally support the inclusion of this land in an ATV and off road user friendly management plan.

Off road vehicles allow older and differently-abled Americans to access the wilderness resources or our beautiful country. Please don't restrict access just to the young and strong hikers and horse riders.

Response to Comment #6-8 (John Compton): The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-9 (Alan Cook): I have enjoyed riding in Mojave for years and I hope that when I am older I will be able to take my kids there and share the same experiences which I have had with my father.

Response to Comment #6-9: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-10 (Steven Costello): OHV recreation is very important to me, my family, and friends. It is rare that we get an opportunity to add to the limited inventory of land available for this kind of activity. I urge you to take over the management of this area.

Response to Comment #6-10: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-11 (Robin Down): As so many of our public lands get closed by special-interest groups, I hope this action will allow the public use of this land to continue for future generations.

Response to Comment #6-11: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-12 (Frank Esposito): This is not just about Off Highway Vehicle Recreation. It is about doing the right things for Americans and the land owners (private or public) and doing so responsibly. This rewards responsible behavior and also has a positive economic impact on the recreational vehicle industry. More places to play responsibly makes for happier citizens who cheerfully spend their hard earned dollars that helps drive our economy forward. This is a very good common sense draft. My compliments.

Response to Comment #6-12: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-13 (Gary Flint): As an avid four-wheeler I think it is important to preserve existing access to OHV areas and expand them when possible for the enjoyment of current and future generations. Public land should be accessible to the public when used and managed in a responsible manner.

I am a resident of Northern California and a frequent visitor to Southern California due to the OHV opportunities offered in the southern portion of our great state.

Response to Comment #6-13: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-14 (Gerald Fogel): It is EXTREMELY sad how such a healthy sport that so many responsible people and families enjoy have to battle unfair attacks and unfounded or exaggerated accusations from most environmentalists. OHV'ers continue to make our bikes quieter, reduced pollution from exhaust and maintain trails, yet NOTHING seems acceptable. Please find a true balance. Everyone has rights, everyone including responsible tax-paying OHV'ers, not just the environmentalists.

Response to Comment #6-14: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-15 (Jeff Gillis): I hope that private land owners will be justly compensated for their land, and will not have to worry about illegal OHV use.

Response to Comment #6-15: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-16 (Lynn Grimstad): I feel that a publically vetted plan for management of lands is necessary to insure fair access to all stakeholders.

Response to Comment #6-16: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-17 (Brad Hart): We need to add more trails and keep open the OHV trails that we have, it sickens me to see our trails being closed at such a rapid pace!

I own land on Kelso Valley Road in Weldon, California. We have been riding dirt bikes for the last 30 years there, and due to all the closures it is getting harder to find places to ride, this saddens us greatly.

Response to Comment #6-17: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-18 (Ronald Howard): People need to recreate in the beauty of the desert.

Response to Comment #6-18: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-19 (Kathleen Kampschmidt): It is good to see efforts to keep public lands for public use - our family has been responsibly off-roading for 40 years.

Response to Comment #6-19: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-20 (John Kerrigan): Please don’t let them close us out.

Response to Comment #6-20: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-21 (Jared Knowles): This will be an appropriate acquisition for the type and location of this land, and will place it into the correct hands for management. It will allow for the best utilization of that area by allowing the OHV community a better recreational experience due to the larger land resource.

Response to Comment #6-21: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-22 (Tracey Mari): Please don't take our beautiful riding trails away!

Response to Comment #6-22: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-23 (Ned McNabb): This action will also help OHV users like myself and my family because it will support responsible, legal OHV activity.

Response to Comment #6-23: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-24 (Matthew McVickar): It is important to maintain adequate OHV access in order to prevent overcrowding of existing areas in the interest of public safety and to minimize impact to the environment. The public deserves sound management of public resources and I applaud this effort.

Response to Comment #6-24: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-25 (Duane Nevitt): Please support our continued effort to help regain much of the lost riding areas in our State. Please provide your support for this measure to help hold onto our already limited OHV riding areas.

Response to Comment #6-25: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-26 (Colin Packer): Like most off road riders, I love and respect the Mojave Desert. Hard core environmentalists will disagree, but off-roaders are environmentalists as well. Please consider our desires and keep the desert open and available to off road riding.

Response to Comment #6-26: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-27 (Thomas Petersen): We need more OHV riding areas. This is a good use for green sticker funds instead of using the money to close areas for OHV use. So I am all for purchasing this land.

Response to Comment #6-27: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-28 (Howard Phelps): After reviewing the map of the parcels, it's a no brainer to move forward and I appreciate that the OHMVR Division has proposed to take over this land and therefore reduce uncertainty about continued OHV use in the Mojave Desert.

Response to Comment #6-28: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-29 (Mark Putnam): I am thankful for this opportunity to expand our access for OHV usage in Kern County. This will be a mixed usage area as is the rest of the BLM land I believe. With OHV being the fasted growing form of recreation in the country, it should be a priority to expand access to public land. As has been the case in others areas of the Mojave Desert where OHV access has been reduced, local economies have suffered. Kern County will reap the benefits of being up to date with this growing trend. Please consider this as a positive move on behalf of recreationists and local economies, thank you.

Response to Comment #6-29: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-30 (Jeffrey Quick): Thank You for supporting our children and grandchildren's off-road riding family time.

Response to Comment #6-30: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-31 (Chris Real, CLS): Expanding the Kern County OHV will be a positive use of the land and funds. My family and I have enjoyed our OHV activities in the Mojave area for 40 years, and want to continue to do so.

Response to Comment #6-31: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-32 (Dennis Scroggins): We lose land everyday to the radical enviros agenda, so any chance we have to gain back some ground is money well spent.

Response to Comment #6-32: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-33 (Ronald Sobchik): As a long time motorcycle rider and user of this area I appreciate the purchase of private lands interspersed in BLM holding to create a clear legal area to ride in. My only question is why did it take so long to happen?

Response to Comment #6-33: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-34 (Douglas Starr): I and my family frequently participate in OHV recreation in eastern Kern County. We make every effort to do so legally, and we appreciate the opportunities that OHMVR helps to provide. I support any effort to continue to provide OHV recreation opportunities while reducing conflicts with other users and the environment, and I hope you will make every effort to make this proposed acquisition a reality.

Response to Comment #6-34: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-35 (Alex Wagner-Jauregg): OHV use areas are becoming a rare commodity, and all agencies need to work together to preserve and expand our opportunities.

Response to Comment #6-35: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-36: Law enforcement has done nothing but scare the kids and has created hazards to riding. There are often hidden fences in the middle of trails, there is reduced space, therefore forcing crowding in riding areas with a much higher collision potential.

Response to Comment #6-36 (David Williams): The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-37: As an avid desert racer and activist for Equal use. It is important we are good stewards of our shared land. I encourage you to consider this proposal.

Response to Comment #6-37 (Jay Young): The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #6-38 (Sharron Zoyhofski): As a responsible motorcyclist I support continuing to provide opportunities for off-highway riding.

Response to Comment #6-38: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment Letter #7. Audubon California

Comment #7-1: On behalf of Audubon California and our more than 150,000 members and supporters throughout California we support the "Exclusion for Resource Protection Alternative" which we believe is the best plan to address both the type of recreational activity desired along with protection of highly valued natural resources.

Response to Comment #7-1: No comment is made on the adequacy of the EIR. No response is required.

Comment #7-2: The Project has Audubon's support if the following criteria are met: 1. No new infrastructure, development, transmission line, or utilities are developed except as necessary for the management of public recreation in the form of OHV use, camping, hiking, mountain biking and horseback riding.

Response to Comment #7-2: The acquisition project solely involves property purchase and management of existing uses. No new uses or expansion of existing uses are proposed. Any future changes in property use would be a separate project subject to environmental review under CEQA (EIR Sections 1.1 and 2.5.2.1).

Comment #7-3: The Project has Audubon's support if the following criteria are met: 2. No renewable energy projects or transmission lines would be permitted on the property after acquired by the OHMVR Division.

Response to Comment #7-3: The OHMVR Division proposes purchasing the property for the purposes of managing OHV recreation opportunity and its environmental effects. It is not the intention of the OHMVR Division to develop the property with energy related projects or transmission lines. See also responses to Comments #13-2 and #13-3.

Comment #7-4: The Project has Audubon's support if the following criteria are met: 3. Burrowing owls: The report does not offer enough analysis of the location of burrowing owl nest sites and ways to mitigate destruction of these sites. The only reference to this species is the request that large OHV staging events shall avoid burrows. This is insufficient. A mitigation measure of fencing these locations and re-routing of trails and events should be discussed thoroughly.

Response to Comment #7-4: See response to Comment #12-6.

Comment #7-5: The Project has Audubon's support if the following criteria are met: 4. There is cooperative management of the adjacent BLM and USFS lands to increase the success of management actions in this multiple ownership landscape.

Response to Comment #7-5: It is the intent of the OHMVR Division to partner with federal land managers of adjoining parcels to successfully manage public properties. Proposed Management Measures specifically state that the OHMVR Division would work with USFS and BLM to address Pacific Crest Trail issues, provide law enforcement, and manage grazing. Development of a MOU between the OHMVR Division and BLM regarding cooperative management of the project parcels and interspersed BLM lands is underway. See response to Comment #1-1.

Comment #7-6: The Project has Audubon's support if the following criteria are met: 5. Adequate immediate and long-term staffing will be available for management including law enforcement with daily patrols.

Response to Comment #7-6: Establishment of a law enforcement program is proposed as a Management Measure. The program shall include daily patrols. See Law Enforcement Program Management Measure (EIR Section 3.3.2).

Comment #7-7: The Project has Audubon's support if the following criteria are met: 6. Outside of the open management areas, vehicular travel is permitted only on designated routes of travel.

Response to Comment #7-7: Off-trail OHV use in the project area is only permitted in the Jawbone Canyon and Dove Springs Open Areas. The acquisition project would not open new areas to off-trail riding and would not add new trails to existing designated travel routes (EIR

Sections 2.5.2.1 and 2.7). Expansion of the riding areas or designation travel routes would require a separate CEQA process and is not a component of this EIR.

Comment #7-8: The Project has Audubon's support if the following criteria are met: 7. None of the area of the project is used as mitigation for DRECP or in any way allows greater development in the planning area.

Response to Comment #7-8: The OHMVR Division does not propose using the area as mitigation for DRECP. The project does not propose development or expanded OHV opportunity. See response to Comment #7-7. The OHMVR Division could potentially use non-OHV parcels as mitigation lands to help offset future impacts associated with recreational use changes, which could occur under a new general plan (EIR Section S.3.3 and 12.3). See also response to Comment #20-7.

Comment #7-9: The Project has Audubon's support if the following criteria are met: 8. [A]ny support for the Project is contingent on the promise of resource management being implemented to benefit natural and cultural resources by installing and maintaining sensitive habitat protection fences, closure areas, wildlife monitoring and management, vegetation management, exotic pest plant removal and restoration plantings before the development of a general plan.

Response to Comment #7-9: The comment identifies activities proposed by the project. The OHMVR Division would utilize both the extensive data gathering and management program established upon acquisition and the subsequent general plan process to fully develop a comprehensive strategy for management.

Comment #7-10: The Project has Audubon's support if the following criteria are met: 9. Resource management will be implemented to protect sensitive resource from unauthorized OHV use prior to the development of a general plan.

a. Resource management is enacted to reduce OHV impacts to the desert tortoise including eliminating unauthorized use in known occupied areas. Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management under OHMVR Division ownership.

b. Resource management is implemented to protect areas known to be occupied by Mohave ground squirrel from OHV impacts. Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management under OHMVR Division ownership.

c. Resource management is implemented to protect known springs, wetlands and riparian areas from OHV impacts. Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management under OHMVR Division ownership.

d. Resource management is implemented to protect known populations of rare plants from OHV impacts.

e. Efforts are made to eliminate OHV impacts to areas with no designated trails/routes that overlap with sensitive species habitat and springs and riparian areas.

Response to Comment #7-10: Resource management activities, including protection of biological values, would begin upon successful acquisition of the project property. Resource surveys would be initiated to identify sensitive areas at risk from unauthorized OHV use. This data gathering will inform both immediate resource protection efforts as well as the future general plan development effort. It is the OHMVR Division's intent to implement resource management measures as needed prior to development of a general plan. See also response to Comment #7-9.

Comment #7-11: The Project has Audubon's support if the following criteria are met: 10. State Parks must address the issue of OHV use on Red Rock Canyon State Park and ensure that management of the Eastern Kern County Property results in a net benefit to the resource on that park by reducing trespassing and decrease the demand or OHV use on that park.

Response to Comment #7-11: See responses to Comments #10-10 and #12-4.

Comment #7-12: The Project has Audubon's support if the following criteria are met: 11. Ensure all management activities, future projects, and designated routes and open riding areas are designed and managed in such a manner as to minimize impediments to wildlife movement and bird migrations.

Response to Comment #7-12: The project does not propose construction of new facilities or expansion of OHV opportunity to support ongoing land uses with the exception of minor projects (e.g., fencing, vault toilets, etc.) as identified in the Project Description (EIR Section 2.5.2.2). The EIR concludes the project, including the Biological Management Measures, would not impact wildlife movement (EIR Section 6.3.3.3 and 6.3.4.3).

Comment #7-13: Audubon recognizes that there is an existing and growing off-highway recreational vehicle use in the area and that this use has historically included trespass on private lands, proliferation of illegal trails and resource degradation. We believe that State Parks OHMVR in coordination with BLM, USFS and private groups can significantly improve the protection of the natural and cultural resources on these lands. We therefore support this purchase and the subsequent establishment of an OHV park that meets the criteria listed above.

Response to Comment #7-13: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment Letter #8. California Association of 4 Wheel Drive Clubs

Comment #8-1: While the main focus of CA4WDC is to protect, promote, and provide for motorized recreation opportunities on public and private lands, many of our members participate in multiple forms of recreation; including but not limited to hunting, fishing, camping, hiking, horseback riding, bicycle riding, and gem and mineral collection.

We recognize the positive health and social benefits that can be achieved through outdoor activities. We also recognize that motorized recreation provides the small business owners in the local communities a significant financial stimulus. And, our members are directly affected by management decisions concerning public land use.

Our members subscribe to the concepts of: 1) public access to public lands for their children and grandchildren; 2) condition and safety of the environment; and 3) sharing our natural heritage. The general public desires access to public lands now and for future generations. Limiting access today deprives our children the opportunity to view the many natural wonders of public lands. The general public is deeply concerned about the condition of the environment and personal safety. They desire wildlife available for viewing and scenic vistas to enjoy. They also want to feel safe while enjoying these natural wonders. Lastly, the public desires to share the natural heritage with friends and family today as well as in the future. How can our children learn and appreciate our natural heritage when native species are allowed to deteriorate and historic routes are routinely blocked or eradicated from existence?

CA4WDC supports the concept of managed recreation and believes it is prudent and appropriate management to identify areas where off-highway vehicle use is appropriate. Such use must be consistent with the public lands management plans, the Plan Standards, and all other requirements found in the Plans, as well as state and federal regulations. Recreation, especially

recreation off of paved or gravel roads, is the leading growth in visitors to public lands. Improvements in the planning processes help minimize conflicts and potential resource damage while providing for recreation access to public lands.

The OHMVR Division proposes purchasing 59 ReNu parcels totaling 28,275 acres using Southern California Opportunity Purchase Funds approved by the California State Legislature and Governor in the 2010/2011 Fiscal Year Budget Act. The California Public Works Board is responsible for approving the acquisition. The Acquisition and Development Division of CDPR would process the land transfer documents after Public Works Board approval.

CA4WDC supports the proposed acquisition of 59 parcels totaling 28,275 acres located on the western edge of the Mojave Desert near the southern Sierra Nevada and Piute Mountains.

This proposed acquisition will consolidate management of the current checkerboard of BLM public lands and private lands. This proposal will eliminate potential user trespass with private property and provide for cohesive recreation management policy in the region.

The proposed acquisition is capable of supporting a large-scale OHV recreation site in the greater Mojave area where no other is available. Additionally, OHV recreation is already established in the project area, and the OHMVR Division would provide additional management, including law enforcement resources.

The proposed acquisition of the ReNu parcels would provide better overall management of the lands by allowing land managers increased access to these currently private lands that support recreational uses and sensitive biological and cultural resources. This proposed project would result in a higher level of protection to cultural and biological resources and allow the OHMVR Division to establish an extensive data gathering and management program after acquisition.

California's southern desert region is a premier and important OHV recreational opportunity area, but lands available for OHV recreation in Southern California have been greatly reduced due to alternative energy projects, rural development, and other closures. This project is specifically designed to provide public OHV recreation in Southern California, enhance the management of the lands, and protect OHV opportunity in this critical region of California.

Response to Comment #8-1: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment Letter #9. California Off-Road Vehicle Association

Comment #9-1: CORVA has an over 40 year history of advocating on behalf of public access for motorized access and off-road recreation opportunities in the State of California. We promote multiple uses of public land, and vehicular access as a means to pursue both motorized and non-motorized activities. All forms of recreation have an equal importance to the people in California, and CORVA sees the Eastern Kern County Property Acquisition project as an opportunity to enhance all forms of recreation, while keeping ecological and environmental issues of the forefront of management efforts.

The California Department of Parks and Recreation (CDPR) proposes to purchase 59 parcels that are interspersed in between land currently owned by the Bureau of Land Management, the Forest Service and various private land owners. CDPR has worked hard bringing those various entities together along with public stakeholders, in a manner that must be recognized for its acknowledgment of competing land uses and consideration of individual management styles. But the most important aspect to CORVA and our members is the continuation of existing off-road recreation opportunities.

Response to Comment #9-1: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #9-2: The DEIR recognizes that with a checkerboard land ownership pattern there are issues and controversies that will need to be addressed that are described in S 4. As written on page S-1 of the Summary, a management plan that would consider options such as expansion of the route system is not part of the current environmental review, but we would be remiss if we did not mention the importance of enhanced opportunities in the greater scheme of this expansion.

Response to Comment #9-2: The comment expresses interest in expansion of the trail route system. No comment is made on the adequacy of the EIR. No response is required.

Comment #9-3: The Acquisition is forecast to bring a 1% increase in traffic to the area. This estimate is speculative, and may be an underestimate because of other proposals in the California desert area that may serve to decrease OHV opportunities, such as changes to the management of the Johnson Valley OHV Area. CORVA feels that changing anticipated traffic to a figure of 2% would require little more in the way of mitigation other than the acknowledgement that increased enforcement activities may be needed on busy weekends, but should still be noted in the DEIR. We agree that changes in management may at the same time encourage visitation or discourage visitation which leaves the prospect of forecasting visitation somewhat in question; that fact acknowledged, being prepared for a bit more of an increase would not be difficult.

Response to Comment #9-3: The 1% increase in OHV visitor use identified in the EIR is intended to estimate the potential increase in OHV use that is directly correlated with the property acquisition and implementation of Management Measures. The 1% increase is not a forecast of future visitor levels, which may be affected by potential park development envisioned by a new general plan, changes in regional OHV opportunities, the economy, fuel prices, or recreation popularity.

As discussed in response to Comment #10-5, a change in land ownership and implementation of resource protection measures, in and of themselves, are unlikely to increase OHV use in the area. Increased use is more likely to occur due to improved or expanded OHV opportunity, none of which are proposed by this project (EIR Section 1.1, Section 2.5.2.1, and Section 2.7). However, in an effort to acknowledge that state ownership could indirectly elevate OHV use by increasing public awareness of OHV opportunities in the area, increasing interest in observing state management actions, or creating anticipation of potential future developments, the OHMVR Division identified a 1% increase in visitor use as a conservative estimation.

A higher increase in visitor use, such as the suggested 2%, may be used to forecast park visitor levels, but the purpose of the EIR was to identify growth specifically caused by the project and identify environmental impacts associated with that growth. Forecasted growth unrelated to the project is not a project impact subject to environmental review under CEQA.

Comment #9-4: This Acquisition is also unique in that recreation, both motorized and non-motorized, is already occurring on the parcels proposed for purchase. Therefore no new activities are being proposed, and page 2-8 of the Project Description contains a complete listing of proposed management measures which seems quite adequate per the project description. Using the nearby Hungry Valley State Vehicular Recreation Area as a model, the CDPR has managed that area for a number of sensitive species while at the same time creating a multitude of challenging and engaging off-road activities for vehicles of all types. Management of a similar nature in the proposed Acquisition area would equally succeed.

Response to Comment #9-4: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #9-5: As noted in the Land Use Plans and Policy Section, beginning on page 3-12, the DEIR accurately assesses in detail various incursion sites associated with OHV recreation. The increased management proposed by CDPR would actually help curtail those activities because of the availability of increased education and enforcement, and bring a very real benefit to residents of the surrounding areas. Management of OHV incursions around the Pacific Crest Trail and Red Rock Canyon Park areas has proved elusive at times, so the Acquisition would go a long way to helping solve those problems. In a very measurable way, the Acquisition will improve conditions and compliance in the parcels under consideration.

Response to Comment #9-5: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #9-6: CORVA is aware that there has been some community resistance to the proposed acquisition, and advises the CDPR to engage in serious negotiations regarding an upcoming management plan to occur after the Acquisition project is completed. It is imperative that all uses in the community be respected, and any objections posed by heard and addressed in the management plan. As far as the current proposed Acquisition project, CORVA supports the purchase of the 59 parcels currently under consideration as the best possible method to continuing off-highway vehicular recreation and access in those areas.

Response to Comment #9-6: Comments expresses importance of engaging the community in preparing the future management plan for the property. No comment was made on the EIR and no further response is necessary.

Comment Letter #10. Community ORV Watch

Comment #10-1: Community ORV Watch is a non-profit organization concerned about the impacts of off-road vehicles on private and public lands. We have serious concerns about the DEIR Project Summary since it contains a number of undocumented assumptions about the potential serious impacts of ORVs, and little detail about how these serious impacts will be mitigated, instituted or funded. In fact, the document appears to make assumptions rather than based on solid science and the lessons learned from years of ORV abuse of private and public lands. This document also appears to lack objective analysis and reads more like it was written by an ORV industry advocate than a document that, by law, is mandated to detail the potential impacts of ORVs in and around the acquisition. Studies indicate that ORVs breach established routes, damage natural resources, destroy roads and floor control infrastructure, regularly trespass on private and public lands and create clouds of PM 2.5 to PM 10 dust that represent threats to public health.

Response to Comment #10-1: The proposed project does not include approval of new or expanded OHV use (EIR Sections 1.1, 2.5.2.1, and 2.7). Historical and ongoing impacts from OHV use are existing conditions and represent the environmental baseline from which project impacts are measured (EIR Section 2.7). The scope of the EIR is limited to physical changes directly or indirectly resulting from the proposed OHMVR Division action. The underlying, existing OHV recreation is not a new use authorized or established by the proposed project and therefore not subject to CEQA review in the project EIR. The project could indirectly result in a modest increase (1%) in OHV use, and the impacts of this increased OHV use is subject to environmental review. The EIR concludes that implementation of the OHMVR Division's proposed Management Measures (EIR Table 2-1) would bring new resource protection and law enforcement efforts to the property and provide additional partnership efforts with other public

agencies; this would offset most environmental impacts caused by the 1% increase in OHV use. The potential impact to the desert tortoise is the one environmental effect that cannot be offset and remains significant after mitigation. Unauthorized travel routes, damaged natural resources, destroyed soil conditions, and fugitive dust emissions are specifically addressed by the proposed Management Measures identified in Table 2-1 (EIR Section 2.5.2.3) and presented fully in the individual EIR chapters.

Comment #10-2: It has been demonstrated that ORV law enforcement in Kern County is lacking and that private property and public lands regularly experience trespass by illegal ORV activity. A review of law enforcement statistics indicates that despite citizen complaints regarding ORV trespass, the Sheriff's Department, Bureau of Land Management, OHMVR Division and other law enforcement agencies have failed to prioritize ORV enforcement. Riders continue to break the law with impunity, yet the DEIR fails to adequately address this problem. The DEIR is devoid of specifics about how law enforcement will deal with the influx of ORVs and the damage and lawlessness that accompany them. The DEIR fails to provide specific information about how additional law enforcement will be funded and allocated.

Response to Comment #10-2: Per Public Resources Code 5090.32(k), the OHMVR Division is responsible for "enforcement of Division 16.5 (commencing with Section 38000) of the California Vehicle Code and other laws regulating the use or equipment of off-highway motor vehicles in all areas acquired, maintained, or operated by funds from the [OHV Trust] fund…" This includes enforcement of legal riding boundaries as well as OHV speed laws (California Vehicle Code §38305 and §38310). See also response to Comment #17-36.

The OHMVR Division does not own or manage land in the project area and does not have direct jurisdictional responsibility for current law enforcement issues. The OHMVR Division is organized and funded separately from California State Parks. Land ownership is shown in EIR Figure 2-2. Law enforcement agencies on adjoining properties include the USFS on the Sequoia National Forest and Pacific Crest Trail, BLM on its properties, Kern County Sheriff's Department on privately owned property, and California State Parks on Red Rock Canyon State Park. The comment identifies an existing need for law enforcement, which is a baseline condition, not one caused by the project. By purchasing the property, the OHMVR Division would have direct jurisdictional responsibility for managing OHV recreation on the project parcels.

The OHMVR Division recognizes the concern of unauthorized OHV use in the project area and has proposed several Land Use Management Measures (EIR Section 3.3.2) to help address the issue. The proposed change in property ownership from private to state does not change or expand the designated OHV opportunities of the area and is therefore not expected to increase the number of unauthorized use incidents. It is possible that the change in ownership could result in an incidental (1%) increase in visitors to the area for OHV recreation (see response to Comment #10-5 below). Any increase in unlawful use incidents would be offset by the proposed Management Measures to increase protection, public education, and law enforcement. Prior to acquiring the property, the OHMVR Division is not in the position of determining the specific law enforcement staffing levels needed to serve the project area. Law enforcement staffing level assignments would be made as part of developing the Law Enforcement Program for the property. Law enforcement via OHMVR Division Peace Officers would be funded through the OHV Trust Fund, not through the General Fund used for California State Parks' budget. See response to Comment #16-4 for further discussion of funding.

Comment #10-3: In addition, the DEIR fails to address the potential impact of this influx of ORVs on the Pacific Crest Trail, a national treasure that is being destroyed by hundreds of ORV

riders who ignore no trespassing signs, cut fences and harass hikers and equestrians on the Trail. The state OHMVR has shown that it cannot successfully deal with the problem and the acquisition will only exacerbate the situation.

Response to Comment #10-3: The existing impacts to the Pacific Crest Trail from ongoing OHV use originating from the project parcels are acknowledged in the EIR as part of baseline conditions (EIR Section 3.2.2). To address these concerns, the OHMVR Division proposes numerous Land Use Management Measures (EIR Section 3.3.2). These include signs, fencing, enforcement actions, public education, and joint efforts with partner agencies and local organizations.

The USFS and BLM are the primary law enforcement agencies responsible for the Pacific Crest Trail. Although the OHMVR Division presently has no jurisdiction in the project area, it has participated in joint strike-team responses to PCT trespass coordinated with local and federal agencies as well as periodic enforcement efforts. Upon property acquisition, the OHMVR Division would partner with USFS and BLM in their law enforcement efforts to provide additional support.

See responses to Comments #10-11 and #12-5.

Comment #10-4: The DEIR is inaccurate, insufficient and incomplete. Our view is that there should be no additional lands sacrificed to ORVs until local, state and federal agencies can prove that they can control and manage ORV recreation.

Response to Comment #10-4: The project does not propose establishing new OHV use on additional lands (EIR Section 1.1, Section 2.5.2.1, and Section 2.7). See also response to Comment #10-1. As noted in responses to Comments #10-2 and #10-3, the OHMVR Division does not now have jurisdiction in the area and is not presently responsible for managing OHV recreation or its effects. Upon property acquisition, the OHMVR Division would implement a series of Management Measures as summarized in EIR Table 2-1. See also responses to Comments #10-5 to #10-13.

Comment #10-5: Our following comments are particular to this inadequate and flawed DEIR: In Table S- 1-Summary of Project Impacts and Mitigation Measures, Land Use Plans and Policies: The OHMVR Division claims that there might be a 1% increase in visitor use to the area and could add to existing levels of unauthorized OHV use on the Pacific Crest Trail, Red Rock Canyon State Park, BLM land, and private property and that implementation of Land Use Management Measures would more than offset any increase in intrusions.

1- How does the Division arrive at this 1% estimate in increase of use? This estimated increase of use is not corroborated and conflicts with other agencies information:

Documentation obtained from the Kern County Sheriff's Office indicates that between October 2011and September 2012, Kern County recreation areas had approximately 841,000 visitors. This is an increase of close to 36,950 from the previous year and is almost equal in number to the entire population in Kern County. It is a fact that Kern County experienced a 4.4% increase of 841,000 visitors, not 1% of 180,000 OHV visitors as the DEIR contends.

Response to Comment #10-5: The 1% increase in OHV visitor use identified in the EIR is intended to estimate the potential OHV activity increase directly correlated with the proposed OHMVR Division property acquisition and management. The 1% increase is not a growth forecast for park planning purposes (see response to Comment #9-3) and is not intended to represent annual fluctuations in visitor use or recreation trends that would occur irrespective of the project. CEQA requires that only those effects attributed to the project be analyzed for

significant environmental impacts. Without new recreational opportunities or improved visitor-serving facilities to act as an attraction, and without being advertised as a new park, the increase in OHV use resulting from a change in land ownership is likely negligible. A 1% increase, rather than a 0% increase, is used based on acknowledgement that state ownership could bring increased awareness of the existing recreational opportunities in the area and increased interest. The 180,000 visits are based on BLM estimates of annual visitor use specific to the Jawbone ACEC, not Kern County in general. See EIR Section 2.5.2.1 and responses to Comments #9-3, #12-11, and #15-2.

Comment #10-6: 2-What management measures would be put in place to manage any increase in illegal use?

We are concerned that the OHV Division is not able to properly protect and manage our cultural, paleontological and natural resources at its existing SVRAs. We would need to see a detailed plan regarding how the Division will be able to take on yet another OHV management area before endorsing an acquisition of additional area to manage.

As an example of the Division's lack of management in other SVRAs, at Ocotillo Wells SVRA, 20,000 acres of that SVRA is under an MOU with the BLM for travel on designated routes of travel for protection of sensitive resources. The OHV Division has been unable or unwilling to conform to the terms of this MOU and instead manages the entire 80,000-acre Ocotillo Wells area as an open area, which has resulted in extreme damage to the alluvial soils, areas of desert pavement and to the cryptobiotic crust throughout that SVRA. Unacceptable air quality impacts in Imperial County have been created that managing Ocotillo Wells as an open area.

Another example is the failure of law enforcement to protect the private and public lands in the Morongo Basin where ORVs damage sensitive habitats, wilderness areas, areas of critical environment concern, and public lands off-limits to ORVs. The Poste Homestead Natural and Cultural Area in Wonder Valley has been significantly damaged by ORVs that ignore both route closed signs and physical barriers to trespass on fragile sand dunes that contain sensitive species.

This area is not adequately visited by law enforcement and trespass continues with impunity. There can be no more ORV areas unless and until the OHMVR can guarantee a significant increase in law enforcement.

Response to Comment #10-6: The OHMVR Division proposes to implement Management Measures identified in EIR Table 2-1. Full descriptions of these measures are presented in each EIR impact analysis chapter. Measures specifically addressing unlawful OHV use are identified in the Land Use chapter of the EIR (Section 3.3.2). These measures include identifying and closing unauthorized travel routes, educating the public on lawful OHV use and opportunity, providing daily law enforcement patrols, and partnering with other law enforcement agencies and local organizations to take corrective actions as needed.

The OHMVR Division operates and maintains eight SVRAs throughout the state. The OHMVR Division is mandated by law (PRC section 5090) to protect natural and cultural resources from the effects of OHV use and to restore damaged areas and maintain them in a sustainable manner. Although state acquisition of the project property does not establish the area as a SVRA (designating the acquired parcels as a park would be a separate action; EIR Section 3.3.3.1), the OHMVR Division proposes managing the property consistent with state requirements for a SVRA (see WHPP Management Measure and Prepare Soil Conservation Plan Management Measure). See response to Comment #16-2.

The proposed acquisition comprises as many as 28,275 acres of land if all 59 parcels are acquired. Prior to property ownership, it is impractical and unreasonable for the OHMVR

Division to conduct exhaustive resource inventories and prepare detailed plans for managing natural and cultural resources and existing land uses. The proposed Management Measures presented in each EIR impact analysis chapter (summarized in DEIR Section 2.5.2.3) provide sufficient detail on how the OHMVR Division would identify and protect natural, cultural, and paleontological resources present on the project property. These measures include using OHMVR Division staff to protect soil, biological and cultural resources. Local volunteers would supplement OHMVR Division staff in helping protect these resources. See response to Comment #19-2.

In recognition that OHV recreation does cause damage, the Legislature enacted the Off-Highway Motor Vehicle Recreation Act (PRC 5090.01 et seq) creating the OHMVR Division to provide oversight for sustainability (EIR Section 3.1.3.1). Soils are regulated by the 2008 Soil Conservation Standard and Guidelines. The OHMVR Division does not propose changes in OHV opportunity that would impact the air basin (EIR Section 5.3). Soils would be managed for compliance with the 2008 Soil Conservation Standard and Guidelines (EIR, Section 8.3.2).

Ocotillo Wells SVRA is currently undergoing a general plan process, which will be subject to environmental review. Updates on the Ocotillo Wells SVRA planning process can be found at http://www.planocotillowells.com/. The proposed project does not include expansion of open riding or trails. Conditions of Ocotillo Wells SVRA are not transferrable to the Eastern Kern County Property Acquisition Project.

Morongo Basin is located east of Palm Springs in San Bernardino County. The OHMVR Division does not own land or manage OHV use in the Morongo Basin and is not responsible for law enforcement or protection of resources in this area. Likewise, Poste Homestead is located in Wonder Valley in San Bernardino County on BLM land and is not managed by the OHMVR Division. Law enforcement success or failure on these properties is not reflective of OHMVR Division capabilities to effectively manage OHV use on state-owned property as proposed by the Eastern Kern County Acquisition project.

See response to Comment #10-2 regarding adequacy of existing law enforcement visitation and OHV trespass. No expansion of the existing designated travel route network or open riding areas is proposed by the project (EIR Sections 1.1, 2.5.2.1, and 2.7). The proposed project includes daily law enforcement patrols in the Law Enforcement Program Management Measure (EIR Section 3.3.2). The project does not propose establishing new OHV use on additional lands (see response to Comment #10-4).

Comment #10-7: 3- It is contrary to available evidence that, considering the possible increase in visitation and consequent impacts to the acquired parcels and the impacts from additional unauthorized trespass issues in the Jawbone/Butterbredt Canyon/ Red Rock Canyon State Park area that the DEIR lists these issues as having less than significant impacts not requiring mitigation.

Response to Comment #10-7: Existing unauthorized trespass issues in the Jawbone-Butterbredt and Red Rock Canyon State Park area is included in the project's environmental baseline. Increase in OHV use resulting from the project is expected to be minor since no change or expansion in OHV riding opportunity is proposed and any new special projects would be limited to support facilities (e.g., fencing and vault toilets) and unlikely to attract a substantial increase in visitor use. Increased law enforcement and public education would offset any increase in unlawful OHV use resulting from increased visitor use of the area. See response to Comment #10-2.

Two project parcels (S-3 and S-6) adjoin Red Rock Canyon State Park (EIR Figure 2-4). As the OHMVR Division is neither a land owner nor manager of the project parcels, the OHMVR Division has not yet developed data on the locations of illegal border intrusions at Red Rock Canyon State Park. No data on trespass from the project parcels was submitted during the public comment period. Although the frequency and origins of unlawful OHV use in the state park have not been determined, a recent inspection conducted for OHMVR Division along Power Line Road (Attachment A) did not find signs of off-trail use or park border intrusions originating from Power Line Road. Additionally, an OHMVR Division senior park aid/EMT reported no awareness of unlawful OHV travel into the park from the Jawbone and Dove Springs Open Riding Area (Attachment A). Regardless, the EIR acknowledges that unauthorized OHV use occurs in Red Rock Canyon State Park, some of which may originate from the project parcels. Once the project property is owned by OHMVR Division, staff would identify areas of unauthorized OHV use and develop a response plan (OHV Travel Route Designation Management Measure; EIR Section 3.3.2). OHMVR Division staff would work in consultation with Red Rock Canyon State Park staff to address any unauthorized access into state park property originating from the S-3 and S-6 parcels. Closing unauthorized access points and travel routes from project parcels would be accomplished using a combination of Management Measures including vehicle barriers, fencing, signage, public education, enforcement patrols, and route restoration (EIR Section 3.3.2). The proposed project would not result in a significant increase in unlawful OHV use of the state park (EIR Section 3.3.3.2).

See response to Comment #10-10 for additional discussion of Red Rock Canyon State Park.

Comment #10-8: Table S-1 states that impacts to air quality from additional motorized recreation in this area will not be significant and that implementation of the Soil Conservation Standards would address potential erosion issues associated with existing OHV use levels, which contribute to fugitive dust. We are not reassured by these claims, based on the OHV Division's poor record of implementation of Soil Conservation Standards at the existing SVRAs. At Ocotillo Wells, the SVRA with which we are most familiar, there is absolutely no implementation of soil conservation standards.

Response to Comment #10-8: See response to Comment #10-6. The commenter did not provide any documentation of the claims made or a specific comment on the adequacy of the EIR. Without actual documentation there is no further basis for a response. Ocotillo Wells SVRA has a soil conservation plan and has produced annual soil conservation reports since 2010-11. Photo point monitoring is utilized to ensure Ocotillo Wells SVRA is compliant with the 2008 Soil Conservation Standard.

Comment #10-9: Impacts to Biological Resources are also considered to be less than a significant impact with no mitigation required.

This conclusion has no basis in fact. ORVs have a tremendous adverse impact on Biological Resources. This DEIR is lacking in objectivity and solid research and science. One has to wonder about the political influences reflected in this document.

This is another outrageous statement considering the variety of birds, rare and sensitive plants and other species known to visit and inhabit the area.

In particular desert tortoises reside here and are extremely vulnerable to impacts from motorized recreation. The DEIR states that impacts to the desert tortoise are unmitigable and tortoises will be killed. The imperiled desert tortoise has been taking a huge hit across the Mojave Desert from remote, industrial scale renewable energy projects. Taking into account the declining numbers of our state reptile and the current ongoing cumulative impacts from bulldozing its habitat and from

translocation it is un- conscionable to allow additional take of the tortoise in pursuit of additional motorized recreation opportunities.

Response to Comment #10-9: The conclusion that the project would not result in significant impacts to biological resources (except desert tortoise) is based on the CEQA definition of the project. The proposed project is not creating the existing OHV opportunity; thus, the project EIR does not have to analyze the effects of current OHV use as a project impact. Current OHV use is a baseline condition (EIR Section 2.7) for the project and is, therefore, included in the EIR impact assessment chapters as part of the environmental setting. Existing effects of OHV use on biological resources are identified in EIR Sections 6.2.9.2 and 6.2.9.4. The conclusion of less than significant biological impacts is based on the limited ground disturbing activities proposed for property management and no expansion of trails or OHV riding opportunities. An indirect impact of increased visitor use may occur. As explained in responses to Comments #9-3, #10-5, #12-11, and #15-2 the increase in OHV use is expected to be negligible (1%) and would be limited to the existing designated trails and riding areas. Any unlawful OHV use resulting from this increased OHV use would be offset by the introduction of new Management Measures (EIR Table 2-1) designed to minimize and prevent OHV impacts. Therefore, the increase in OHV ridership would not result in significant biological effects. The exception is for desert tortoise, which occurs on project area trails and riding areas. The potential impact to the desert tortoise is small but unavoidable. Any increase in impact on the desert tortoise is considered significant.

Comment #10-10: Regarding treatment of cultural resources: Existing and potential Impacts to Red Rock Canyon State Park (RRCSP), home to significant cultural and paleontological resources have not been adequately addressed in the DEIR.

The California Department of Parks and Recreation (DPR) has for years now delayed the General Plan process for RRCSP. That delay has resulted in increasing OHV use within the park and ongoing damage to irreplaceable natural and cultural resources, as documented by DPRs own archaeologists. In addition to important archaeological sites, uplifted lakebeds in Red Rock Canyon hold preserved important vertebrate fossils over 60 million years of age. This fossil assemblage is important because the Paleocene epoch is poorly recorded in the west.

In the 1994 Desert Protection Act, the BLM gave the Red Rock Canyon's "Last Chance Addition" lands to DPR to manage as part of Red Rock Canyon State Park "for maximum protection" of their resources. DPR's response has been to allow OHV use to continue in the area with only excuses to offer for neither protecting the lands nor completing the RRC General Plan that could provide the means for evaluating and protecting them. These new lands pose new and additional threats to resources at RRCSP.

Considering the ongoing damage and lack of management of OHV intrusions into RRCSP and at Butterbredt Spring, unmanaged OHV impacts to other sensitive riparian areas and on other BLM lands and private lands in the vicinity, DPC can only support the "No Project Alternative" of this EIR. We must oppose this acquisition until OHV use is completely removed from Red Rock Canyon State Park and protection for park resources is assured. We will not support acquisition of additional lands until DPR completes the General Plan for Red Rock.

Response to Comment #10-10: The Eastern Kern County Acquisition project is proposed by the OHMVR Division, which is a division of CDPR. The OHMVR Division does not own or manage Red Rock Canyon State Park, including the Last Chance area, and is not responsible for the Red Rock Canyon State Park general plan process. Red Rock Canyon State Park is managed by California State Parks, a separate CDPR division. California State Parks, and not the OHMVR Division, is the planning agency responsible for the Red Rock Canyon State Park general plan.

Providing natural resource monitoring and stewardship and reducing trespass, including through law enforcement and education, are project priorities (EIR Section 2.3). EIR Section 3.1.3.3 notes the findings of a 2007 report by the State Archaeologist describing the adverse effects of OHVs on archaeological sites and selected natural resources in Red Rock Canyon State Park. Both authorized and unauthorized OHV use occurs within Red Rock Canyon State Park; some of the unauthorized OHV use may originate from visitors on the proposed project parcels (EIR Section 3.2.1). Past and ongoing effects of OHV use at Red Rock Canyon State Park are part of the baseline conditions used to analyze the effects of the proposed project. Project impacts on Red Rock Canyon State Park are addressed in EIR Section 3.3.3.2. The acquisition project would not change OHV recreation patterns or riding habits, and the Land Use Management Measures to be implemented upon acquisition would ensure the project would not cause significant unauthorized OHV use at Red Rock Canyon State Park (EIR Section 3.3.3.2).

Should the acquisition proceed, a general plan for the acquired parcels would be prepared. The accompanying environmental review would evaluate the effects of any actions proposed upon adjacent lands, including Red Rock Canyon State Park.

Comment #10-11: Impacts to the Pacific Crest (PCT) Riding and Hiking Trail and to BLM land from illegal OHV use: We have personally reviewed the extensive ORV damage to the PCT and have observed that OHV riders in Kern County continue to seek out less impacted riding areas, which causes proliferation of damage to soils, cultural and natural resources and creates a larger and larger territory for the Kern County Sheriff's Department. The proposed DPR acquisition will consequently further stretch limited law enforcement resources.

The EIR must include an aerial photo of the PCT to illustrate the extensive damage by ORVs on this national treasure. It is simply tragic that the OHMVR and other agencies continue to allow ORVs to damage the PCT.

BLM's Ridgecrest Field Office asserts that locations continue to be heavily impacted by illegal OHV use. "Some OHV users continue to disregard signs and barriers in the surrounding limited use and private lands within the ACEC and near the Kelso Valley area. Unlawful "off-route" travel through sensitive desert habitat, into wilderness areas, through ACECs and onto private lands continues to occur." In 2012, the BLM Ridgecrest Field Office hired a contractor to survey and document conditions on the Pacific Crest Trail between Highway 178 and Highway 138. The map from the survey and written documentation as well as ongoing documentation by the Kern County ORV Watch group depicts shocking and growing OHV damage to the PCT within BLM managed parcels.

Response to Comment #10-11: The OHMVR Division is not a land manager in the project area and does not have property in the area (OHMVR Division is a separate division of CDPR and does not manage Red Rock Canyon State Park; see response to Comment #10-2). Therefore, damage from unlawful OHV use occurring on the Pacific Crest Trail, BLM lands, or private property referenced in the comment is not occurring from OHMVR Division managed lands. Through the OHV Grants Program, the OHMVR Division supports law enforcement efforts and the work of Friends of Jawbone to install fencing and signage, restore unauthorized OHV trails, and educate visitors about responsible OHV recreation, which includes the importance of staying within areas open to motorized recreation.

The Pacific Crest Trail is shown on EIR graphics (see Figures 2-1 through 2-5). Provision of an aerial photo of the Pacific Crest Trail is not necessary for the purposes of the EIR. The EIR acknowledges that the Pacific Crest Trail experiences unlawful OHV trespass (EIR Section 3.2.2) as part of the current environmental setting, proposes Management Measures to address it

(EIR Section 3.3.2), and assesses the project's contribution toward unlawful OHV use on the trail (EIR Section 3.3.3.2).

The proposed OHMVR Division acquisition would not expand designated travel routes or open riding areas (EIR Sections 1.1, 2.5.2.1, and 2.7). OHV use in the area could modestly increase as a result of the acquisition project. The OHMVR Division would add new law enforcement resources to the area by providing daily patrols (Law Enforcement Program Management Measure; EIR Section 3.3.2). As a result, more law enforcement personnel would be added to the existing travel network. Existing law enforcement provided by BLM, USFS, and Kern County Sheriff's Department would not be stretched to provide greater coverage but rather would receive partnership from the OHMVR Division. The change in land ownership would remove as many as 28,275 acres from Kern County Sheriff's Department jurisdiction resulting in reduced demand on the county agency. See responses to Comments #10-1 through #10-3 regarding unlawful OHV use. Also see response to Comment #12-5 regarding the Pacific Crest Trail.

Comment #10-12: In conclusion, this DEIR does not provide convincing evidence that DPR and the OHMVR Division have the resources or the political will to tackle the management challenges presented by the proposed acquisition parcels. Until the DPR can produce an EIR that spells out in detail how DPR will succeed in its management goals and until the California Department of Parks and Recreation has completed the General Plan for Red Rock Canyon State Park, and until the DPR and the OHV Division have effectively worked with the BLM to reduce the unauthorized, damaging OHV trespass throughout Kern County, Community ORV Watch supports the No Project Alternative of the DEIR for this proposed acquisition.

In fact, unless this document includes accurate information, details on potential impacts and realistic and detailed mitigation, the DPR will be vulnerable to legal action using the requirements of the National Environmental Policy Act.

Response to Comment #10-12: See Management Measures (EIR Table 2-1), which are specific management measures to protect resources and are incorporated into the project. Although the OHMVR Division is not currently a land manager within the project area, the OHMVR Division has provided grant funding over the past years to agencies active in the area as well as to Friends of Jawbone, which has performed extensive restoration and fencing to reduce the impacts of off-trail riding and trespass. See also responses to Comments #10-10, #12-4, and #15-6 regarding Red Rock Canyon State Park.

The comments express the opinion of the commenter. No specific comment is made on the adequacy of the EIR. No response is required. Also, for clarity, it should be noted that the proposed project does not require action by a federal agency and is, therefore, not subject to the requirements of the National Environmental Policy Act.

Comment Letter #11: Desert Protective Council

Comment #11-1: Starting with the DEIR Project Summary, the Desert Protective Council finds the Eastern Kern County DEIR full of undocumented assumptions and statements of serious impacts deemed not worthy of mitigation and proposed mitigation of impacts without any detail as to how these mitigation measures will be carried out or funded.

For example, In Table S- 1-Summary of Project Impacts and Mitigation Measures, Land Use Plans and Policies: The OHMVR Division claims that there might be a 1% increase in visitor use to the area and could add to existing levels of unauthorized OHV use on the Pacific Crest Trail, Red Rock Canyon State Park, BLM land, and private property and that implementation of Land Use Management Measures would more than offset any increase in intrusions.

Response to Comment #11-1: The comment is inconsistent with the scope of the EIR. The project comprises purchase of the acquisition parcels and implementation of Management Measures (see EIR Section 2.5). No expansion of the OHV trail system or open riding areas is proposed. See responses to Comments #10-2 and #10-5.

Comment #11-2: 1- How does the Division arrive at this 1% estimate in increase of use? This estimated increase of use is not corroborated and conflicts with other agencies information:

- Documentation obtained from the Kern County Sheriff's Office indicates that between October 2011and September 2012, Kern County recreation areas had approximately 841,000 visitors. This is an increase of close to 36,950 from the previous year and is almost equal in number to the entire population in Kern County. It is a fact that Kern County experienced a 4.4% increase of 841,000 visitors, not 1% of 180,000 OHV visitors as the DEIR contends.

Response to Comment #11-2: See response to Comment #10-5.

Comment #11-3: 2- What management measures would be put in place to manage any increase in illegal use?

- The Desert Protective Council is concerned that the OHV Division is not able to properly protect and manage our cultural, paleontological and natural resources at its existing SVRAs. We would need to see a detailed plan regarding how the Division will be able to take on yet another OHV management area before endorsing an acquisition of additional area to manage.
- As an example of the Division's lack of management in other SVRAs, at Ocotillo Wells SVRA, 20,000 acres of that SVRA is under an MOU with the BLM for travel on designated routes of travel for protection of sensitive resources. The OHV Division has been unable or unwilling to conform to the terms of this MOU and instead manages the entire 80,000-acre Ocotillo Wells area as an open area, which has resulted in extreme damage to the alluvial soils, areas of desert pavement and to the cryptobiotic crust throughout that SVRA. Unacceptable air quality impacts in Imperial County have been created that managing Ocotillo Wells as an open area.

Response to Comment #11-3: See response to Comment #10-6.

Comment #11-4: 3- It is astounding, considering the possible increase in visitation and consequent impacts to the acquired parcels and the impacts from additional unauthorized trespass issues in the Jawbone/Butterbredt Canyon/ Red Rock Canyon State Park area that the DEIR lists these issues as having less than significant impacts not requiring mitigation.

Table S-1 states that impacts to air quality from additional motorized recreation in this area will not be significant and that implementation of the Soil Conservation Standards would address potential erosion issues associated with existing OHV use levels, which contribute to fugitive dust. The Desert Protective Council is not reassured by these claims, based on the OHV Division's poor record of implementation of soil conservation standards at the existing SVRAs. At Ocotillo Wells, the SVRA with which we are most familiar, there is absolutely no implementation of soil conservation standards.

Response to Comment #11-4: Unauthorized OHV trespass at Red Rock Canyon State Park is addressed in responses to Comments #10-7 and #10-10. Implementation of the 2008 Soil Conservation Standard and Guidelines to address erosion issues and fugitive dust is addressed in response to Comment #10-8.

Comment #11-5: Impacts to Biological Resources are also considered to be less than a significant impact with no mitigation required. This is another astounding statement considering the variety of birds, rare and sensitive plants and other species known to visit and inhabit the area. In particular desert tortoises reside here and are extremely vulnerable to impacts from motorized recreation. The DEIR states that impacts to the desert tortoise are unmitigable and tortoises will be killed. The imperiled desert tortoise has been taking a huge hit across the Mojave Desert from remote, industrial scale renewable energy projects. Taking into account the declining numbers of our state reptile and the current ongoing cumulative impacts from bulldozing its habitat and from translocation it is un- conscionable to allow additional take of the tortoise in pursuit of additional motorized recreation opportunities.

Response to Comment #11-5: See response to Comment #10-9. Additional motorized recreation opportunities are not proposed as part of project.

Comment #11-6: Regarding treatment of cultural resources: Existing and potential Impacts to Red Rock Canyon State Park (RRCSP), home to significant cultural and paleontological resources have not been adequately addressed in the DEIR.

- The California Department of Parks and Recreation (DPR) has for years now delayed the General Plan process for RRCSP. That delay has resulted in increasing OHV use within the park and ongoing damage to irreplaceable natural and cultural resources, as documented by DPRs own archaeologists. In addition to important archaeological sites, uplifted lakebeds in Red Rock Canyon hold preserved important vertebrate fossils over 60 million years of age. This fossil assemblage is important because the Paleocene epoch is poorly recorded in the west.
- In the 1994 Desert Protection Act, the BLM gave the Red Rock Canyon's "Last Chance Addition" lands to DPR to manage as part of Red Rock Canyon State Park "for maximum protection" of their resources. DPR's response has been to allow OHV use to continue in the area with only excuses to offer for neither protecting the lands nor completing the RRC General Plan that could provide the means for evaluating and protecting them. These new lands pose new and additional threats to resources at RRCSP.
- Considering the ongoing damage and lack of management of OHV intrusions into RRCSP and at Butterbredt Spring, unmanaged OHV impacts to other sensitive riparian areas and on other BLM lands and private lands in the vicinity, DPC can only support the "No Project Alternative" of this EIR. We must oppose this acquisition until OHV use is completely removed from Red Rock Canyon State Park and protection for park resources is assured. We will not support acquisition of additional lands until DPR completes the General Plan for Red Rock.

Response to Comment #11-6: See responses to Comment #10-7 and #10-10.

Comment #11-7: Impacts to the Pacific Crest (PCT) Riding and Hiking Trail and to BLM land from illegal OHV use: The Desert Protective Council notes in documentation by the Kern County Sheriff's Department that, similar to patterns of use all over the California Desert, OHV riders in Kern County continue to seek out less impacted riding areas, which causes proliferation of damage to soils, cultural and natural resources and creates a larger and larger territory for the Kern County Sheriff's Department. The proposed DPR acquisition will consequently further stretch limited law enforcement resources.

- BLM's Ridgecrest Field Office asserts that locations continue to be heavily impacted by illegal OHV use. "Some OHV users continue to disregard signs and barriers in the surrounding limited use and private lands within the ACEC and near the Kelso Valley

area. Unlawful "off-route" travel through sensitive desert habitat, into wilderness areas, through ACECs and onto private lands continues to occur." In 2012, the BLM Ridgecrest Field Office hired a contractor to survey and document conditions on the Pacific Crest Trail between Highway 178 and Highway 138. The map from the survey and written documentation as well as ongoing documentation by the Kern County ORV Watch group depicts shocking and growing OHV damage to the PCT within BLM managed parcels.

Response to Comment #11-7: See responses to Comments #10-2, #10-3, #10-11 and #12-5.

Comment #11-8: In conclusion, this EIR does not provide convincing evidence that DPR and the OHMVR Division have both the resources and the will to tackle the management challenges presented by the proposed acquisition parcels. Until the DPR can produce an EIR that spells out in detail how DPR will succeed in its management goals and until the California Department of Parks and Recreation has completed the General Plan for Red Rock Canyon State Park, and until the DPR and the OHV Division have effectively worked with the BLM to reduce the unauthorized, damaging OHV trespass throughout Kern County, the Desert Protective Council can only support the No Project Alternative of the DEIR for this proposed acquisition.

Response to Comment #11-8: See response to Comment #10-12.

Comment Letter #12. Kern Audubon Society

Comment #12-1: Preface: The initial reading of the DEIR and summary description of the project are very rewarding. "*No expansion of OW recreation opportunities is proposed by the project: therefore, the project would not result in new OHV disruption of non-motorized recreation activities such as hiking, horseback riding, and camping. Any future changes in the use of the state park property would be determined by a park general plan developed in a separate process subsequent to this project.*" (DEIR 11.3.5) "*The OHMVR Division acquisition project would not contribute additional roads or trails in the Piute Mountains area, but should increase resources far outreach, education, and enforcement of rules in that area*." (DEIR 3.4) The purchase of private property that is interspersed between government (BLM) property creates an area for which a management plan would have a greater chance of success in preserving the natural attributes of the area. Therefore, since riding trails and riding areas would not be increased by the purchase, the amount of protected land within the proposed park would be of such a size as to protect fragile areas, habitat for endangered species and species of concern, and to provide non-motorized recreation opportunities (hiking, birding, etc.).

Overall, in the document, there is a covert admission that the current OHV use in the area has not been properly monitored nor have regulations regarding proper riding procedures been established. The statement that the current trail system trespasses over private property is an indicator that current management practices and policies have failed. The owner of the public land, BLM, has relegated its regulatory role to a nonprofit organization- The Friends of Jawbone Canyon. Therefore, the prospect of a state operated, managed park is far superior to the present situation.

Response to Comment #12-1: The comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #12-2: Inaccurate Assumptions: The DEIR indicated that existing trails (numbered on the map as SC) would be the only trails in the park and would not be expanded after the park is established. However, as noted in the document, these trails exist on both public land (BLM) and private land (ReNu). Therefore, one can assume that these trails are user created over time. This means that they were not created using any of the trail protocols that the OHV Parks Division uses. None of the necessary attributes such as steepness, soils, vegetation, and

avoidance/protection species habitat were applied in the development of these trails. Therefore, there must be an analysis of the present trails to render if they adhere to OHV Park trail guidelines. If applied, one can assume that some of the existing trails would be modified, rerouted, or closed. *This must be addressed in the EIR.* In addition, the BLM has historically been under-funded and under-manned with it comes to its OHV monitoring program. The ridership within the proposed park boundaries has been, for the most part, unmanaged. This is evidenced by the frequent illegal riding incursions into Red Rock Canyon State Park. As stated in the Draft EIR: "*Unauthorized OHV use has occurred throughout much of the project area, on public and private lands." (DEIR 3.3.4.4) In addition, "Since the property boundary markers are largely non-existent in the Jawbone-Butterbredt ACEC, many of the ReNu parcels are already used by the public for OHV recreation, camping, and possibly other recreation."* (DEIR ll.2.l) Thus the correct conclusion is the portions or all of the trails on private property are definitely user created.

Response to Comment #12-2: Segments of BLM designated trails totaling approximately 30 miles run through 23 parcels proposed for acquisition (EIR Figure 2-2 and Figure 2-4). An agreement between BLM and Rudnick Estates Trust (1976; EIR Section 3.1.1.3) regarding lands east of a north-south boundary line generally established by Butterbredt Road and Jawbone Canyon Road provides:

> To the east of this line, the Trust agrees to allow vehicle use of its private lands as promulgated by Bureau of Land Management objectives and policy. In general, vehicles will be allowed the use of designated roads and trails. Additionally, some areas now exhibiting use as hill climb areas in Lower Jawbone will be designated as open to this type of activity. The Bureau of Land Management will, to the best of its ability, control off-road vehicle activity on the east side of the line. In addition, the Rudnick Estates Trust agrees to assist the Bureau of Land Management in policing the lands on the east side of the management boundary, in order to prevent off-road vehicle use from proliferating additional use areas.

Friends of Jawbone has an agreement with ReNu that allows its staff to “enter the Onyx Ranch property for the purposes of maintaining authorized OHV riding trails, installing and repairing signage, and minimizing unauthorized riding trails.” (Young 2009; EIR Section 2.4.3). Friends of Jawbone’s work emphasizes preventing proliferation of trails and travel on unauthorized routes. Signs and fences are posted at the junctions, and unauthorized trails are disguised along the line of site from the junction (EIR Section 2.4.3).

The EIR specifies that the OHMVR Division would survey the trails that run through the parcels and implement the 2008 Soil Conservation Standard and Guidelines (see Prepare Soil Conservation Plan Management Measure; EIR Section 8.3.2). Once the survey has been completed, a plan to bring non-compliant trail segments into compliance would be prepared. This plan could include modification of the trail segment, rerouting, or closure dependent upon the conditions of the trail and the adjacent area.

The EIR further states that some existing trails, including non-motorized trails, could require minor trail realignments to address localized erosion or avoid a sensitive resource (EIR Section 2.5.2.2). These categories of actions are recognized as part of the Project Description and included in the environmental analysis contained in the EIR chapters. CEQA recognizes that not all land disturbance activities create significant adverse impacts to the environment. Minor trail realignments to address erosion issues or to avoid a resource would have a beneficial effect and would not likely create new significant adverse impacts due to the minimal need for grading, the absence of sensitive biological and cultural resources, and the presence of monitors to ensure that

these resources, if present, are adequately protected and avoided. Dependent upon the type of repairs required and the extent to which the trail corridor and adjacent lands are affected, trail repairs, reroutes, and any subsequent restoration work would be subject to further environmental review under CEQA (EIR Section 2.5.2.1) and would need to comply with the 2008 Soil Conservation Standard and Guidelines. The OHMVR Division would also assess whether the soil conservation plan to be prepared per the 2008 Soil Conservation Standard and Guidelines (EIR Section 8.1.5) required further CEQA review.

See responses to Comments #10-10 and #12-4 for a discussion of impacts on Red Rock Canyon State Park.

Comment #12-3: Hillclimbs, a feature found in the open riding areas of Jawbone Canyon and Dove Springs are, by nature, short lived, meaning that the soils are soon rutted to the point that the safety of riders is in jeopardy. When this has occurred, riders have selected other non-ridden hills, with vegetation and habitat, to proceed with hill climbs. This has increased the area affected by this type of activity. None of the alternatives addresses this fact nor offered the type of mitigation required to reduce the impact. The DEIR assumes that riders would accept a degraded activity and would not seek to impact other areas. Evidence from other OHV parks (e.g. Hungry Valley) indicates the riders want quality hill climbs. *The DEIR must include mitigation measures specifically aimed at the erosion issues in the open riding areas.*

Response to Comment #12-3: Five project parcels (J-1 through J-5) are located within the Jawbone Canyon Open Area, which is subject to hillclimbs (EIR Figures 2-4 and 2-5). No project parcels are located within the Dove Springs Open Area. The OHMVR Division would implement the 2008 Soil Conservation Standard and Guidelines on all the newly acquired parcels (EIR Section 8.3.2). Proposed Management Measures (Assess Erosion Conditions and Address Erosion Issues) specifically address hillclimbs. Rotating closures, as described, is one method to ensure a quality recreation experience while eliminating proliferating hillclimb routes. Given that BLM lands are interspersed with the project parcels in Jawbone Canyon Open Area, the OHMVR Division would collaborate with BLM on management of hillclimbs in the area. With these measures in place, existing soil erosion conditions caused by baseline recreation activities would be improved. Likewise, future erosion issues that may arise from project-caused increases in visitor use would be minimized by the Soil Management Measures. As a result, no mitigation measures are warranted to address project-related hillclimb erosion issues.

A soils conservation plan is in effect at all eight SVRAs managed by the OHMVR Division, some of which include hillclimbs. At Hungry Valley SVRA, for example, when a hillclimb is out of compliance with the 2008 Soil Standard, a plan in formulated to bring the area back into compliance. Restoration of hillclimbs typically includes extensive fencing to control OHV use, excavation to restore the original contours and drainage patterns, and closure of the restored area. A restored hillclimb may or may not be reopened after restoration is complete. Routes involving hillclimbs are maintained, like all other designated trails at Hungry Valley SVRA, consistent with the 2008 Soil Standard.

Comment #12-4: <u>Relationship to Red Rock Canyon State Park:</u> The DEIR mentions many times Red Rock Canyon State Park and the problems it has incurred as a neighbor to the current riding activity on its border. It needs to retain its integrity as a state park in relationship to its neighbors: Dove Springs and Jawbone Canyon Open Riding Areas. The proximity of these areas to the park has resulted in numerous border intrusions by illegal OHV activity. The park is under a 2007 mandate to address these issues with a comprehensive management plan. Such a plan has not been formulated. Therefore, a state OHV park that is adjacent to Red Rock Canyon SP has the responsibility to ameliorate the problem by initiating steps on its side of the boundary line.

Therefore, Alternative 12.5 Exclusions for Resource Protection is the best model to affect the necessary changes.

Response to Comment #12-4: See response to Comment #10-10 regarding management of Red Rock Canyon State Park and unlawful OHV use issues. As noted in EIR Section 12.5, the Exclusions for Resource Protection Alternative would not eliminate access to Red Rock Canyon State Park. It is uncertain where unlawful OHV intrusion into state park property is occurring. Power Line Road, which is the primary designated OHV travel route along the western state park boundary, could still originate incursions even with fencing on project parcel boundaries. Unauthorized OHV use off designated trails occurs within the state park and may originate from visitors within the state park and from roads and trails on the project parcels, travel routes and open riding areas on adjacent BLM lands, or other private parcels. Illegal intrusion from the project area into Red Rock Canyon State Park would be a component of the Law Enforcement and Education Program (Recreation Management Measure), including joint efforts with BLM and Red Rock Canyon State Park. See also response to Comment #10-7.

Given that project impacts to desert tortoise would remain significant and unavoidable under this alternative, and that implementing the intrusive extensive fencing and route closure would be premature until studies are completed and an area-wide resource protection program can be formulated, the Exclusions for Resource Protection Alternative was not selected. This determination does not preclude full or partial closure of the parcels in the future should that be determined to be the best method for assuring sensitive resources are protected.

Comment #12-5: Relationship to the Pacific Crest Trail: The PCT is a highly used trail on which users seek a pristine, quiet experience. The trail is highly regarded as a trail to experience a variety of terrains and vegetation. In addition, it is highly valued and used by people from outside of California. It is an economic and recreational jewel for the state. This justifies modifying the parcels that adjoin the PCT. Parcel B-l has two OHV trails (SC124 and SCl23) joining here. SCl24 approached the PCT within half a mile. To mitigate the problem associated with noise and visual impairment with use of the PCT, SC124 should be re-routed so that it joins SC123 closer to parcel B-2.

Response to Comment #12-5: The acquisition project is not expected to significantly increase the level of OHV use on the designated trail route system. The implementation of the project's proposed Management Measures (EIR Section 3.3.2) is expected to have the beneficial impact of reducing existing levels of unlawful motorized use on the Pacific Crest Trail. As a result, the level of impact to the Pacific Crest Trail from the acquisition project is less than significant (EIR Section 3.3.4.2). Consistent with the Land Use Management Measures, the OHMVR Division would inspect all travel routes to identify areas of unlawful OHV use (OHV Travel Route Designation Management Measure; EIR Section 3.3.2) and work with federal and local partners to reduce existing OHV impacts on Pacific Crest Trail users (Pacific Crest Trail Corridor Protection Management Measure; EIR Section 3.3.2). Routes on parcel B-1 would be included in that process.

Changes to the existing designated trail network on the project parcels are not included as part of the acquisition project but could be considered in a future general plan (EIR Section 1.1, Section 2.5.2.1, and Section 2.7). It is unknown whether the suggested rerouting of SC124 so that it joins SC123 closer to Parcel B-2 could aid in the reduction of OHV use impacts on the Pacific Crest Trail. The feasibility and effectiveness of this suggestion to address the OHV access problem at this location would have to be further explored by the OHMVR Division after property acquisition.

Comment #12-6: Issues not addressed in the DEIR: 1) Burrowing owls: The report does not offer enough analysis of the location of burrowing owl nest sites and ways to mitigate destruction of these sites. The only reference to this species is the request that large OHV staging events shall avoid burrows. This is insufficient. A mitigation measure of fencing these locations and rerouting of trails and events should be discussed thoroughly.

Response to Comment #12-6: While the specific language that "large OHV staging events shall avoid burrows" does not appear in the EIR, burrowing owls are addressed throughout the document. Section 6.2.9.3 discusses burrowing owls and their occurrence in the project area, and Section 6.3.2 includes a Management Measure that would implement a wildlife habitat protection plan (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. Under the WHPP, resource ecologists would monitor locations of special-status species (including burrowing owls) and determine methods for protecting the species from recreation related impacts. Protection methods would be geared to a specific situation found in the field and could include installing fences, rerouting trails, seasonal closures, etc. Section 6.3.2 also notes that the 2008 Soil Conservation Standard and Guidelines requires implementation of special-status animal surveys (including for burrowing animals) to ensure soil conservation measures do not result in damage to biological resources.

Impacts to burrowing owl from existing land use activities in the project area are not effects of the acquisition project. Project activities would not adversely affect burrowing owls. Special events that could result from the project (EIR Section 2.5.2.2) would be conditioned to avoid impacts to burrowing owls under the requirement of a WHPP that would be prepared for the project after acquisition. Implementation of project Management Measures, including the WHPP, would have a beneficial effect on burrowing owls. Burrow locations would be inventoried, and if biologists determine the species is being adversely affected, appropriate Management Measures would be implemented in accordance with the WHPP (fencing, reroutes, closures, etc.) and enforced as necessary. Fencing is not required as mitigation for project impacts but is discussed as a potential measure to address effects occurring as part of the environmental baseline condition. OHMVR Division ownership of the parcels would enable application of state laws that offer more resource protection than currently exists on the parcels as private property.

Comment #12-7: 2) Desert tortoise: A mitigation measure that would insure a very low degree of mortality is to place a tortoise proof fence below traditional fencing along trails. Such fencing can be found in use in the Desert Tortoise Preserve near California City.

Response to Comment #12-7: Many of the trails in the project area are not fenced, and the perimeter of the Jawbone Canyon Open Area is not completely fenced. Since fencing could interfere with wildlife movement and may also be incompatible with cattle movement, it would need to be utilized as part of a comprehensive program based upon more complete data on tortoise populations and threats as well as overall area management. The EIR thus includes a Management Measure that would implement a WHPP for the SVRA (EIR Section 6.3.2). 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. Under the WHPP, resource ecologists would monitor locations of special-status species (including desert tortoises) and determine methods for protecting the species from recreation-related impacts. Protection methods would be geared to the specific conditions found in the field and could include installing tortoise-proof fences.

Comment #12-8: Mitigation Measures: Measure BIO-1 indicates that enforcement officials will be increased on "busy weekends." There is no definition of busy. Since weekend use always has the highest use and the highest potential for infractions, enforcement should always be high on all weekends. Therefore admission of this fact necessitates the removal of the word 'busy'.

Response to Comment #12-8: The OHVMR Division would provide daily law enforcement presence as identified in the Law Enforcement Program Management Measure (EIR Section 3.3.2). "Upon acquisition of the project parcels, the OHMVR Division would assess law enforcement needs of the project area and assign law enforcement officers to the park property to provide daily patrols and onsite presence." Mitigation Measure BIO-1 has been modified to correctly reflect daily law enforcement presence. Law enforcement would not be limited to busy weekends and holidays. See DEIR text amendments presented in Errata, Chapter 4 of this document.

Comment #12-9: Alternative: Exclusion for Resource Protection. This alternative is both the environmentally superior alternative and the one that best fits the entire mission of the OVV Parks: "...The OHMVR Division works to ensure quality recreational opportunities remain available for future generations by providing for education, conservation, and enforcement efforts that balance OHV recreation impacts with programs that conserve and protect cultural and natural resource" (Mission Statement, OHV Parks and Recreation) This alternative considers the historical problems of ridership adjacent to the Red Rock Canyon State Park and provides a solution: removal of adjoining parcels (S-3, S-8). A recommended change to this alternative is to retain parcel S-4 since it does not border RRCSP. The DEIR has included important data about the biological resources within the Butterbredt Springs area, especially its global status designation. Avian surveys of the region indicate that a variety of species use this resource, thus making protection imperative. Only this alternative addresses protection mitigation measures by removing parcels B-9 and B-10 from any OHV use. This would require a re-routing of SCl23 in parcel B-9. The other parcels to be removed by this alternative are D-2, near the Dove Spring open area and parcels A-4, A-6, and A-7. All of these areas are located in terrain with high biological values and deserve full protection.

Response to Comment #12-9: The Exclusion for Resource Protection alternative would increase protection of biological and cultural resources above project levels and for this reason it is considered the environmentally superior alternative (EIR Section 12.6). However, as stated in the discussion of the alternative (EIR Section 12.5), the OHMVR Division would be inventorying resources over the entire acquisition area. Excluding 4,318 acres from existing recreation and cattle uses has the effect of making land use management decisions that are best made in context of a general plan approval process for the property. The cost and intrusiveness of installing potentially 20 miles of fencing for exclusions that may need to be modified based on the outcome of the general plan process is premature. The exclusions identified in the alternative could be determined to be in the wrong locations to provide best protection of resources, of inappropriate size, or undesired in some locations due to conflicts with existing land uses or other considerations. Not adopting this alternative does not preclude the OHMVR Division from implementing appropriate exclusions described in the "Exclusion for Resource Protection" alternative in the future as resource inventories are completed and management strategies unfold.

Comment #12-10: Missing Data: 1) The only visuals associated with the proposed project are photographs taken from a few locations and maps. The DEIR needs to have aerial photographs which show the current trails and levels of use. Such photographs would indicate width of trails, amount of illegal off trail use, vegetation degradation, and terrain changes. Since the DEIR states that the current trails will be the proposed OHV state park, it is critical to have visual evidence of current use.

Response to Comment #12-10: The extensive level of trail inventory suggested in the comment is not needed to assess the environmental effects of property acquisition and implementing Management Measures. If the OHMVR Division purchases the property, the trail inventory work would be conducted as part of managing trail conditions. As identified in EIR Section 8.3.2, the OHMVR Division would prepare a soil conservation plan, which establishes a trail monitoring protocol, maintenance procedures, and a monitoring compliance report. The trails would be maintained in compliance with the 2008 Soil Conservation Standard and Guidelines. A variety of trail conditions may be monitored in order to maintain good soil conditions, such as trail width, trail tread, evidence of off-trail use, etc. Methods may include photo-documentation, trail width measurements, and checklists to rate soil conditions.

Comment #12-11: 2) The DEIR assumes an l% increase in use after the establishment of a state OHV park in the area. However, there needs to be a table and graph indicating the number of visitors for each month for the past 10 years. BLM should have this data. Weekends should be tabulated separately. If a lax, inefficient, or non-existing monitoring program has been in place for the last 10 years, it should be noted with an explanation.

Response to Comment #12-11: The EIR addresses the environmental effects associated with property acquisition and management of existing uses occurring on the property. The OHMVR Division does not propose any changes to the designated OHV routes or to the Jawbone Canyon Open Area (EIR Section 2.5.2.1 and Section 2.7). The project does not include future park development, which could occur as a separate project subject to CEQA review subsequent to property acquisition (EIR Section 1.1 and 2.5.2.1). An increase in visitor use would more likely be triggered if the property were to be developed with improved or expanded facilities that would attract more visitors, such as new OHV riding opportunities, camping facilities, or access points. However, such improvements are not proposed as part of this project. With no visitor serving facility improvements proposed, other than incidental special projects such as a vault toilet or informational kiosk (EIR Section 2.5.2.2), there is no reason to anticipate increased visitor use resulting from this project. However, a 1% increase in visitor use was analyzed for the purposes of the EIR (EIR Section 2.5.2.1). Also see responses to Comments #10-1 through #10-3.

Visitor use data in the area is reflective of visitor numbers collected by BLM. Use numbers do not necessarily reflect the number of visitors accessing the project parcels. BLM visitor data for the project area recreation sites are provided in response to Comment #15-2. Monthly or weekly data were not available.

No monitoring program specifically performed by the OHMVR Division has been in place on the trails since the property is not in state ownership. Some monitoring of trails on the project property has occurred by Friends of Jawbone along designated routes (EIR, Figure 2-5). BLM and Friends of Jawbone conduct trail maintenance and restoration work in the OHV area of the Jawbone-Butterbredt ACEC (EIR Section 8.2.5.4).

Comment #12-12: Summary of recommendations:

1. Trails currently within the boundaries of the proposed park need to be evaluated as to their compliance to OHVMVR guidelines

2. Protection plan to protect Red Rock Canyon State Park from illegal intrusions by OHVs.

3. Remove parts of trails that encroach on the integrity of the Pacific Crest Trail (PCT).

4. Protection of the habitat and nesting zones of burrowing owls.

5. Apply currently used mitigation measures to protect the desert tortoise.

6. Revise Mitigation Measure BIO-1.

7. Adopt a revised Exclusion for Resource Protection as the preferred alternative.

8. Provide aerial photographs of the current trail system and open areas and data, and, in table and chart form, provide 10 year data on OHV visitation and usage of the project area.

Response to Comment #12-12: Individual responses for each summarized item are provided for comments #12-2 through #12-11.

Comment #12-13: Conclusion: The EIR needs to reflect the changes offered or an explanation as to why they are rejected. Members of the Kern Audubon Society are frequent visitors to the Butterbredt Springs area. The unique habitats and natural resources of the area need to be protected from degradation by OHV use. As the DEIR states, the nature of this type of motorized recreational activity has caused extreme negative changes in the landscape.

We therefore support an OHV park that is created with this in mind. The Exclusion for Resource Protection Alternative is the best plan to address both the type of recreational activity desired along with protection of highly valued natural resources.

Response to Comment #12-13: Responses to the proposed changes are described in responses to Comments # 12-2 through 12-12.

Comment Letter #13. Kerncrest Audubon Society

Comment #13-1: The Kerncrest Audubon Society, which has a membership of 200 members, supports the acquisition of the 59 privately-owned parcels as described in the EIR with reservations. Kerncrest Audubon supports responsible off-road vehicle (OHV) recreation; however, we are opposed to expansion of open area OHV use outside of the immediate Bureau of Land Management (BLM) Jawbone Canyon Open area.

Response to Comment #13-1: No expansion of the Jawbone Canyon Open Area is proposed. Use of the Jawbone Canyon Open Area would not change upon acquisition; however, some facilities may be updated, such as vault toilets or installation of shade structures, and some sensitive areas (biological, cultural, or geotechnical) would be protected from further risk if needed. No parcels outside of the Jawbone Canyon Open Area would be established for open OHV use.

Comment #13-2: We are also very concerned that wind turbine development in the area will kill many birds and possibly lead to extirpation of Golden Eagles in this area. Wind turbines located to the south of the proposed acquisition have already killed eagles at an alarming rate. Kerncrest Audubon would rather see limited OHV use rather than expansion of wind turbine farms in this area.

Response to Comment #13-2: No wind turbine development is proposed as part of this acquisition project. Wind energy development of the nature and scale occurring within the project area is not compatible with existing recreational uses and would be inconsistent with project objectives.

Comment #13-3: With these concerns in mind we support the acquisition and recommend:

1. That none of the acquired parcels (except those in the Jawbone Canyon open area) become open to unrestricted off road vehicle use.

2. That no new OHV routes or trails be established in any of the parcels.

3. That redundant OHV routes and dead end trails be closed in these parcels.

4. That riparian and spring areas be fenced in some manner to exclude OHV use and grazing access.

5. That on-going studies be conducted to inventory wildlife in the area to study the impact of OHV use upon the wildlife so corrective actions can be implemented as needed.

6. That no rights-of-ways which would support wind energy development be authorized within the acquired parcels.

7. That Butterbredt Springs be managed and protected as a globally important bird area.

8. That joint management plans or agreements between the BLM and the OHMVR are developed for the intermingled parcels.

Response to Comment #13-3: No new OHV routes or open riding areas are proposed as part of the acquisition project (EIR Section 2.5.2.1 and Section 2.7).

Any future expansion of OHV opportunities would be subject to a general plan process and subsequent environmental review (EIR Sections 1.1 and 2.5.2.1). No expansion is proposed as part of the acquisition.

All unauthorized travel routes would be inventoried and closed (OHV Travel Route Designations Management Measure; EIR Section 3.3.2). The overall travel network would be examined as part of the general plan process and in cooperation with BLM.

Riparian areas would be specifically managed through implementation of the WHPP (see WHPP and Habitat Monitoring System Management Measure; EIR Sections 6.3.2 and 6.3.4). Additionally, grazing effects on riparian areas would be addressed by Rangeland Health Studies (Grazing Management Measure; EIR Section 6.3.2).

Wildlife populations and their habitats including riparian areas would be inventoried and protected through implementation of a Wildlife Habitat Protection Program (WHPP; EIR Section 6.3.2).

Wind energy is addressed in the response to Comment #13-2 above.

Butterbredt Spring, located on parcel B-9, is a popular birding area (EIR Section 2.4.4 and Figure 2-3) known to contain sensitive biological resources (riparian and springs) and cultural resources (grinding rocks). No OHV use is designated in this area. Butterbredt Spring was included in the Eastern Kern County Acquisition Baseline Avian Resources study prepared for this EIR (Volume 3; Appendix G), which discusses the site's abundance of avian species. The spring's biological and cultural resources would be protected through implementation of Management Measures identified in EIR Sections 6.3.2 and 7.3.2. Areas such as Butterbredt Spring supporting special-status, nesting, or migrating birds would be identified in the WHPP (EIR Section 6.3.2) for protection. The Eastern Kern County Acquisition Baseline Avian Resources study recommends specific actions to help protect the resident bird community, special-status bird species, and nesting raptors (EIR Volume 3; Appendix G, Section 4.5), which would be reviewed and considered during WHPP development. As stated in the WHPP and HMS Management Measure (EIR Section 6.3.2), "…those [surveys] 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."

Development of a cooperative management MOU with BLM is underway. See responses to Comments #1-1 and #13-4.

Comment #13-4: Kerncrest Audubon is concerned over the fact that the 59 privately-owned parcels (approximately 28,275 acres) are interspersed or "checkerboard" with federal lands

managed by the BLM. Although we support the acquisition, we are concerned that the EIR does not specify that a joint management plan or a Memorandum of Agreement with the BLM will be required should the acquisition be completed. The BLM is currently undertaking a court-ordered route transportation plan amendment that will address OHV impacts within the California Desert Conservation area and which includes the Jawbone Area of Critical Environmental Concern. Important biological, cultural, and other natural resources (including soils) are being impacted by significant noncompliance with the designated trail system on the BLM management lands as well as the privately-owned parcels. The Kerncrest Audubon Society believes that the best way to address the impacts caused by OHV recreation within the privately-owned parcels and the BLM land is through a joint management plan or agreement. In addition to the above list, the joint plan should identify open areas, camping areas, designated open routes, illegal trails and routes that will be closed to motorized use, and identify areas to be restored. The combined area should be subject to joint law enforcement efforts. This would provide consistent OHV management between the OHMVR Division and the BLM.

Response to Comment #13-4: The OHMVR Division is supportive of cooperative management of the public lands. One of the project objectives is for OHMVR Division to "work with federal partners and non-profits to provide and manage a comprehensive recreation opportunity in the greater project area" (EIR Section 2.3). The Land Use Management Measures (EIR Section 3.3.2) specifically propose working with federal agencies and local authorities to address law enforcement issues in the project area. The OHMVR Division and BLM have begun the process of creating a MOU that would, among other things, help coordinate law enforcement and resource management efforts. See response to Comment #1-1.

Comment #13-5: Another concern we have is that the interspersed federal lands managed by the BLM are subject to federal wind testing and development policies. Our review of the BLM's wind energy applications, some of which are pending and some that have been authorized, shows that there are six wind testing applications covering over 100,000 acres in proximity of the 59 private property parcels proposed for acquisition. There are several wind testing applications, which have been approved by the BLM, that cover federal lands located north, south, and west of the proposed acquisition parcels. And there are several wind testing applications that are "checkerboard" with the privately-owned parcels. Federal wind development policies allow proponents holding wind testing applications to apply for wind turbine right-of-ways after three years or sooner. If the OHMVR Division acquires the 59 privately-owned parcels and the BLM authorizes wind testing and/or development on the interspersed federal lands, the management of the privately-owned parcels will be inconsistent with the management of the BLM-managed federal lands. Management for just OHV recreation on the acquired parcels will be difficult if the BLM is allowing wind energy development on the federal lands in proximity.

Response to Comment #13-5: It is unclear at this time what BLM's intention is regarding permitting wind energy projects within the Jawbone-Butterbredt ACEC. What is known is that such development is an allowable use on some BLM lands; however, the Sikes Act Management Plan for the Jawbone-Butterbredt ACEC of September 1982 makes no mention of allowing wind energy projects in the Jawbone-Butterbredt ACEC (BLM 1982).

It is important to note the difference between BLM wind energy permits. Type 2 permits grant rights-of-ways in a "project area" for wind energy site testing, i.e., authorizing erection of anemometers and meteorological towers. The permit precludes another applicant from applying for the same project area but does not preclude BLM from authorizing other compatible uses of public land within the permit area. Type 2 permits do not establish any right to develop wind energy (a separate application is required for a Type 3 permit). According to BLM's current list of wind applications (May 2013), "Jawbone Canyon Power Partners" is listed as having

submitted a Type 2 application for 47,226 acres of land in the Jawbone Canyon area in 2009 but is not included on the separate list of wind testing authorizations. BLM has not permitted wind energy projects in the ACEC to date, and once the interspersed private parcels become state-owned, wind development on the BLM parcels would become more challenging. See also response to Comment #13-2.

Comment Letter #14. Motorcycle Industry Council (MIC), Specialty Vehicle Institute of America, and Recreational Off-Highway Vehicle Association

Comment #14-1: On behalf of the Motorcycle Industry Council (MIC), the Specialty Vehicle Institute of America (SVIA) and the Recreational Off-Highway Vehicle Association (ROHVA) we write in support of the California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division's proposal to acquire from ReNu Resources, LLC and manage approximately 28,275 acres in eastern Kern County, California. By and large the off-highway vehicle (OHV) community in California supports the good work done by OHMVR Division on other riding areas and is excited about the prospect of the Division managing this opportunity in the Mojave Desert.

Response to Comment #14-1: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #14-2: As it stands the privately owned parcels in Kern County are interspersed in a checkerboard fashion with both Bureau of Land Management and U.S. Forest Service land. As noted in the draft EIR, "…the divisions between private and public lands are usually indistinguishable on the ground," and, "…recreation uses authorized on adjacent BLM or USFS land may occur on the ReNu parcels even if the activities are not formally approved by ReNu." We are pleased that OHMVR Division will manage the area in such a way that makes it clear to OHV enthusiasts that the trails they are riding on are open for use and are being maintained by Division. Further, we appreciate that the draft EIR recognizes that existing OHV uses currently occurring on the ReNu lands, "…are expected to continue upon OHMVR Division acquisition of the ReNu parcels."

We are also encouraged that the draft EIR delineates only one significant effect as defined by the California Environmental Quality Act found as a result of the impact analysis. We share your desire to protect the desert tortoise and think the mitigation strategies outlined in the draft EIR will provide for protection of this important species. We note that the EIR states, "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." We would also note that the draft EIR states in another section that, "The project is *not expected to significantly change the number of visitors*. However, to account for possible increased interest in the project area due to OHMVR Division ownership and in a future planning process, the draft EIR assumes OHV recreation visits could increase by up to 1% (emphasis added)." While we expect that all reasonable efforts to implement the mitigation strategies outlined in the draft EIR should be undertaken, we believe tailoring strategies to assume a 1% increase in use would be premature at this time.

Response to Comment #14-2: Although the EIR assumes a potential 1% increase resulting from OHMVR Division ownership of the property, operation and management of the parcels by the OHMVR Division would reflect actual usage and would be modified accordingly whether or not visitor use increases or decreases. Please see response to Comments #9-3, #10-1, #10-2, #10-5, #10-11, #12-11, #15-1, #15-2, and #15-3 regarding additional discussion on the use of a 1% visitor increase.

Comment Letter #15. ORV Watch Kern County

Comment #15-1: The DEIR is inaccurate to the point of rendering the document unfunctional.

S-1, Page S-1 states: The project won't significantly change the number of visitors. However, to account for possible increased interest in the project, the DEIR *assumes* OHV recreation visits could increase by up to 1%.

Page S-8, Table S-1: The annual increase of 1,800 visitors equates to 35 visitors per weekend. An increase in conflicts between user groups above baseline conditions would be negligible.

The assumed recreation visits are speculative, not fact-based. This random percentage is not only inaccurate but speculative. And it is absurdly low. The 1% number used throughout the document permits the DEIR to dismiss legitimate concerns including, but not limited to, the following:

- Hazardous materials and public safety.
- Degradation of riparian areas.
- Cultural resources.
- Geology and soils.
- Impact to non-motorized recreation.
- Impact to the Pacific Crest Trail, BLM, and Red Rock Canyon State Park.

Over the last 5 years law enforcement has submitted requests for escalating amounts of taxpayer dollars and Green Sticker Funds for manpower and equipment to fight increasing OHV damage to Kern County resources and public property. However, S-2 rejects this real and ongoing concern over the destruction of our public lands with "No mitigation required," and "Less than significant impact."

S-2: OHMVR Division acquisition ***could*** result in a 1% increase in visitor use to the project area and ***could*** add to existing levels of unauthorized OHV use on the Pacific Crest Trail, Red Rock Canyon State Park, BLM land, and private property. Implementation of Land Use Management Measures would more than offset any increase in intrusions associated with the 1% visitor use increase and is expected to reduce existing intrusion levels.

The 1% number was extracted from the total sum of approximately 180,000 OHV recreationists *officially accounted for* by BLM staff in a given year. The data listing the number of OHV visitors to Kern County BLM OHV sites is maintained in the BLM Recreation Management Information System. The data for the Jawbone Canyon and Dove Springs is collected from traffic counters located within these areas.

Response to Comment #15-1: The commenter's reference to escalating need for law enforcement and OHV damage reflects baseline conditions and is the environmental setting from which project impacts are to be measured.

> "The scope of the EIR is limited to direct or indirect physical changes in the environment resulting from the proposed change in property ownership and OHMVR Division management of the lands. Therefore, ongoing lawful OHV and other recreation, cattle grazing, and other activities currently taking place on the parcels, including OHV travel outside of designated areas, are presented in the environmental setting of the EIR chapters as existing baseline conditions for the project analysis." (EIR Section 2.7)

The 1% increase represents an increase in OHV use solely attributed to the project action: OHMVR Division ownership and management of the lands as outlined in EIR Section 2.5. See responses to Comments #9-3, #10-5, #12-11, and #15-2.

The proposed acquisition would introduce OHMVR Division implementation of the 28 Management Measures summarized in EIR Table 2-1 and detailed in the EIR impact assessment chapters to as many as 28,275 acres where OHV recreation and other activities presently occur. These measures would have a net beneficial effect on natural and cultural resources and a beneficial effect on law enforcement efforts on the entire area as the OHMVR Division partners with other public agencies and local organizations.

Impacts to Pacific Crest Trail, BLM, Red Rock Canyon State Park, and private property from unlawful OHV use is addressed in responses to Comments #10-2, #10-3, #10-11, #12-5 and #15-2.

Comment #15-2: The OHMVR projected percentage increase conflicts with other agencies. According to Steve Bonar, the Acting Recreation and Wilderness Branch Chief for the Ridgecrest Field Office, "The visitation number for the Spangler Hills area is based upon the number of visitors associated with Special Recreation Permitted events, and is included in the visitation number. Casual use by weekend visitors *is not accounted* as there are currently no traffic counters for this area. There are no permits associated with visitation to these areas and there is no requirement to check in at the Jawbone Station Visitor's Center as there are many available routes to enter these areas for OHV riding."

The Kern County Sheriff's Office details the sobering *official* facts. From October 2011 to September 2012, Kern County Recreation areas had approximately 841,000 visitors. This is an increase of close to 36,950 from the previous year and is almost equal in number to the entire population in Kern County. It is a fact that Kern County experienced a 4.4% increase of 841,000 visitors, not 1% of 180,000 OHV visitors as the DEIR contends.

The Kern County Sheriff's Department goes on to say, that riders continue to search for less impacted riding areas, increasing the Dirt Team's territory by 5,000 to 6,000 acres, and that the OHMVR land acquisition will consequently stretch limited resources and increase law enforcement response time.

BLM's Ridgecrest Field Office officially confirms the Kern County Sheriff's Office data, and also asserts that locations continue to be heavily impacted by illegal OHV use. "Some OHV users continue to disregard signs and barriers in the surrounding limited use and private lands within the ACEC and near the Kelso Valley area. Unlawful "off-route" travel through sensitive desert habitat, into wilderness areas, through ACECs and onto private lands continues to occur."

Last year Ridgecrest BLM contracted an individual to survey and document conditions on the Pacific Crest Trail between Highway 178 and Highway 138. Continuous OHV damage to the PCT within BLM parcels is stunning. The general map is attached with this documentation.

Staff from the Kern River Ranger District in the Sequoia National Forest complain, "Lower Kern Canyon has experienced proliferation and expansion of unauthorized routes resulting in significant impacts to sensitive resources. Recreation use will continue to increase steadily as individuals, primarily from the heavily populated areas in Southern California, seek open space and abundant recreational opportunities." They go on to say, "The Chief of the Forest Service identified unmanaged recreation as one of the key threats facing the nation's forests."

Response to Comment #15-2: It is not clear how the reference to Spangler Hills OHV Area visitor use data relates to the Jawbone Canyon area visitor numbers presented in the EIR. Spangler Hills OHV Area is located on BLM land east of Highway 395 off Trona Road roughly 30 miles from the Jawbone Canyon area. BLM estimates visitor use to the Jawbone Canyon and Dove Springs OHV Areas based on both road traffic counters and observations made by BLM staff. Additionally, visitors to Jawbone Station are counted by volunteers manning the station.

BLM collects data annually for each recreation area. Annual visitor use of the project area for the last five years is presented in Table RTC-2 below. Attendance counts for the Jawbone Station information center and Jawbone OHV Area are collected separately and could represent a double count of some visitors resulting in an overestimate of visitation to the area.

It is not evident from the comment what recreation areas are included in the county visitation numbers and what portion represents OHV recreation. The 180,000 visits reported in the EIR specifically address predominately OHV related recreation on BLM land in the immediate project vicinity as shown in Table RTC - 2. The 1% increase is not a growth forecast in visitor use numbers. Rather, the 1% represents a plausible increase in the number of OHV visits directly in response to the proposed acquisition. This number is identified for the purposes of assessing environmental impacts of growth caused by the project; its purpose is not to identify and assess recreational growth or recreational effects in general. Also see response to Comment #10-5 for further discussion.

Table RTC - 2. Annual Visitor Use of Project Area

SITE	PRIMARY SITE TYPE	VISITS				
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Dispersed-Southern Sierra	Dispersed Use	53,007	51,993	48,596	64,000	60,824
Dove Springs OHV Area	Intensive Use Area	50,138	64,150	73,747	45,000	54,597
Dove Springs Pacific Crest Trail Trailhead	Trailhead	6,759	6,191	6,196	6,022	6,164
Jawbone OHV Area	Intensive Use Area	53,574	47,337	87,280	51,000	52,259
Jawbone Station	Information Center	10,631	6,575	4,425	5,514	4,022
	Total	174,109	176,246	220,244	171,536	177,866

Fiscal Year is October 1 to September 30
Each visit represents an individual. Number represents annual visitor use.
Source: BLM Ridgecrest Field Office, Jawbone ACEC Visitor Use Data by Resource Management Area

The proposed project would remove as many as 28,275 acres of privately owned land from county jurisdiction (including the Potential Future Acquisition phase). Law enforcement responsibility on this property would be transferred from the Kern County Sheriff's Department to the OHMVR Division. While the potential remains for the 1% project increase in OHV recreation to increase unlawful OHV use on the few remaining privately owned parcels interspersed between the BLM and project parcels (see EIR Figure 2-2), the overall effect of the project would be to substantially reduce the geographic scope of county law enforcement efforts. As a result, the project would not stretch county law enforcement resources. See also responses to Comments #9-3, #10-5, and #12-5.

The OHMVR Division acknowledges that unlawful OHV use occurs in the project area and is an issue of concern. The OHVMR Division proposes several Management Measures (EIR Table 2-1) to address this issue. Although some areas of specific concern do not occur on the project property (e.g., Pacific Crest Trail, BLM land, Red Rock Canyon State Park, and non-project private property), the OHMVR Division proposes partnering with public agencies and local organizations to support existing law enforcement efforts in these areas. See responses to Comments #10-2, #10-3, #10-11, and #12-5.

Lower Kern Canyon is located in Sequoia National Forest along Highway 178. This recreation area is not located in geographic proximity to the project property (EIR Figure 2-1). Unlawful OHV use occurring in Lower Kern Canyon and USFS law enforcement efforts in this location would not be affected by the proposed project. The OHMVR Division acknowledges that unmanaged recreation, whether on USFS or BLM managed lands, can result in damaged resources. For this reason, the OHMVR Division was created by the state legislature (EIR Section 3.1.3.1).

Comment #15-3: The OHMVR projections mask attempts to avoid mitigation measures. The irrefutable data flies in the face of the OHMVR Division's projected yearly increase of 1,800 OHV visitors to the new SVRA. The DEIR authors struggle awkwardly, yet without embarrassment, to avoid obvious mitigation measures which need to be honestly and directly addressed here.

In a San Jose Mercury News piece dated March 11, 2013, Randy Caldera, Superintendent of Carnegie SVRA, is quoted as stating that recent numbers of OHV visitors are up and expected to return to peak levels. "We're exceeding our capacities here," he said. "Attendance has gotten so high on weekends we're wondering, where's our threshold?"

Response to Comment #15-3: The comment on projections is inconsistent with the scope of the EIR. Growth at Carnegie SVRA, located in eastern Alameda County and adjoining western San Joaquin County near a populous urban area, may not reflect use patterns in the project area. Regardless, the 1% increase in OHV visitor use identified in the EIR is an estimate of the potential OHV activity increase directly correlated with the proposed project, which is different from an overall growth forecast for park planning purposes. See responses to Comments #10-5 and #15-2 addressing the identification and use of 1% growth number in the EIR.

As a point of clarification, the project does not propose creation of a SVRA at this time. "If the project lands are acquired, they would at first be unclassified, but the OHMVR Division may eventually propose to classify and manage some or all of the lands as a SVRA, consistent with Public Resources Code section 5090.43 and related statutes (e.g., PRC §5090.35)" (EIR Section 3.3.3). "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" (WHPP and HMS Management Measure; EIR Section 6.3.2).

Comment #15-4: The Pacific Crest Trail Issue. What shall be done to protect the Pacific Crest Trail from the continued onslaught of deliberate dirt bike destruction?

Page 3-11, 3.2.2 states: The OHMVR division designed a kiosk to make the structures sturdy enough to withstand the harsh environment of the desert. The kiosks were installed at intersections with authorized OHV routes and PCT access areas in October 2012.

ORV WATCH members and volunteers have participated in several meetings, field trips, and discussions about the proposed kiosks. No kiosks, however, have been installed.

The Pacific Crest Trail has been hit harder this year by illegal OHV activity than in recent years, which can be attributed to the 36,950 increase in OHV visitors to Kern County. Through-hikers and equestrians visiting Kern County must face another year of negotiating dirt bike moguls, OHV noise, dust, and trespass on a Federal non-motorized trail dedicated to quiet recreation.

BLM parcels within WEMO are continuously degraded by unhampered, illegal dirt bike use. You may view photos of the BLM parcels and the Pacific Crest Trail on our ORV WATCH website and here: http://www.flickr.com/photos/60447938@N07/

Response to Comment #15-4: All Pacific Crest Trail entrances in the project area are very clearly marked with decals stating "No OHVs." Illegal OHV activity on the Pacific Crest Trail is addressed in responses to Comments #10-2, #10-3, #10-11, and #12-5. OHMVR Division law enforcement staff is working with Kern County ORV Watch and other local partners to install information kiosks in the Rosamond vicinity, which is roughly 25 miles south of the project area.

Comment #15-5: Acquisitions in Caliente: placeholders for "future generations?" The DEIR did not respond to the observations we submitted during the Scoping period regarding three acquisition parcels located in Caliente. These parcels which are located in Caliente are problematic:

APN 442-03-001
APN 442-02-020
APN 442-04-001

These sections in particular, should not be considered for OHV use; off-road vehicle activity within the Caliente community is in direct conflict with rural residents' lifestyle, horse and cattle ranching, and cattle grazing. We strongly object to these parcels being utilized for OHV activities. We have listened to members of the off-road community indicate that the OHMVR Division hopes to ultimately link these Caliente sections with dirt bike trails to and from Jawbone Canyon. At the October 17th OHMVR meeting in Lancaster, Mr. Canfield stated that these parcels specifically will "ensure OHV recreation for future generations". We object to these parcels being used as placeholders for future cross country dirt bike trails from Jawbone Canyon to Caliente and beyond. We need to strike a balance between OHV use of public lands and quiet recreation.

Response to Comment #15-5: Acquisition of these three parcels by OHMVR Division does not mean that they would be open for OHV use. Once acquired, all parcels would be assessed for their future use to achieve the objectives of OHMVR Division. Should the parcels be considered for recreational use, the public would be able to participate in the process of land use designation.

Comment #15-6: The DEIR did not address the concern that Red Rock Canyon State Park's general plan must be completed before an adjacent SVRA is established. Work on the general plan was suspended in 2009 due to budgetary issues. Completing the plan should be a priority.

Response to Comment #15-6: There is no legal requirement that the Red Rock Canyon State Park's general plan must be completed before the OHMVR Division purchases the proposed acquisition parcels. See responses to Comments #10-10 and #12-4.

Comment #15-7: Conclusion: Authors of OHMVR's DEIR are playing fast and furious with fuzzy math. Private property owners and law enforcement officials are going to be left holding the bag when it becomes abundantly clear that many more than 35 OHV riders per weekend will ultimately visit Kern County's new SVRA.

The public has had enough of lawless riders destroying Kern County's natural resources. Do the math using Kern County Sheriff's official numbers. Add tens of thousands new visitors who will inevitably be attracted to the new SVRA. What we have is the perfect storm for increased conflicts and OHV trespass without any mitigation measures in place.

All things considered, the DEIR's glaring flaws, omissions, and discrepancies open the door to litigation. The document must be declared invalid and rejected in its entirety. We choose the only viable option at this time, the 'No Project' alternative.

Response to Comment #15-7: The commenter appears to misunderstand the scope of the EIR. The commenter's reference to the "new SVRA" is incorrect. The OHMVR Division is not proposing a new SVRA at this time, but the OHMVR Division may eventually propose to classify and manage some or all of the lands as an SVRA (EIR Section 3.3.3). The OHMVR Division does not propose a change in the location, type, or intensity of land uses (EIR Section 2.5.2.1). See responses to Comments #9-3, #10-5, #12-11, and #15-2 regarding the need to distinguish between project caused increases in OHV use required for CEQA review and visitor increases caused by future park development or general growth trends in OHV recreation. Growth related to future park development would be subject to CEQA review at the time the park development is proposed.

Comment Letter #16. Public Employees for Environmental Responsibility and Center for Biological Diversity

Comment #16-1: While we see potential benefit to having these parcels in public ownership, we believe the proposed acquisitions are better suited for conservation as mitigation acquisitions for impacts from off-road-vehicle (ORV) activities, both lawful and unlawful, in the surrounding areas that have already degraded and impacted rare species habitat, air quality, water quality, soils and other environmental and human health issues. In order to achieve the goals stated in the DEIR regarding the acquisition parcels and based on the documented uniqueness of the landscape, plethora of rare and threatened species and habitats present on the parcels, and experience of State Parks in the area, we believe that Red Rock Canyon State Park would be the appropriate manager of these lands especially considering their current adjacency to the proposed acquisition area.

Response to Comment #16-1: The project objectives, as stated in EIR Section 2.3, include facilitating OHV recreation in addition to natural resource management. It is the legislative intent that the OHMVR Division manages OHV recreation. The Legislature has approved funding for the purchase of the project parcels consistent with the OHV Trust Fund. The OHMVR Division does not have administrative authority to propose management for the acquisition area that is inconsistent with its statutory mandate to provide ecologically balanced OHV recreation. The OHMVR Division has been partnering with land managers such as the USFS and BLM since 1982, when the OHMVR Act was enacted, to help manage OHV recreation on public lands. It is already partnering with BLM in the project area by providing grants to the BLM Ridgecrest Field Office and Friends of Jawbone (EIR Section 8.1.5).

Comment #16-2: 1. Status of these lands under future State ownership is too vague.

According to the DEIR, "Neither a general plan nor SVRA classification is proposed at this time. "(DEIR, p. 3-13) This would leave these lands in a regulatory limbo, neither subject to the PRC provisions for a SVRA, nor subject to those governing grant-funded areas. DEIR assurances that the State "will treat the acquired parcels as subject to WHPP requirements mandated by Public Resource Code section 5090.35" are not reassuring. It requires us to trust the State to comply voluntarily with PRC provisions it virtually ignores in actual SVRAs. The Soil Standards have been so weakened in the 2008 revisions, they offer little protection for soil resources. According to the OHMVR Division, so-called "red" trails no longer need to be closed until they are repaired. In some SVRAs "red" trails continue to be used for years without scheduling either repair or closures.

The HMP's have become nothing more than lip service to wildlife protection; after years of public complaints about the failure to implement these properly in existing SVRAs, the OHMVR Division gave itself a "do-over" with a new HMP protocol. Furthermore, nothing would require

these lands be managed with even these minimal standards because they only apply to SVRAs or agency–managed, grant-funded OHV areas. These lands would be classified as neither.

Response to Comment #16-2: Upon acquisition, the project property would be unclassified (EIR Section 3.3.3). As noted in the EIR, Public Resources Code requirements apply to a SVRA (p.3-13 and 6-54). The OHMVR Division is proposing the application of Public Resources Code section 5090.35 as part of the project; they have been integrated into the proposed Management Measures (see WHPP/HMP in EIR Section 6.3.2 and Prepare Soil Conservation Plan in EIR Section 8.3.2). Specific PRC references are included with these Management Measures to clarify that Public Resources Code requirements would be applied to project parcels upon acquisition and would not depend upon or be deferred to future designation of the parcels as a SVRA. See text amendment in Errata, Chapter 4 of this document for addition of Public Resources Code reference to Prepare Soil Conservation Plan Management Measure.

Compliance with the 2008 Soil Conservation Standard and Guidelines and WHPP require routing monitoring of soil and biological resources to ensure they are being properly managed and protected. Failure to implement the proposed measures as outlined in the EIR would be contrary to the project defined in the CEQA document used as a basis for determining the environmental effects of the project. Implementation of the proposed Management Measures and the project mitigation measure by the OHMVR Division would also be assured by the binding legal effect of the project findings adopted at the time of project approval.

Commenter's statement that the OHMVR Division ignores Public Resources Code requirements in other SVRAs is unfounded and unsubstantiated. No specific examples of poor SVRA management are cited as proof of this claim. All SVRAs utilize photo point monitoring to ensure compliance with the 2008 Soil Conservation Standard. For example, Hollister Hills SVRA has inventoried all roads and trails and has a plan to repair, reroute, or restore "red" trails. Trail maintenance projects have been completed; maintenance is ongoing.

OHV recreation, like many other forms of recreation, does have the potential to create adverse effects on soil and biological resources. In recognition of this fact the state legislature created the OHMVR Division to manage OHV recreation in a sustainable manner. Implementing the 2008 Soil Conservation Standard and Guidelines and the WHPP/HMP results in stabilized resources with minimum damage and restoration where damage has occurred.

Comment #16-3: 2. The scope of the DEIR is improperly limited to a change in ownership, rather than explore the results of these lands becoming part of a large ORV "destination" area. According to the DEIR, the first two objectives of the acquisition of the ReNu parcels are to:

- Establish broader public land ownership in and around an existing large-scale ORV recreation area in Southern California; and
- Facilitate the provision of a "destination" desert-oriented ORV recreation area that provides a broad spectrum of experiences and skill levels. (DEIR, p. 2-2)

The DEIR assumes that annual visitation will increase 1% from 2012 specifically due to the acquisition project. Nowhere in the DEIR is there any rationale provided for this determination. We believe this projection misrepresents the potential use of these proposed parcels. A supplemental DEIR must specify how it will accomplish its objectives, including identifying costs and funding sources acquisition lands, because currently NO public access is supposed to be occurring on these parcels. Even at existing ORV visitor levels, opening the acquisition parcels to ORVs will significantly increase impacts to these parcels. If the area becomes an ORV "destination" area, it is quite likely use will increase substantially, as will impacts to the many sensitive resources, unless very specific protection measures are identified and enforced.

The DEIR fails to adequately analyze the direct, indirect, and cumulative impacts of the increased ORV activities on the environment. The State must ensure adequate environmental information is gathered and that the environmental impacts of a proposed project are fully identified and analyzed before it is approved. "To conclude otherwise would place the burden of producing relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the information contained in the report simply by excluding such information." (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 724.) Environmental review documentation is more than a set of technical hurdles for agencies and developers to overcome. [Its] function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account." (Laurel Heights I, supra, 47 Cal.3d at pp. 391-392.) For the [environmental review documentation] to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 449-450.) The environmental review documents must "contain facts and analysis, not just the agency's bare conclusions or opinions." (Laurel Heights Improvement Assn. v. Regents (1989) 47 Cal. 3d 376, 404 [and cases cited therein].) The environmental review documents "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (Id.)

Because the DEIR is deficient as an informational document the State has failed to comply with CEQA. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 717-718 [holding that a misleading impact analysis based on erroneous information rendered an EIR insufficient as an informational document]; Environmental Planning & Information Council v. County of El Dorado (1982) 131 Cal.App.3d 350, 357-58 [where baseline was inaccurate "comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts which would result."].)

Moreover, the State must look at reasonable mitigation measures to avoid impacts in the DEIR but failed to do so here. Even in those cases where the extent of impacts may be somewhat uncertain due to the complexity of the issues, the State is not relieved of its responsibility under CEQA to discuss mitigation of reasonably likely impacts at the outset.

Response to Comment #16-3: The rationale for the 1% increase is provided in EIR Section 2.5.2.1 (p. 2-7). See also responses to Comments #9-3, #10-1, #10-2, #10-5, #10-11, #12-11, #15-1, #15-2, and #15-3. The 1% increase does not represent the future potential use as this would be determined by a future general plan, which has yet to be prepared and is not included as part of the proposed acquisition project (EIR Section 1.1).

No public access on the project property other than current lawful access is proposed. The project does not propose "opening the acquisition parcels to ORVs." Future access to the parcels would be determined and governed by a general plan prepared for the property. This plan would go through a public scoping process to involve stakeholders as well as an environmental review under CEQA. The effects of any changes in land use would be evaluated at the time they are proposed by the general plan. The CEQA document for the general plan would identify the potential increased visitor use of the area, assess resulting environmental effects, and identify any additional resource protection measures needed to mitigate those effects.

The comment that the "EIR fails to adequately analyze direct, indirect, and cumulative effects" does not identify the missing information and lacks the detail needed to enable the OHMVR Division to provide an informative response. Direct impacts of the project are those resulting from acquiring the parcels and implementing the management activities identified in EIR Sections 2.5.2.2 and 2.5.2.3. Indirect impacts of the project are those resulting from changed recreational use of the property caused by the project. The EIR assesses the environmental effects of a 1% increase in OHV recreation as an indirect effect of the project. All effects of OHV recreation, whether direct or indirect, are indirect effects of the proposed project. Both direct and indirect effects are described in each environmental analysis chapter in the EIR. Likewise, cumulative impacts include the effects of known pending or planned projects along with the proposed project effects and the environmental baseline conditions. The cumulative analysis contained in the EIR (Section 13.4 plus each EIR chapter) considered the indirect project effects of OHV recreation.

The comment does not specifically identify how the EIR is deficient as an informational document. The comment does not identify impacts which were not addressed in the EIR. The comment presents no new information to show how the EIR conclusions are unreasonable or based on faulty information or analysis. The comment does not challenge specific conclusions of the EIR or identify project impacts that have not been properly mitigated or how proposed mitigation is unreasonable. The comment does not suggest new mitigation or improved mitigation for the OHMVR Division consideration.

Comment #16-4: 3. The DEIR does not address how or whether the State can afford to manage the area if it is acquired, or potential impact to budgets in existing SVRAs.

The recent Little Hoover Commission Report on State Parks finds that the State has acquired new lands without adequate funding for managing those lands; this purchase appears to continue that trend. The DEIR includes no discussion of the cost of managing these lands should they be purchased. One objective of the purchase is to bring sensitive resources into public ownership in order to provide them greater protection. While we support this objective, we see nothing in the DEIR that explains how this will be accomplished, given the complexity of resource issues and the challenges of managing ORV use. It is not being accomplished now in existing SVRAS, such as Carnegie or Ocotillo Wells, and the excuse given by OHMVR management is the lack of staff and inadequate budgets. How does the State propose to pay for appropriate management and protection; and how will the diversion of funds to these lands affect budgets in existing SVRAs? A supplemental DEIS will need to include these important management-related issues.

Furthermore, the DEIR indicates that this area is not an SVRA (DEIR at 6-54) and it is unclear that funding and resources for management of the proposed acquisition lands will be a high priority. In fact, lacking a management plan that includes 1) a more comprehensive evaluation of the existing resources 2) an identification of goals and objectives for the acquisition lands and 3) a management framework for activities in support of the goals and objectives, we find it very unlikely that appropriate conservation management would be done in an area already troubled by chronic ORV trespass issues and related environmental impacts.

Response to Comment #16-4: Protection of sensitive resources would be accomplished by implementing the Management Measures identified in EIR Section 2.5.2.3, which are summarized in Table 2-1 and fully described in each environmental assessment chapter. These Management Measures describe how sensitive resources would be inventoried, evaluated, and protected. It is not clear from the comment how this information is lacking.

Statements that sensitive resources are not being properly managed at existing SVRAs or that the state is inadequately funded to provide proper management and resource protection at its SVRAs

are unsubstantiated. The Little Hoover Commission report addresses financial solvency and management structure of California State Parks, which is primarily funded through annual appropriations from the State Park and Recreation Fund and General Fund. The OHMVR Division is funded through the OHV Trust Fund, which is a dedicated funding source. Funding for property acquisition would be provided by Southern California Opportunity Purchase Funds (EIR Section 2.5). The Legislature and the Governor have approved funding for the purchase of the project parcels consistent with the OHV Trust Fund, which is made up of monies from motor vehicle fuel taxes, OHV registration fees, and other sources. OHMVR Division management of the lands will be supported through appropriations from the OHV Trust Fund.

The OHMVR Division is not the land manager of the properties affected by chronic OHV trespass and related environmental impacts. These are baseline conditions occurring without OHMVR Division management. Upon property acquisition, the OHMVR Division proposes to address these issues by complying with PRC requirements and implementing resource protection Management Measures (EIR Section 2.5.2.3).

The proposed project is property acquisition and management (EIR Sections 2.5.2.2 and 2.5.2.3). Goals and objectives for the use of property would be established in a general plan, which is a subsequent planning process to property purchase (EIR Section 1.1). Preparing a detailed property management plan simultaneous to acquisition in advance of establishing land use goals in a general plan is premature. Given the tremendous investment of time, effort, and cost it takes to prepare general plans, CDPR does not prepare a general plan or its implementing management plan prior to the successful completion of the property purchase.

Comment #16-5: 4. Impacts to desert tortoise are predicted to be significant and mitigation measures are vague and inadequate to protect this imperiled species.

According to the DEIR, “current land use on the northern parcels where fencing along access roads and washes inhibits OHV use appears to benefit individual tortoises and contribute to their persistence in those areas. Southern parcels within the Open Area are exposed to high levels of uninhibited OHV use that results in extensive areas with disturbed vegetation that lowers habitat quality for the desert tortoise or results in direct mortality. These conditions would not change as a result of the project. However, if cattle are no longer raised on the RRG parcels after the acquisition, impacts associated with cattle grazing would not occur resulting in a net benefit to the habitat and desert tortoise. Alternatively, lack of maintenance of the fencing that inhibits access to some parcels would eventually lead to gaps that would allow OHV access to areas that were previously inaccessible. Desert tortoises occurring in these areas would be subjected to detrimental impacts associated with OHV use, including road kill. Obviously, opening of the RRG parcels to widespread OHV use by CDPR in the future would have the same effect.” (DEIR Appendix F, p. 9)

Although the DEIR notes that impacts to the state listed threatened desert tortoise (also the State reptile) is significant (Table S-1 at pg. S-5), clearly there are mitigation measures available to reduce impacts to non-significant levels by managing desert tortoise habitat for desert tortoise conservation and recovery in compliance with federal and state law. Therefore, a Desert Tortoise Recovery alternative needs to be included that focuses management of the proposed acquisition lands on implementation of recovery actions that would benefit the desert tortoise and minimize impacts to it. New data is available on the success in recovering the desert tortoise in habitat nearby the southeastern acquisition parcels and includes fencing and maintaining that fencing to exclude ORVs and associated activities.

A decision to purchase these lands, if it is to meet the objectives of improving conditions for sensitive resources, must include provisions to actually improve those conditions. These should

include an end to grazing on important desert tortoise habitat, protective fencing, maintaining closure of RRG parcels with desert tortoise habitat, minimizing or eliminating routes in desert tortoise habitat and a strictly enforced designated route system on the entire ORV area.

Response to Comment #16-5: Upon acquisition, the OHMVR Division would initially improve conditions for sensitive resources by implementing Management Measures identified in Table 2-1 and described more fully in each environmental chapter. These initial actions would include enforcing existing travel route designations to curtail OHV trespass and preparation of a WHPP. Protective measures identified in the WHPP may include access closures and placement of protective fencing (EIR) as suggested in the comment.

Although these actions would improve protection of the desert tortoise, risk of harm or habitat degradation remains from lawful OHV recreation and cattle grazing occurring as a baseline land use activity. Establishing an appropriate mix of land uses to achieve property goals is the role of a general plan and its implementing management plan. As stated in response to Comment #16-4, this would be prepared in a subsequent planning action. Any substantial change in land use, such as the suggested elimination of grazing, would be considered during the public process of preparing the general plan. See also response to Comment #12-7.

Comment #16-6: 5. Existing and potential Impacts to Red Rock Canyon State Park (RRCSP) are not adequately addressed.

For years now, the California Department of Parks and Recreation (DPR) has inexcusably delayed the General Plan process for RRCSP. That delay has resulted in increasing OHV use within the park and ongoing damage to irreplaceable natural and cultural resources, as documented by DPRs own archaeologists. In addition to important archaeological sites, uplifted lake beds in Red Rock Canyon hold preserved important vertebrate fossils over 60 million years of age. This fossil assemblage is important because the Paleocene epoch is poorly recorded in the west.

Red Rock's "Last Chance Addition" lands were given to DPR by the Bureau of Land Management (BLM) in the Wilderness Act 0f 1994 to manage as part of Red Rock Canyon State Park "for maximum protection" of their resources. DPR's response has been to allow damaging ORV use to dominate the landscape, with excuse after excuse for neither protecting the lands nor completing the General Plan that could provide the means for evaluating and protecting them. These new lands pose new and additional threats to resources at RRCSP. Accordingly, we must oppose this acquisition until OHV use is completely removed from Red Rock and protection for park resources is assured. If DPR has funds to acquire 28,500 acres of new lands for ORV use, it should have the money to complete the General Plan for Red Rock.

At the September 2012 OHV Commission in Placerville, Phil Jenkins, in answer to a question about access to the new parcels, responded that access could be through RRCSP. This is absolutely unacceptable. Existing ORV use in the park needs to be stopped, in order to protect the incredibly important natural and cultural resources therein. The ORV Division, through the interference by former Deputy Director Daphne Greene, succeeded in preventing both the General Plan process and interim protection for RRCSP resources. With this proposed acquisition, impacts to the RRCSP resources are even more threatening. The Department of Parks and Recreation should, as partial mitigation for this acquisition, immediately ban "green sticker" vehicles from Red Rock and immediately re-start the General Plan process.

The DEIR defers most management decisions to a future General Plan. We have been waiting 15 years for the Red Rock Canyon General Plan, and several years for the Ocotillo Wells General

Plan update. ORV damage in both parks continues to run rampant, and all concerns are brushed aside with promises of addressing these in a General Plan that seems never to come.

According to the DEIR "the project does not propose construction of new facilities to support the existing land uses, although minor projects are foreseeable such as repairs to existing facilities, installing vault toilets, kiosks, and signage, or ensuring ADA compliance at existing facilities (see Chapter 2, Section 2.5). Such minor projects could be proposed prior to completion of a general plan. "This language suggests the area will experience the type of "mission creep" we see at SVRAs without current General Plans. While we understand you don't want to write a General Plan prior to acquiring these lands, simply describing the resources, the recreation uses and general good intentions with regard to managing the area aren't convincing and don't supply the requisite disclosure.

Monitoring of the effectiveness of mitigations would be by the OHMVR Division, but the DEIR provides no monitoring plan, including frequency of monitoring. Nor does it offer an action plan should monitoring disclose impacts.

Cultural Resources. Again, the DEIR makes big promises, but if the Division is to be judged by its actions at RRCSP, its role there was as an obstruction to cultural resource protection.

Similarly, BLM lands adjacent to Ocotillo Wells SVRA are managed by the OHMVR Division under a Memorandum of Understanding (MOU), wherein vehicle travel on the land is required to be restricted to designated routes. However, supervisors and law enforcement personnel at the SVRA allow open riding on the BLM lands, as well as in the rest of the SVRA, in direct conflict with the MOU.

With DPR's history of big promises but dismal record with regard to resource protection, the DEIR fails to provide very convincing evidence that DPR and OHMVR Division have both the resources and the will to tackle the management challenges presented by the proposed acquisition parcels. The DEIR fails to spell out in detail how DPR will succeed in its lofty management goals.

Response to Comment #16-6: See responses to Comments #10-6, #16-4, 16-5, and #17-33.

Comment #16-7: 6. The extensive number of rare and endangered species and unique habitats are downplayed and remain unanalyzed for impacts.

The DEIR recognizes and affirms the incredible biological and ecological values of the proposed acquisition parcels and documents numerous rare species and unique habitats. Virtually all but 10 acres of the proposed acquisition are within the boundaries of the Jawbone-Butterbredt Area of Critical Environmental Concern (JBACEC) which was designated by the BLM to protect wildlife and the Native American values in the area. Because much of the proposed acquisition area was and currently is in a checkerboard public and private land ownership pattern and is currently about half of the area is designated as closed to public access, this management strategy was put in place due to the conflicts that arose between ORV impacts and cattle grazing. The closure has maintained a robust and relatively environmentally intact landscape that needs to be maintained if the proposed acquisition proceeds. Opening up the areas to new ORV activities or legitimizing illegally created ORV routes without a full assessment of their impacts, will irrevocably deteriorate the environment due to direct and indirect impacts from ORV recreation, including fragmentation of habitat, spread of non-native plants, degradation of soils and cryptobiotic soil crusts and other impacts that are well documented to be associated with ORV recreation. Because of the current recognition of the importance of the wildlife habitat and Native American values for which the JBACEC was established, the acquisition and use of the area for ORV activities appears to immediately set up a conflict between conservation values and

ORV access if management is for resources is not the highest priority. The DEIR fails to adequately explore the impacts to the acquisition areas. In fact it bases its analysis on a projected1% increase in ORV activities, but fails to identify how this projection was determined. This analysis should be provided in a supplemental DEIR.

While the DEIR documents that many rare species, included the state-listed desert tortoise and Mohave ground squirrel, occur on the site, the tone of the DEIR suggests that the status quo land "management" including illegal route proliferation, trespass on these private lands, and grazing is appropriate. We disagree, because the current "management" puts these species in danger of incidental take. The proposed acquisition will need to pursue an incidental take permit from the wildlife agencies and we believe higher conservation goals will need to be implemented in order to avoid, minimize and mitigate impacts to these imperiled species.

The acquisition parcels include a world-renowned migratory bird stopover spring – Butterbredt Springs. This unique location has been recognized and managed specifically for conservation purposes for decades cooperatively between the private land owner, the Bureau of Land Management and the Audubon Society. The values of this crucial spring is already being impacted by wind farm development in the area, and further impacts through management changes to accommodate off-road vehicle access could further threaten the spring area and the migratory birds that use these critical springs. While the EIR identifies the wildlife values of Butterbredt Springs, it fails to provide additional protections and enhancement of this critical resource.

Additional requirements that should be included in a supplemental EIR include:

- A management plan that includes costs of implementation;
- All habitat for desert tortoise be unavailable to ORV activities based the scientific literature (see above);
- No new ORV routes or trails be established, illegal routes be rehabilitated; redundant routes be closed and rehabilitated;
- Springs, seeps and other areas with riparian-type values be protected from impacts (ORV and/or grazing);
- All acquired parcels be unavailable for rights-of-way for wind and solar development, including transmission.

Response to Comment #16-7: It is not clear from the comment how the EIR suggests illegal route proliferation or OHV trespass is acceptable or that cattle grazing does not have the potential to cause resource damage. It is also premature to conclude without further evaluation that all current grazing is detrimental and therefore has no place as a future property use. Contrary to the comment that the EIR suggests the status quo, the EIR clearly documents how resources are being affected by existing land use activities and identifies management actions proposed by the OHMVR Division to improve these impaired baseline conditions.

Increased OHV recreation is not expected to result purely from a transfer in property ownership and implementing resource protection measures. Nonetheless, an incidental increase in OHV recreation (1%) as a result of the property acquisition and proposed Management Measures is recognized as possible and assessed in the EIR (see responses to Comments #9-3, #10-1, #10-2, #10-5, #10-12, #12-11, #15-1, #15-2, and #15-3). With the exception of the desert tortoise, the impact of increased OHV visitor use is determined to be less than significant. Because any increased risk to the threatened desert tortoise is significant, the impact is considered unavoidable. The OHMVR Division would consult with USFWS regarding desert tortoise should

the acquisition project occur. The need for an incidental take permit would be determined at that time.

The suggested broad requirements are appropriate for consideration during general plan development, which would not be prepared prior to property purchase and development of more complete data. Competing interests of conservation, cattle grazing, OHV recreation, and other land uses would be addressed by the general plan at the time it is prepared. Should the OHMVR Division acquire the parcels, it is possible a management plan could be prepared for specific areas prior to completion of a general plan, but as with the general plan, such planning efforts would be pending purchase, data collection, and analysis.

See responses to Comments #12-6, #12-7, #13-2, #13-4, #13-16, #17-8, #20-4, and #20-5

Comment #16-8 7. Cumulative Impacts are not adequately addressed.

Cumulative impacts analysis is a critical part of any CEQA analysis.

> [t]he cumulative impact analysis must be substantively meaningful. "'A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval. [Citation.]' [Citation.] [¶] While technical perfection in a cumulative impact analysis is not required, courts have looked for 'adequacy, completeness, and a good faith effort at full disclosure.' (Cal. Code Regs., tit. 14, § 15151.) "A good faith effort to comply with a statute resulting in the production of information is not the same, however, as an absolute failure to comply resulting in the omission of relevant information." [Citation.]" (Mountain Lion Coalition v. Fish & Game Comm. (1989) 214 Cal. App. 3d 1043, 1051-52.)

(Joy Road Area Forest and Watershed Assoc. v. Cal. Dept. of Forestry (2006) 142 Cal. App. 4th 656, 676.) Where, as here, the impacts of a project are "cumulatively considerable" the agency must also examine alternatives that would avoid those impacts and mitigation measures for those impacts. (CEQA Guidelines §15130(b)(3).) In some cases the potential cumulative impacts will be best addressed by compliance with existing regulations (such as land use plans, conservation plans, or clean air act standards), in other cases avoidance and mitigation measures will be site specific, and in some cases new regulations or ordinances may be needed to address cumulative concerns.

The DEIR takes a very localized view of cumulative impacts and fails to evaluate additional projects that affect rare and sensitive plant and animal species. For example, it fails to include a cumulative analysis for the Mohave ground squirrel (MGS) and the impacts that are occurring or proposed within its habitat, including the development of pistachio farms near Inyokern, other solar developments and water developments in the Fremont Valley etc. These projects will negatively affect MGS and coupled with this project and the others in Table 13-1.

Response to Comment #16-8: Contrary to the comment, the impacts of the project are not cumulatively considerable, other than impacts to desert tortoise. Cumulative impacts are considered in EIR Chapters 3 – 11 and Chapter 13. Section 13.4 notes, "The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable" (14 CCR §15064(h)(4)). As further summarized in that section and throughout the EIR, the proposed acquisition would not significantly change the existing and ongoing use of the parcels.

Management of the parcels and enforcement of all applicable laws and regulations on currently private parcels would become the responsibility of the OHMVR Division.

A cumulative impacts analysis area of project consideration is to be determined by the Lead Agency and the Lead Agency should provide a reasonable explanation for the geographic limitation used (CEQA Guidelines §15130(b)(1)(B)(3)). The area of cumulative analysis for the EIR is shown in Figure 13-1, Cumulative Projects and includes projects that were listed in BLM's Active Priority Renewable Energy Projects and active projects listed on the Kern County Planning and Community Development website. The Mohave ground squirrel has an expansive range -- it "occupies portions of Inyo, Kern, Los Angeles and San Bernardino counties in the western Mojave Desert" (Biosearch Associates 2012; see EIR Volume 3, Appendix H). It is not practical or necessary to include all projects that could affect the Mohave ground squirrel in the cumulative impact analysis. Furthermore, since OHMVR Division ownership and management of the acquisition parcels would lead to more law enforcement and resource protection, the cumulative impacts on the Mohave ground squirrel from an increase in 1,800 annual visitors is considered less than significant.

Comment #16-9: 8. Additional Feasible Alternatives Not Considered in the DEIR

Under CEQA, a lead agency may not approve a project if there are feasible alternatives that would avoid or lessen its significant environmental effects. (Public Resources Code §§ 21002, 21002.1(b).) To this end, an EIR is required to consider a range of potentially feasible alternatives to a project, or to the location of a project, that would feasibly attain most of the project's basic objectives while avoiding or substantially lessening any of the project's significant environmental impacts. (Save Round Valley Alliance v. County of Inyo (2007) 157 Cal.App.4th 1437, 1456.) Clearly in this case, the supplemental DEIR should include a Desert Tortoise Recovery alternative as described above.

Alternative that would make protection of and recovery for the declining desert tortoise as a goal for the management of the proposed acquisition parcels. In conjunction with the "Exclusion for Resource Protection" alternative included in the DEIR, the supplemental DEIR will truly have an alternative – the Desert Tortoise Recovery and Resource Protection Alternative - that will protect the unique and varied resources of this exceptional area.

Response to Comment #16-9: A statement of overriding considerations will be adopted as it is not feasible to fully mitigate impacts to desert tortoise. A desert tortoise recovery plan cannot be prepared separate from or advance of future park planning efforts. Any recovery plan would be shaped by the land use activities and intensities planned for the area. This has yet to be determined. Therefore, a recovery strategy that makes commitments to habitat locations in the planning area prior to preparation of a general plan is premature and therefore unavailable as a project alternative to resolve the unavoidable impact on desert tortoise resulting from increased but otherwise lawful OHV use on designated trails.

Under the proposed project, desert tortoise habitat would be managed through preparation of a WHPP, which would ensure that the most sensitive tortoise habitat (as defined by previous and subsequent surveys) would be protected from activities in the project area. The WHPP would address public education, law enforcement, monitoring, and coordination/consultation with partner agencies that have manage or have jurisdiction over tortoise populations (BLM, USFS, USFWS, and CDFW). The WHPP would consider the Desert Tortoise Recovery Plan (2011), DRECP, West Mojave Plan, and other documents as applicable. The Desert Tortoise Recovery Plan contains a recovery strategy, goals and objectives, and list of recommended recovery actions. Implementation of recovery actions is not mandatory for non-federal agencies but would

provide information relevant to the WHPP and for consideration during consultation with USFWS and CDFW.

Comment #16-10: Comment letter contains the following attached report:

Berry, K.H., L. Lyren and T. Bailey. 2012. Final Report. A comparison of desert tortoise populations and habitat on three types of managed lands in the Western Mojave Desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and private parcels.

Response to Comment #16-10: This study indicates that there are more tortoises in the Desert Tortoise Research Natural Area (DTRNA) than the BLM lands studied (Rand Mountains/Fremont Valley) or on private lands. Counts of tortoise sign were highest on the DTRNA and lowest on private lands. The study supports the fact that OHV areas managed by a public agency, in this case BLM, provided better protection than private lands, which were least protected. The area encompassing the DTRNA was the most protected. At a minimum, management by the OHMVR Division would logically fall into the same category as the lands managed by the BLM. Some of the recommendations proposed in the study would immediately become a requirement of OHMVR Division ownership, including management of vehicle use on designated routes of travel only, removal of trash, and restoration of disturbed areas.

Comment Letter #17. Sierra Club Kern-Kaweah Chapter and Western Watersheds Project

Comment #17-1: The Sierra Club is a nationwide organization of several hundreds of thousand members concerned about impacts on the natural environment and people from projects such as this. We understand that if the property is acquired by the State of California, a management plan will need to be developed in accordance with the requirements of the California Environmental Quality Act. We expect that the issues raised in these comments will be investigated in great depth in an Environmental Impact Report (EIR). However these issues must be taken into consideration now as you decide whether or not to proceed with this acquisition. To proceed with the acquisition of this property without an understanding that these concerns will be addressed in depth in a management plan would be inimical to the public interest and the law.

Our concerns deal with many kinds of impacts that could influence the environmental integrity of the project area and surrounding public and private lands. Potential negative impacts on wildlife, especially avian species, could be catastrophic, if the area is not managed properly. Disturbance of soils and excessive erosion could drastically alter plant communities and their dependent animal species that are in a relatively healthy condition at the present time. Air quality could be compromised if dust from off road vehicle (OHV) use is not mitigated. The general public will expect to be able to enjoy the area under consideration in addition to (OHV) users. A large portion of the public enjoys passive use of public property and therefore provision must be made to avoid conflicts between different user groups.

The area of the proposal is near other public lands managed by the United States Forest Service and the Bureau of Land management. Red Rock Canyon State Park is immediately adjacent to this proposal. Some of the rock formations in Red Rock Canyon contain scientifically valuable fossils. OHV use of similar deposits in the area under consideration could quickly destroy any paleontological resources present. The Pacific Crest Trail, closed to OHV use, is adjacent to some of the western and northern land acquisition parcels. The impacts on natural resources of those areas and the public that uses those public lands must be considered. Much of the surrounding land is in private ownership; some of it is already developed for energy production.

Impacts on all of these surrounding areas must be a mandatory and critical consideration as you proceed.

Once a management plan is developed with an adequate EIR there must be enforcement of the rules. Effective law enforcement will be required. On-going monitoring will be needed to identify negative environmental and social impacts. Problems will need to be identified before they become serious and possibly irreversible. That will be expensive. Before a decision is made to proceed with acquisition, funds must be identified to make sure these on- going requirements can be effectively implemented.

Response to Comment #17-1: These general concerns are expanded upon in following comments. Responses to the specific concerns are addressed below for Comments #17-2 through #17-38. With respect to the comment that the general public expects to enjoy "passive use of public property" and "provision must be made to avoid conflicts between different user groups," CDPR provides opportunities for the public to enjoy various activities, but these activities may not be in the same park at the same time. OHV activities are supported by funds generated from OHV activity.

Comment #17-2: According to the DEIR at pages 2-2 of, the Kern acquisition (Project) not only comprises acquisition of the ReNu parcels, but also includes many laudable management objectives. For instance, at 3-13 it makes the commitment to augment current BLM and volunteer staffing to ensure daily patrols in the Jawbone Butterbredt ACEC (ACEC). This is crucial. In fact in order to be properly managed the ACEC undoubtedly needs several OHV-mounted law enforcement officers at busy times in addition to a simple daily patrol.

Likewise the promise to inventory and monitor sensitive resources and prepare and implement a Wildlife Habitat Protection Plan is necessary and commendable. Has the OHMVR Division identified dedicated sources of funds to support these new obligations over and above its historic funding given to other entities to do spot remediation, etc. in and around the ACEC? As acknowledged at 3-8, State Parks initiated revisions to nearby Red Rock Canyon State Park in 2008 but has never completed them. Was that a funding issue? Assured funding is critical to the positive measures outlined in the DEIR.

Response to Comment #17-2: See response to Comment #16-4 regarding project funding. The OHMVR Division's management of operations at existing SVRAs is funded as part of the CDPR annual budget appropriated by the state legislature with OHV Trust Funds. Unlike California State Parks, which is subject to the funding priorities of the State Park and Recreation Fund and General Fund, OHMVR Division funding from the OHV Trust Fund cannot be diverted away from OHV purposes. While available funding is subject to fluctuation from year to year based on fund revenues, management of the acquired project parcels would be a new expense factored into the OHMVR Division's annual budget allocation. See response to Comment #10-10 regarding Red Rock Canyon State Park and its general plan.

Comment #17-3: The stated Project goal to "Maintain public land corridors that avoid crossing private lands" needs fuller explanation. Does this mean that trails that currently cross private land will become fully publicly accessible simply by virtue of the acquisition? Or does it mean that after the acquisition the OHMVR Division intends to realign remaining trails that still cross other private land parcels, moving them onto the acquired lands? The latter could have potential impacts to the subject lands containing sensitive resources. Please clarify.

Response to Comment #17-3: It is a project goal to have public trails occur on public lands to avoid property right conflicts caused by off-trail trespass and resulting need for off-trail maintenance, restoration, and law enforcement. Purchasing the private property would place the

trail segments crossing these parcels on public land. Public use of the property (both motorized and non-motorized) would remain restricted to the designated trails that are depicted in Figure 2-2 of the EIR. Furthermore, except for the installation of minor improvements such as shade ramadas or vault toilets and biological or cultural resource protection measures (fences, signs), no other improvements would be established on the parcels prior to the adoption of a general plan. Purchase of the private property does mean that state staff and law enforcement personnel would have full access to the property for purposes of resource management and law enforcement. The acquisition project does not include any realignment of trails off of other private lands onto the newly acquired lands.

Comment #17-4: Likewise, the DEIR states the goal to: "Transfer important springs … to the public." The specific purpose of transferring springs and other sensitive areas to the public should be articulated, and not left to conjecture. Presumably it is for the purpose of protecting sensitive biological and possibly cultural resources found in these areas. Please clarify.

Response to Comment #17-4: It is true that one of the primary objectives listed in the EIR is that important springs, riparian areas, and other sensitive resources be transferred to the public (EIR Section 2.3). Furthermore the EIR includes as a priority for the acquisition that the OHMVR Division provide additional monitoring and stewardship of important biological and cultural resources. This priority, added to the primary objective assures that the springs and other sensitive areas would be protected.

Comment #17-5: At 2-8 re grazing, the DEIR states: "Apply terms and conditions of the RCA grazing permit for the duration of permit term." And at 2-9 "Implement the same standards that apply to BLM lands." How do these statements square with resource protection obligations of the OHMVR Division, if promised inventory and monitoring show that grazing is causing undue resource degradation and needs a higher level of protection than that afforded by the BLM permit conditions? Language in section 6 implies that the OHMVR Division will impose additional measures if warranted. These DEIR sections should be made consistent.

Response to Comment #17-5: Implementation of the Terms and Conditions of RCA Grazing Permit Management Measure (EIR Section 4.3.2) and the Grazing Management Measure (EIR Section 6.3.2) is not inconsistent with the WHPP and HMS Management Measure (EIR Section 6.3.2). In accordance with Public Resources Code section 5090.35, the OHMVR Division would ensure that use of the acquired lands, including grazing, does not degrade or cause damage to sensitive resources, including springs, riparian areas, areas of known occupied tortoise habitat, areas supporting rare plant populations, and areas with sensitive cultural or historic resources. As stated in the Grazing Management Measure, the terms of the BLM grazing permit would serve as a baseline for managing grazing on the acquired parcels. Grazing use of the property may be restricted in some areas if necessary to avoid resource damage (EIR Section 4.3.3.1). OHMVR Division management of cattle grazing could become more restrictive than BLM permit requirements.

Comment #17-6: At 2-10 the DEIR states the OHMVR Division does "not propose any change in the system of designated routes that currently exist in the area, in the boundary or uses in the Jawbone Canyon Open Area, or any additional open riding areas." [emphasis added] This statement is unclear, and begs the question: does the OHMVR Division contemplate expanding the boundaries of the Dove Springs Open Area? It is silent on this matter. One of the concerns is that Parcel D -2 on the western boundary of the Dove Springs Open Area has seeps and springs that are very likely important resources for resident and migratory wildlife. Is omitting Dove Springs Open Area from the statement of intent purposeful? Is the OHMVR Division contemplating expanding open area uses into the D-2 parcel, which would potentially be very

impactful to biological (and perhaps visual and cultural) resources? Concerns for these resources are elaborated elsewhere in these comments. The DEIR needs to be clear on this point, and analyze potential impacts if indeed it is contemplating expansion of the Dove Springs Open Area.

Response to Comment #17-6: The OHMVR Division does not contemplate expanding the Dove Springs Open Area. The area that is currently fenced off from OHV use would remain fenced off. Reference to Dove Springs Open Area has been added to the EIR text for clarity. See text amendments in Errata, Chapter 4 of this document.

Comment #17-7: The DEIR maintains that the scope of the DEIR is limited to the direct and indirect impacts of the acquisition. However, if the Project opens the door to expanding Open Area uses into new sensitive land, then that would constitute the first step in a chain of events that must be analyzed at the earliest opportunity under CEQA.

Response to Comment #17-7: The project does not include, and the OHMVR Division does not propose, any expansion or change in the boundaries of open areas. Changes in recreational use of the project properties could be proposed in a future general plan; however no such changes have been identified and are speculative. See response to Comment #17-8 below.

Comment #17-8: We have serious concerns because the EIR has an unduly narrow project description. While the list of objectives is lofty, i.e. describes ultimate goals such as appropriate management of all resources while providing recreational opportunities, the project is described only as land acquisition. Land acquisition is just the first step, and CEQA specifically requires the lead agency to make reasonable projections.

The EIR makes no attempt to gauge whether the Parks purchase and management of the land will result in any change in the type and intensity of use. They claim it won't, but they also explain that they would be fixing trails, bringing in portable toilets, making the place ADA compatible, provide law enforcement, etc. One would think these provisions would encourage more people to visit.

Response to Comment #17-8: This is a general comment with no references to specific EIR sections. Nonetheless, a response is provided. As the commenter notes, the acquisition is a first step toward likely future land use planning.

As stated in the EIR Sections 2.5.2.1 and 2.7, the OHMVR Division does not propose changing the existing BLM designated trail system or the boundaries of the open areas. OHMVR Division staff presence on the land would add law enforcement personnel, assist with resource protection, and install minor facility improvements (special projects; EIR Section 2.5.2.2). This level of property management activity would not change the type and intensity of land use, either by OHV recreationalists or others. Any increase in visitor use from OHMVR Division property management would be minor. This potential for increase is acknowledged and estimated in the EIR as 1% (EIR Section 2.5.2.1). It is also arguable that increased law enforcement presence could have a chilling effect on a component of visitor attendance intent upon unlawful activity.

As discussed in the EIR, a general plan for the area would be developed in accordance with CDPR requirements for approving park general plans. The process includes: 1) conducting extensive inventories of the resources on the parcels, 2) initiating an extensive stakeholder and public input process, 3) developing alternative scenarios for consideration, 4) selection of a preferred alternative, 5) preparation of a CEQA document that addresses impacts of the project and alternatives, and 6) public hearings on the general plan and the CEQA document.

Assessing a project's environmental effects involves some degree of forecasting. "While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." (CEQA Guidelines section §15144). Although it is conceivable that acquisition is a first step toward expanding OHV recreation opportunities, given the process involved, as described above, the outcome is unforeseen; it is too speculative to predict that expanded motorized recreation would occur. Future changes to the area, if any, are simply not known at this time. Acquisition as described in the project description, without any additional actions or expansion, meets the goals and objectives identified in EIR Section 2.3. The logical next step after acquisition would be preparation of a general plan. The potential land use goals identified by the general plan are highly uncertain, given the variety of strong and possibly conflicting interests in the property (e.g., conservation, grazing, cultural resource values, OHV recreation, and non-motorized recreation). Preparation of a general plan would require partnership and consensus building with numerous federal and local agencies and organizations. Until a general plan is completed, the outcome is uncertain and cannot be predicted in advance. A variety of land use scenarios are possible for consideration. These could involve changing OHV opportunities, cattle grazing areas, conservation areas, or facility developments. The changes could remove uses just as likely as expand uses. For these reasons, it is premature to assess potential impacts of unknown future uses at the time of property acquisition.

An indirect physical change, such as land use changes that may be proposed by a future general plan, is to be considered only if that change is a reasonably foreseeable impact that may be caused by the project. A change that is speculative or unlikely to occur is not reasonably foreseeable (CEQA Guidelines section §15064(d)(3)). Any environmental analysis of conjectured uses would be pure speculation and can be dismissed without further discussion (CEQA Guidelines section §15145).

Comment #17-9: Nothing in the baseline concept excuses a lead agency from considering the potential environmental impacts of increases in the intensity or rate of use that may result from a project. In this case, as already stated, the elimination of the leash requirement in the primary management document not only permitted continued off-leash dog use at existing levels of impact in the areas accessible to dogs, but also left the door open to continuing increases in such off-leash dog use. Yet, the City never indicated in its initial study that it had considered the potential environmental impact of the policy change regarding leashes. To the contrary, it appears the City incorrectly ignored the possibility of increases in visitors with off-leash dogs resulting from adoption of the revised general plan due to its view of the environmental baseline concept. "Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from **920 the project." (Guidelines, § 15064, subd. (e); see §§ 21080, subd. (e)(2); 21082.2, subd. (c).) Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1196-97 [31 Cal.Rptr.3d 901, 919-20]

Response to Comment #17-9: The entire discussion of the comment seems to be for another project and may be a cut and paste error. As a result, no specific response related to the acquisition project EIR can be provided.

Comment #17-10: In this case, the agency should make some reasonable forecast and explain ways in which the acquisition will result in future impacts. The crucial questions are, (1) does the acquisition open the way for future impacts. It may, if the operation would be expanded, use intensified, or otherwise there is a change in the current use, and (2) if meaningful review at this stage is possible. See:

agency action approving or opening the way for a future development can be part of a project and can trigger CEQA even if the action takes place prior to planning or approval of all the specific features of the planned development. In Fullerton, supra, 32 Cal.3d 779, 187 Cal.Rptr. 398, 654 P.2d 168, the Supreme Court held that the State Board of Education's approval of a plan to allow Yorba Linda to secede from the Fullerton High School District was a CEQA project and that CEQA review was not premature. None of the necessary decisions had been made about construction in the new district. Yorba Linda did not contain a high school and one would have to be built; and other actions, such as the alteration of bus routes, would necessarily have to be taken. (Id. at pp. 784, 794–797, 187 Cal.Rptr. 398, 654 P.2d 168.) Therefore, the board's approval was "an essential step leading to an ultimate environmental impact" and constituted a project. (Id. at p. 797, 187 Cal.Rptr. 398, 654 P.2d 168.) CEQA review could not be delayed until a later stage even though "a more specific and useful [environmental] study" might be possible later. (Ibid.)

Friends of Sierra R.R. v. Tuolumne Park and Recreation Dist. (2007) 147 Cal.App.4th 643, 654 [54 Cal.Rptr.3d 500, 507]

We have serious concerns because the EIR should have examined the impact of future expansion of services to allow informed decision-making.

Response to Comment #17-10: See response to Comment #17-8.

Comment #17-11: The DEIR provides an incomplete list of existing projects in the project vicinity. Omitted existing wind projects include, but are not limited to: the Sky River project (342 WTGs on 133 acres in close proximity to the Wind Project Site), the Tehachapi Wind Farm (3,40 WTGs on 6,867 acres) and the 251, Cameron Ridge, Ridgetop, Oak Creek and Victory Wind Garden projects (each smaller repowered projects operated by Terra-Gen distinct from the ALTA wind facility, but which could possibly be considered part of the Tehachapi Wind Farm).

Response to Comment #17-11: The wind energy projects that are referenced are existing developments that occur in the project region as part of the environmental setting. Sky River has been operating since 1991.Tehachapi Pass Wind Farm began development in 1980. The transmission lines were recently expanded to accommodate an increase in wind farms, but no new development on the Wind Farm itself is occurring. The existing 251, Cameron Ridge, Ridgetop, Oak Creek, and Victory Wind Garden projects, all owned by Terra-Gen Power, LLC., have been operating for years (Cal Edison agreements expire in 2014/5 or 2016/7).

Comment #17-12: Table 13-1 provides an incomplete list of reasonably foreseeable projects. Reasonably foreseeable projects include, but are not limited to: the Rising Tree Wind Farm (currently identified on the BLM website as an active project, 234 MW on 2,745 acres of public and private land under development by Horizon).

Response to Comment #17-12: Rising Tree Wind Farm is south of State Route 58 and more than 20 miles south of the acquisition parcels (see EIR Figure 2-2). This area is outside of the biological study area for the project (EIR Section 6.2.3) and would not influence or cumulatively contribute to project impacts.

Comment #17-13: We have serious concerns because Kern County has known about all of the Onyx Ranch projects for years in advance and Kern County did not do a cumulative impact analysis of all of the projects, including avian and other wildlife, migration paths, wildlife corridors, watershed, air-shed, soil, etc., even though Kern County is and continues to be the lead agency. (See the below quotes and articles) . . .

On September 15, 2009, according to the Los Angeles Times and the, then Acting Director of Kern County Planning, "The Swiller-CIM partnership closed escrow on Onyx Ranch in October 2008 and within days sold the portion to Vernon. But it held on to something that one official described as highly valuable: the ability to pump water out of the Onyx Ranch ground and sell it." Lorelei Oviatt, division chief of the Kern County Planning Department, said those rights are "a priceless commodity right now." http://www.latimes.com/news/local/la-me-wind15-2009sep15,0,839175.story?track=rss . . .

We have serious concerns because, while it may be outside the scope of the OHMVR Division to control more than managing the OHV activities on the segments of the Onyx Ranch that are proposed for acquisition, there are other sections of the Onyx Ranch that are in the process of implementing actions that will impact the environment and the OHMVR Division must address all of these impacts from all of the Onyx Ranch sections given that there is no other agency who is addressing the cumulative impacts of all of the sections of the Onyx Ranch.

The whole project is being piecemealed, sliced into smaller pieces, or subdivided into small portions or bits that when analyzed for their separate impacts to the environment will fail to show the entire picture of the impacts of the whole, un-fragmented project from all of the Onyx Ranch properties that had previously been exclusively used for agricultural ranching and farming – "the current prevailing economic uses of the land" - but is now being segmented into smaller project areas to obfuscate the total of the environmental impacts by disclosing only portions or segments of the entire project overall plan.

"Segmentation" occurs when the project description does not encompass the entire project. The danger of segmentation is that it chops projects into smaller bits, which standing alone, may not present the full range and intensity of adverse impacts resulting from the entire project.

In Laurel Heights I, the court set forth the standards for determining whether reasonably foreseeable future activities must be included in an EIR project description and for determining whether the impacts of those activities must be analyzed in the EIR:

"We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."

EIR project descriptions have often been rejected as inadequate because the court perceived that the EIR attempted to narrow the scope of environmental review by narrowing the project description. Kostka, Practice Under the California Environmental Quality Act, CEB Section 12.18, p. 475, citing Santiago County Water District v. County of Orange (1981) 118 CA3d 818. The effect of piecemeal environmental review was stated clearly in Santiago County Water Dist. v. County of Orange at 828-830. The court observed that omission of a key part of the project resulted in important ramifications of the project remaining hidden from view as the project was being discussed and approved, frustrating one of the core goals of CEQA. Id at 830.

We request that the OHMVR Division consider the cumulative impacts of past, current, and future actions an all sections of the Onyx Ranch property acquired by ReNu, since Kern County has not accepted that it is the lead agency on actions on these parcels and since cumulatively these actions could impact the environment in a significant way.

Response to Comment #17-13: The OHMVR Division is not lead agency for the other projects on former Onyx Ranch or ReNu properties. The comment does not identify projects that should have been addressed in the project's cumulative impact analysis. The impacts of any diversions of South Fork Kern River water are not considered relevant to the project's cumulative impact

analysis. The project would not cause effects that would extend to the Kern River, and the comment does not describe how the acquisition project could contribute to any adverse effects that may have been or may be caused by water diversion into Kelso Valley. The OHMVR Division is not proposing to receive any of the diverted water or otherwise use the water for the project area.

Comment #17-14: At 3-7 the DEIR alludes to Figure 2-2 in discussing the changes proposed by the Sequoia National Forest in the yet-to-be-approved Piute Mountains Travel Management project. Does Figure 2-2 actually show those proposed changes, which include some 125 miles of new roads and trails? If not, that information should be provided so the reviewer can understand the import of this cumulative project.

At 3-2, the DEIR explains that the West Mojave HCP has been abandoned in favor the Desert Renewable Energy Plan (DRECP). Then at 3-12 it asserts that the Project could potentially receive take coverage (presumably for desert tortoise) under the DRECP. To date DRECP has only contemplated coverage for renewable energy development, so how would this work? Please explain how take coverage for the Project under DRECP is expected to occur.

At 3-3 the ACEC management plan is alluded to. The DEIR should provide it.

At 3-12, the DEIR lists the criteria used to evaluate unauthorized OHV use in closed areas. Conspicuous by their absence were certain potentially impacted resource values, including visual, wilderness (and not merely whether deep penetration into wilderness is occurring), wildlife and paleontological resources.

Response to Comment #17-14: Figure 2-2 only shows USFS Sequoia National Forest (SNF) existing designated roads open to all. It does not show other roads and trails proposed under the Piute Mountains Travel Management Project. Since the proposed action of adding 125 miles of roads and trails to the SNF has not yet gone through the NEPA process, it is speculative to add such routes to the map that depicts "designated" routes. Furthermore, the routes currently proposed by the SNF are disconnected from the BLM's OHV use area and thus would not affect existing OHV uses in the project area (all of which are mostly east of Butterbredt Canyon Road.

The DRECP is described in EIR Section 3.1.1.5. Its purpose is to facilitate permitting of renewable energy projects while achieving federal and state conservation goals. CDPR is participating in the planning process as a land owner in the DRECP boundary area. The DRECP is still in development and could be drafted to include coverage for non-energy related projects such as OHV recreation. However, this potential is uncertain. Likewise, the need for future take coverage is undetermined given that a general plan for the property has yet to be prepared.

The Jawbone-Butterbredt ACEC management plan is referenced in EIR Section 3.1.1.3 and is part of the record for the EIR. It is not incorporated into the EIR but would be considered during future planning for the acquired lands.

Visual, wildlife, and paleontological values were not specifically called out but are included in the natural and cultural resources significance thresholds referenced in EIR Section 3.3.1. While any vehicular access of a wilderness area, closed area, or private property is unlawful, deep penetration of OHV use into one of these areas is potentially more impactful due to a longer exposure of the wilderness environment to vehicle disturbance and greater potential for damage to resource values.

Comment #17-15: The physical setting of the proposed land acquisition is a biologically-rich transition zone between the Western Mojave Desert, the Southern Sierra Range, and the San Joaquin Valley. Elevations range between 2,150' and 7,500'. Both native species of wildlife and

vegetation have adapted to harsh climatic conditions, but are vulnerable to repeated human impacts. There is a history of disturbance in this area: livestock grazing, fire, development, and both legal and illegal OHV use. We have serious concerns for all native species of the project area, including the special-status species.

SPECIAL-STATUS SPECIES: In Table S-1 (page s-4), the Summary for Biological Resources states that "site improvements and resource protection measures implemented by the OHMVR Division could be located where special-status species or sensitive habitat areas are known to occur resulting in harm to species individuals or trampling of habitat."

We generally support the proposed Management Measures which include pre-activity surveys prior to commencing disturbance activities. However, special-status species, such as the Desert tortoise or the Mohave ground squirrel, are known to occur throughout the proposed land acquisition parcels. Will the surveys include all potential land acquisition parcels or only some of them? In spite of any proposed mitigation measures proposed, the potential for take of individual species of Desert tortoise remains significant. We believe that all surveys conducted for special-status species, such as the Desert tortoise and the Mohave ground squirrel, must conclude with a decision to immediately close off those critical areas where special-status species were located as well as sensitive habitat associated with these species.

Response to Comment #17-15: During the initial stages of property management, the OHMVR Division would develop a strategy for surveying the acquired lands for special-status species. The strategy would look at existing information on known or suspected populations of special-status species, as well as the existing risk of these areas from OHV and other existing uses on the property. Resources on all acquisition parcels would be inventoried. Locations with high risk of species impact would be surveyed first. The OHMVR Division would implement protection measures as needed to protect special-status species and sensitive habitat. Protection measures for listed species, such as the desert tortoise, would be developed in consultation with the USFWS and CDFW. Together these agencies would determine the necessity of closing off areas and any permitting requirements for listed species.

Comment #17-16: . . . We have serious concerns regarding noise from OHVs disturbing species that have and continue to be foraging, resting, and nesting in quiet areas. Noise and activity are known to inhibit foraging and nesting of Pacific fisher. Pacific fisher studies have concluded that mortality is in part due to vehicular collisions. In order to protect the Pacific fisher, OHV activity and livestock grazing should be excluded from portions of the project area that are in the suitable habitat on the western edge of the acquisition area.

Response to Comment #17-16: The EIR text referenced in the comment describes impacts from existing uses, which are part of environmental baseline conditions (EIR Section 6.2.9.4). "…ongoing lawful OHV and other recreation, cattle grazing, and other activities currently taking place on the parcels, including OHV travel outside of designated areas, are presented in the environmental setting of the EIR chapters as existing baseline conditions for the project analysis. Within the impact sections, the EIR assesses how OHMVR Division ownership and management would change the baseline conditions" (EIR, Section 2.7). The acquisition itself would not lead to any legal OHV use in new areas such as the western edge of the acquisition area. Illegal uses on the acquisition parcels, such as OHV use off designated trails, would be monitored and curtailed by law enforcement efforts. Where Pacific fisher is being impacted by noise and activity from unlawful OHV use, the implementation of project Management Measures would have a beneficial effect.

As discussed in response to Comment #17-15 above, after acquisition, a special-status species survey strategy would be created to determine survey priorities. Grazing activities would be

monitored to make sure sensitive resources are not impacted by congregating cattle. Initially, habitat values and their management would be established by a WHPP. Ultimately, any significant changes in land use from current activities or use intensities would be determined by the general plan.

Comment #17-17: We have serious concerns regarding the failure to implement a long-term monitoring program critical for resource protection before opening the area to any further disturbance or damage. Also, known disturbances are not qualified or quantified in the DEIR; they are lumped together. . . .

We have serious concern regarding monitoring and managing wildlife and plant populations and restoring habitats and we are in favor of strict compliance with this requirement to protect biological resources. We have serious concerns because some (bulb and seed) botanical species may be dormant for years due to lack of water or other climate reasons and once these species have the proper conditions to show a visible display they may only be evident for a brief period of time in their limited habitat. Therefore, pre-activity surveys would require multiple-years of extensive monitoring over the entire area before disturbance is authorized to ensure that resources are known and identified prior to disturbance.

Response to Comment #17-17: The OHMVR Division does not propose opening up the area to further disturbance or damage from new or expanded OHV use. Only existing authorized and legal uses would be allowed once the OHVMR Division takes ownership of the parcels. In addition, the OHMVR Division would work with Friends of Jawbone and BLM to restore disturbed areas that are not part of an authorized trail system or contained in an open area. Also refer to response to Comment #17-8 regarding preparation of a general plan.

It is true that many desert annual plant species can lie dormant in the soil during unseasonably dry years. The OHMVR Division is not proposing to disturb any new areas, except for small areas for toilets or shade ramadas, which would be sited away from known habitat of special-status species. As a result, the issue of species monitoring is not applicable at this time. If and when larger areas of disturbance are proposed under an approved general plan, OHV biologists would consult with applicable wildlife agencies as to the proper methodology for conducting pre-disturbance surveys.

Comment #17-18: At 6-34 the DEIR asserts that Golden Eagle are an "uncommon year-round resident" in the study area, based on a 2000 publication. However, this species was observed daily during field surveys for the adjacent North Sky River wind project. Moreover the DEIR Appendix F, the Bio Assessment, concentrated primarily on vegetation and somewhat tortoise, and did not focus on raptors. It did note, however, that golden eagles were observed onsite during tortoise surveys. In fact, this species commonly occurs throughout most of the project area.

The DEIR at 6-52 acknowledges that OHV noise can "lower abundance of some species adjacent to trails used by OHV." Yet other than the below there is no analysis of Project impacts to avian migration. Without any supporting data the DEIR summarily dismisses the acquisition's potential effects to migrating special-status birds, saying they are: "less impacted by ongoing OHV use and other impacts because they are in the area for a short time … do not nest in the area, and/or are in the area during the time of year when there is less OHV and other recreational activity (wintering species). While these species may still be subjected to some of the impacts of ongoing OHV use, such as vehicle collision or habitat damage, such impacts are generally considered less than significant for the reasons discussed above."

The above conclusion is unsupported, because there are no data on existing impacts to migration. Nor are there clear proscriptions in the Project description against developing additional OHV trails and/or expanding the Dove Springs Open Area near springs and seeps that may be important nesting and migratory habitat. Such development would cause significant adverse impacts to resident species and migrants of all kinds protected by the Migratory Bird Treaty Act. The DEIR BIO mitigation measures and assertions regarding future preparation of a Wildlife Habitat Protection Plan for aquatic and other resources do not suffice as adequate mitigation for this potential impact under CEQA unless there are unambiguous sideboards in the project description to prohibit new OHV development in areas potentially impacting avian migration.

One of the reasons avian migration is so relevant and must be analyzed is that wind farm development in the Project vicinity has a high likelihood to be substantially adversely and illegally taking migratory species. For instance, the immediately adjacent North Sky River wind project has several turbines in an EIR- acknowledged "funnel" for migratory birds descending to stopovers on the Pacific Flyway, such as Butterbredt Spring. And Butterbredt Spring is also potentially affected by increased visitation, open area uses, new events and new trails made possible by the Project.

Response to Comment #17-18: The reference to golden eagle presence in the project area is from Heindel (2000). Heindel defines uncommon as follows "small numbers detected but generally not expected to be encountered daily." Heindel also states that there is a slight increase in presence in the fall. Results of the 2012 bird survey conducted by TRA also found the golden eagle to be uncommon in the project area (EIR Volume 3, Technical Appendix G).

The referenced discussion on Draft EIR p. 6-52 (EIR Section 6.2.9.4) describes the effects of existing OHV use on migrating special-status birds as baseline conditions. The discussion explains why each of the special-status migrants has a less than significant chance of being impacted by existing OHV use in the area. The project effect on special-status species is assessed in EIR Section 6.3.3. Since no expansion of land use activity is proposed, the project related increase in OHV use of the property is likely to be negligible (1%), and OHMVR Division ownership would bring increased law enforcement efforts in the area, the project would lead to greater protections for special-status species. Therefore, the effect of the project on special-status migrants is considered to be less than significant.

The value of protecting avian resources is acknowledged. No new OHV development is proposed by the acquisition project and no impacts to avian resources would occur from the acquisition project. California PRC Section 5002.2 (c) requires CDPR to prepare a general plan prior to the development of new facilities that may result in the permanent commitment of a resource (EIR Section 2.5.2.1). The general plan would identify what areas could be developed for new or expanded recreational opportunity. A CEQA analysis would be prepared at the time a general plan is proposed. Please see responses to Comments #17-6, #17-7, #17-8, and #17-17 regarding uses of the parcels and management after acquisition; #17-4 regarding development of a survey strategy, and #17-8 regarding development of a general plan that would identify future uses of the parcels.

Comment #17-19: . . . We have serious concerns because large quiet buffer areas around bird migration oases must be maintained to ensure that migrating birds that have to fly from Mexico, across the desert, and into the Sierra Nevada have resting spots for as many as 5,000 birds per day transiting on their migration path through the project area.

Response to Comment #17-19: Upon acquisition of the parcels by the OHMVR Division, Butterbredt Spring would become part of the public land being managed by the OHMVR Division. Due to the sensitive resources that occur at the spring and its importance as a migratory

bird stopover, it would the subject of focus during WHPP preparation. As stated in responses to Comments #17-6, #17-7, #17-8, #17-17, and #17-18, the acquisition project does not propose or permit additional OHV uses to be developed. See also response to Comment #13-3 regarding Butterbredt Spring.

Comment #17-20: The DEIR does not address impacts to local bat populations. A projected 1% increase in visitor use from this possible land acquisition has the potential to adversely impact bats. Negative impacts from nearby wind turbine facilities have already been lethal to bats, as well as migrating passerine bird species. Migration corridors located along the canyons and ridgelines trending SE to NW are historically important routes for birds and bats. What are the expected impacts from acquisition (and subsequent increased visitor use) to local bat populations? Is there baseline documentation available to both identify and mitigate impacts to bats?

Response to Comment #17-20: The EIR discusses special-status bats that have the potential to be found within the acquisition area and impacts that may occur from disturbance (EIR Section 6.2.9.3 and 6.2.9.4). Surveys performed for nearby wind farm projects identified several species likely to be observed in the area (EIR Section 6.2.9.3).

Several species may use rock crevices found in the area and there is one mine shaft that has been identified on the acquisition property parcel B-10 (APN 153-170-01) that, depending on its structure, could provide a potential roost site for certain bat species. The projected 1% increase in visitor use would not significantly impact local bat populations as the mine shaft would be fenced off from visitors when the OHMVR Division takes ownership of the property. Additionally, when the OHMVR Division takes ownership of the property, staff environmental scientists would initiate resource surveys including one to identify bat roosts as part of its inventory work. Any roosts found would be protected from public encroachment, and bat habitation would be addressed should the shaft require closure.

Comment #17-21: At 4-3 the DEIR refers to "highly crucial desert tortoise habitat." Does it mean designated critical habitat?

The DEIR indicates that grazing will continue for the term of the BLM and USFS permits or longer. Since grazing is generally against state park policy (4-6ff), is it doing so because the acquisition is conditioned on allowing grazing to continue till the expiration of the permits? Or has the OHMVR Division elected to allow this to continue for the term for some other reason?

Response to Comment #17-21: The term used by the CDCA Plan "highly crucial desert tortoise habitat" does not refer to USFWS officially designated critical habitat. The acquisition is not conditioned on allowing grazing. The OHMVR Division's decision to continue to allow grazing on the acquired parcels as a managed use until a general plan can be prepared is primarily based on recognition that: 1) the grazing contractor has invested considerable funds on grazing infrastructure throughout the area in expectation of using the property through the full term of the BLM grazing permit that expires in 2018, 2) grazing is an allowable use on the adjacent BLM parcels and use of project parcels is needed to access the BLM lands for grazing, and 3) keeping cattle off the acquired parcels would require the placement of extensive fencing throughout the area, be prohibitively expensive, could impede wildlife movement, and could affect current recreational uses in the area. Additional considerations included that some cattle grazing may be beneficial to biological resources as a vegetation management tool and grazing in this area is a culturally significant historical land use.

Comment #17-22: We have serious concerns because there is a need to closely monitor the impacts or and to consider alternatives to continuing grazing at its current levels, including

resting some of the grazing allotments that are causing impacts to the natural resources that would be managed by the OHMVR Division. . . .

We have serious concerns with the DEIR because this information cited in the DEIR is incorrect. For livestock grazing allotments in desert tortoise habitat and in the Mohave ground squirrel conservation area, turnout under the 2006 West Mojave Plan is 230 lbs./acre not 200 lbs./acre. The curious reference made to Desert Crucial habitat indicates that the DEIR is basing its analysis on old, stale BLM information. The term crucial habitat was used by the BLM prior to the listing of the desert tortoise in 1989 and the designation of critical habitat in 1994.

Response to Comment #17-22: The EIR reference to the 200 lbs/acre production rate occurs in EIR Section 4.1.1.3, which discusses the CDCA Plan Livestock Grazing Element adopted in 1980. The CDCA Plan was amended by the West Mojave Plan in 2006. As noted, the production rate under the West Mojave Plan is 230 lbs/acre. The BLM grazing permit for the Rudnick Common Allotment, issued in 2009, uses the 230 lbs/acre production rate consistent with the West Mojave Plan. See grazing permit in EIR Appendix C (p. C-2).

> *Ephemeral forage allocations shall be based on annual forage production greater than 230 pounds (air-dry matter) per acre. When ephemeral production drops below 230 pounds per acre all ephemeral authorizations will terminate. Ephemeral grazing on the allotment shall not extend beyond June 15th of each year.*

Likewise, references to highly crucial tortoise habitat in the CDCA Plan, Livestock Grazing Element are superseded by West Mojave Plan. The EIR presents current regulations regarding desert tortoise in the Biological Resources chapter (EIR Section 6.1).

Comment #17-23: We have serious concerns regarding this grazing agreement between the licensee (Hafenfeld) and the landowner (ReNu) because we are unable to review the agreement (Personal communication with Dan Canfield Mon 3/25/2013 3:48 PM) even though the agreement is in part the basis for the OHMVR Division claim that grazing would be permitted to continue on this state park land.

Response to Comment #17-23: . . . The agreement between ReNu and Hafenfeld (EIR reference ReNu Resources, LLC and Hafenfeld Ranch, LLC 2009) establishes that Hafenfeld Ranch, LLC. may use ReNu property for cattle grazing purposes. The agreement would not apply to lands purchased by the OHMVR Division as the OHMVR Division is not a party to the agreement. This lease is an agreement between private parties and is not a public document. The rationale for the decision by the OHMVR Division to include continuation of existing cattle grazing as part of the project is discussed in response to Comment #17-21.

Comment #17-24: DEIR page 6-10 says, "6.2.4 Rudnick Common Allotment (RCA) The acquisition parcels are located within the RCA managed by BLM (see Chapter 4.0 for discussion of BLM grazing management). The BLM has standards and guidelines, approved by the Secretary of the Interior in July 2000, that were prepared in consultation and coordination with three of BLM-California's four Resource Advisory Councils. To assure standards are being met, the BLM Ridgecrest Field Office has three levels of monitoring on grazing allotments (Email comm., Samuel Fitton, 9/12/2012)."

"Utilization studies are performed usually twice during a grazing season." "Vegetation trend studies are performed every 10 years in the spring and summer." "Separately, rangeland health studies are performed every ten years." "The most recent rangeland health study was performed in 2004. The RCA did not meet standards primarily around riparian areas at the time, and cattle were considered a factor. The BLM prescribed a variety of best management practices to be implemented to reduce grazing pressure on riparian areas (BLM 2004)."

However, contrary to the above statement, the BLM has not adopted specific standards and guidelines for grazing in the California Desert Conservation Area. Standards and guidelines were proposed as part of the 2006 West Mojave Plan but these have not been signed off by the Department of Interior and the more general fallback standards remain in effect. Furthermore, there is no statutory requirement for the BLM to perform rangeland health assessments every 10 years and rarely does so.

Response to Comment #17-24: It is true that BLM has not adopted specific standards and guidelines for grazing in the California Desert Conservation District; however, nationwide standards and guidelines from July 2006 are in effect and cover the Ridgecrest Field Office area of responsibility (43 CFR Part 4100 July 2006).

The BLM conducted a health determination for the Rudnick Common Allotment (RCA) rangeland in 2004 (EIR Sections 4.2.2 and 6.2.4). For example, the rangeland study resulted in specific measures to protect riparian areas being incorporated into the terms of the BLM grazing permit issued for the RCA (EIR Section 4.2.2). The BLM grazing permit for the RCA states, "To achieve rangeland health standards and properly functioning condition of riparian areas, the following measures shall be implemented. Grazing shall be suspended during critical spring season of growth (3/1 – 5/31) where cattle have access to riparian habitat that does not meet proper functioning condition" (EIR Appendix C, p. C-4).

The frequency in which a federal agency performs rangeland studies on its own land has little relevancy to OHMVR Division management of the state acquisition parcels. Under the proposed Monitoring Rangeland and Livestock Operations Management Measure (EIR Section 4.3.2), the OHMVR Division would annually monitor forage conditions on parcels used for grazing and livestock operations and would conduct its own rangeland health assessments using the BLM protocols for the RCA.

Comment #17-25: . . . We have serious concerns regarding this grazing management policy because if this policy applies to the entire acreage the OHMVR Division intends to acquire, continued damage to the resources may not be prevented. The OHMVR Division will not be able to withdraw permits or rest the allotment to allow the state land to recover, if monitoring uncovers impacts to state land. The OHMVR Division may be able to "work with the BLM" about impacts to state land from over-grazing, but if there are no impacts to BLM managed federal land due to the over-grazing, the likelihood of any modification of the permit is slim, especially since cattle are free to move from BLM onto other unfenced parcels, including state land.

Response to Comment #17-25: The potential for resource damage from cattle grazing is an effect of existing property uses and is part of the project environmental baseline; it is not a project effect. The proposed Grazing Management measure (EIR Section 6.3.2) does not grant a right to graze cattle and the OHMVR Division does not propose issuing a permit to graze; there are no state issued grazing permits for the OHMVR Division to withdraw. The grazing permit held by the current grazing operator was issued by BLM for use of BLM managed property (RCA); the OHMVR Division has no authority over the BLM grazing permit issued for the RCA.

The OHMVR Division proposes monitoring rangeland conditions and would turn cattle out of grazing pasture if needed to protect the forage or sensitive resources. Modification of the BLM permit conditions is not needed for the OHMVR Division to address grazing effects on the acquired property. BLM cooperation would be needed given the ability of cattle to roam between unfenced properties of BLM and (potentially) OHMVR Division ownership. A MOU between

agencies as identified in Comment Letter #1 and the response to Comment #1-1 would address this cooperation.

Comment #17-26: . . . We have serious concerns regarding enabling continued livestock grazing in the allotments managed by the OHMVR Division when evidence of resource damage is discovered, because there must be evidence that there is no resource damage and that the best management practices have enabled grazing this RCA to meet the standards, otherwise the allotment should be rested so the RCA can naturally recover. Language to this effect should be included in the FEIR and subsequent management plan.

Response to Comment #17-26: See also response to Comment #17-25 regarding the OHMVR Division's ability to manage grazing and protect resources.

Comment #17-27: . . . We have serious concerns: exactly what ripping and maintenance equipment would be used on the land managed by the OHMVR Division? Sequoia National Forest used equipment to "maintain" a trail and the equipment and the equipment created a 5-foot wide trail that created in some places four foot high cuts in the hill side that caused more erosion and sediment flows than they resolved.

Response to Comment #17-27: Restoration of non-designated trails typically involves decompaction (mechanically ripped soil surface), disguise (covering ripped soil with scattered natural materials to hide evidence of use), and barriers (such as boulders or fencing) to prevent future use. Restoration work may also include bringing the affected site back to its natural grade by either pulling in material from the outside berms or adding native fill dirt to restore soil lost through erosion. Restoration work would be limited to the width of the existing non-designated trails and extend in length from its branch off the designated trail route to as far as the non-designated trail is visible (line of sight) from the designated route. Equipment used to rip soil is a small SWECO tractor or BOBCAT tractor fitted with tines. These methods are already in use by the BLM in restoration work funded through the OHV Grants Program (EIR Section 2.4.3). All trail maintenance activity including any trail reroute work would be subject to Best Management Practices, which include minimizing impacts to soil, biological and cultural resources, and water quality.

Comment #17-28: We have serious concerns regarding trail rerouting, the width of the proposed re-routed trail, use of bladed trail dozers and other equipment to carve into the slope to create the re-routed trail, routing the trail through drainage areas, sedimentation into the OHMVR Division managed lands, the potential for removing trees and other vegetation in the trail's path, and the potential to adversely affect various species, including sensitive species.

Before new ground is broken for a trail reroute, which would permanently scar the contour, result in new potential for erosion, and potentially adversely affect rare plants, the agency must provide an adequate explanation for why it is preferable to cut the new trail over improving the trail at its existing location. Without this explanation, the rerouting decision is arbitrary.

Response to Comment #17-28: The primary purpose of a proposed reroute would be to protect a sensitive resource or to avoid particularly unstable soils or erosion prone soils. Reroutes are often used because a trail is not sustainable due to incorrect placement, soil types, or trail gradient. All reroutes would emphasize techniques to ensure that trails are sustainable with minimal maintenance. Any significant trail reroutes would be subject to environmental review. OHMVR Division staff would first prepare a Project Evaluation Form (PEF), which describes the project and discusses issues of concern (biological, cultural, soils, geology, and water quality). The OHMVR Division consults with in-house specialists with expertise in the particular resource of concern (biologist, archaeologist, hydrologist, and geologist) as well as the

maintenance supervisor and park superintendent. Based on the information contained in the PEF and staff input, the OHMVR Division determines the level of environmental review required for CEQA compliance. No new trails or development on the acquired property can occur without first preparing a general plan pursuant to PRC 5002.2 (EIR Section 1.1 and 2.5.2.1). See also response to Comment #17-18.

Comment #17-29: We have serious concerns regarding increased erosion and sedimentation from breaking new ground. We have experienced and documented the damage caused by the US Forest Service's rerouting of the Freeman Creek trail on Sequoia National Forest using bulldozers with five-foot wide blades when the public was told the project would be a simple trail maintenance project. We have serious concerns that such equipment would be used again to create a trail up to six feet wide with up to four-foot high contour cuts into the hillsides, so OHVs can ride on a relatively flat trail. Bulldozing the trail will forever alter sediment flows and change the hydrologic function of the soil in the area of the trail. Many trees, especially oaks, were cut by the crew that cut the trail through the Freeman Creek grove. Here, however, there is no disclosure of whether the rerouting proposals for the Eastern Kern County Property Acquisition trails entail cutting live trees. This must be disclosed and the effects must be analyzed.

The following photographs show the equipment used by the US Forest Service to maintain a trail and the damage caused in the Freeman Creek Trail Maintenance Project in June and July of 2006. We would like the agency to avoid this type of unnecessary damage in this Eastern Kern County Property Acquisition area.

Response to Comment #17-29: Until the existing designated trail network is surveyed, the need for trail reroutes is unknown; no trail reroutes are known or proposed at this time. Any trail reroute proposed after property acquisition would be subject to subsequent environmental review and compliance with CEQA requirements (EIR Section 2.5.2.1). See also responses to Comments #12-2 and #17-28. Photos and trail construction in the Sequoia National Forest are not applicable to the Eastern Kern County Acquisition Project and this EIR.

Comment #17-30: We have serious concerns regarding the failure to consider a 1% greater disturbance harmful to resources. . . .

We have serious concerns regarding the claim that increasing impacts by 1% in addition to the existing uses impacts could have a beneficial effect on aquatic species. We suggest that impacts assessments of existing uses should be used to reduce grazing use areas and grazing damage. New OHV use must be accompanied by strict monitoring and enforcement regulations that prevent additional resource damage and curtail OHV use in areas where resource damage continues to occur.

We recommend that signage that specifies which users may use each trail must be placed at the beginning and intersections of each trail with other trails. Clear signage must indicate which user types can use the trail, so law enforcement officers are assured that a violator had made an informed decision when the violation occurred.

In addition to signage, at the beginning and intersections of each trail with other trails, that identifies which users can use each trail, we suggest several alternatives to study as a means of enforcement of the regulations to reduce resource damage and detect, identify, apprehend, and or cite violators of the regulations.

Response to Comment #17-30: For clarity, the EIR (p. S-5) does not state that "increasing impacts by 1% in addition to the existing uses impacts could have a beneficial effect on aquatic species." The EIR states that a 1% increase in visitor use near aquatic resources could result in degraded conditions. Increased visitor use would not cause a beneficial effect. The acquisition

project includes a number of resource protection Management Measures, which would have a beneficial effect on aquatic resources (e.g., inventorying and monitoring aquatic resources, monitoring and reducing the effects of grazing on riparian areas, implementing erosion control measures on trails to reduce sedimentation of drainages, close and restore illegal trails, increase law enforcement to reduce access to closed areas, etc). These measures have a cumulative beneficial effect that outweighs the potential effects of increasing existing visitor use of the area by 1%.

Impacts of existing uses are not project effects. Nonetheless, conditions caused by existing uses would be reflected in the inventory work conducted by the OHMVR Division. Grazing damage would be addressed as part of the proposed WHPP and Grazing Management Measures.

New OHV use is not proposed as part of the project; no expansion of OHV opportunity (whether riding area or existing designated trail network) is proposed. Any new OHV use associated with the project would be an indirect increase in visitor use identified in the EIR as 1% (EIR Section 2.5.2.1). Monitoring and law enforcement are proposed as Management Measures (see EIR Table 2-1).

The existing designated trails system in the OHV area managed by the BLM are mostly 4 wheel drive routes (Figure 2-2). These routes can be used by most types of off-road vehicles (4x4s, ATVs, dirt bikes). There are two designated single track routes that are for ATVs and dirt bikes only in the OHV area. Both BLM and Friends of Jawbone maintain signs along the designated routes to direct OHV use. Where there are illegal trails, fences and signs are erected to prevent OHV use on these trails (EIR, Sections 2.4.1 and 2.4.3).

The suggestion to consider alternative methods for regulation enforcement is a good one. Once the OHMVR Division takes ownership of the parcels, staff would meet with BLM and Friends of Jawbone to discuss the current methods used and any additional methods to prevent unlawful activities from taking place in the project area.

Comment #17-31: We have serious concerns regarding with the soil conservation plan in the DEIR. . . .

We have serious concerns regarding the soil conservation plan in the DEIR, because monitoring should be continuous to be responsive in a way that can effectively control soil conservation.

Response to Comment #17-31: Please see responses to Comments #12-2 and #12-3

Comment #17-32: In Section 5.4, the DEIR states, “Since the proposed project would not individually exceed any EKAPCD CEQA significance thresholds, the proposed project would result in less than significant cumulative air quality impacts.” The DEIR argues that since the project-specific impact is individually minor, its cumulative impact is therefore insignificant. This contradicts the very meaning of cumulative impacts. The State CEQA Guidelines state,

> “15355(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

Clearly, insignificance on the project-specific level does not necessarily imply cumulative insignificance. Furthermore, the DEIR states, “The EKAPCD considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant.” The implication here, that project-specific significance implies cumulative significance, is not equivalent to the implication assumed, that

project-specific insignificance implies cumulative insignificance. The DEIR should reconsider its methodology and present substantial evidence for its conclusions of insignificance regarding cumulative air quality impacts.

Response to Comment #17-32: EIR Section 5.4 concludes the project would not result in significant cumulative air quality impacts based on significance criteria set forth by the Eastern Kern County Air Pollution Control District (EKCAPCD) CEQA Guidelines and requirements of CEQA Guidelines section §15130. This response clarifies the analysis and conclusion regarding the project's potential cumulative air quality impacts.

EKCAPCD CEQA Guidelines provides the following guidance in assessing a project's contribution to cumulative impacts:

> D. Cumulative Impact Evaluation
>
> 1. Significance Criteria: Unless otherwise specified in published/adopted thresholds of significance and guidelines, *a project's potential contribution to cumulative impacts shall be assessed utilizing the same significance criteria as those for project specific impacts.* [emphasis added]

Based on this criterion, the project's contribution to cumulative impacts is less than significant because project emissions do not individually exceed the significance criteria as assessed in EIR Section 5.3.

The approach used by EKCAPCD for cumulative impacts is the same approached used by other air quality agencies such as the Bay Area Air Quality Management District.

It is acknowledged that the approach used by the EKCAPCD in determining the significance of cumulative impacts is different than first determining whether the combined effect of the project plus other projects is significant and then, where the total (cumulative) impact is significant, determining whether the project's contribution is considerable. If it is not considerable, then the project's cumulative impact is less than significant. The existence of significant cumulative impacts by other projects alone does not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable (CEQA Guidelines §15064(h)(4); EIR Section 13.4). While the size of a project's contribution cannot be dismissed as too small ("de minimus") and therefore less than cumulatively considerable, "[t]his does not mean, that any additional effect…necessarily creates a significant cumulative impact; the 'one [additional] molecule rule' is not the law." *Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98.*

Further, if a project is found to be in compliance with a previously approved plan or a mitigation program that includes specific requirements to avoid or substantially lessen the cumulative impact, the project's effects are mitigated to less-than-considerable; the project's cumulative impact is deemed less than significant. EKAPCD uses compliance with adopted federal and state Air Quality Attainment Plans as a significance criterion. Therefore cumulative effects on the air basin are built into the significance criteria used to evaluate individual projects. The EIR concludes, "The proposed project would comply with applicable rules and would not conflict with or obstruct implementation of the attainment plan."

Though individually limited and insignificant, project emissions, could combine with the emissions from other renewable energy (solar and wind), transmission projects, and restoration and planning projects listed in Table 13-1 of the EIR. A review of publicly available environmental documents and information on these projects indicates these other projects could generate both individually and cumulatively significant temporary air quality impacts from

construction activities in 2013 and 2014; the long-term operational air quality impacts of these projects would be less than significant. The combination of project emissions with these potentially temporary significant emissions from other projects is not considered significant based on the EKCAPCD criteria cited above that the project's individual impact is less than significant and therefore its contribution to cumulative impacts is less than significant.

The proposed project does not involve locally significant construction or other temporary fugitive dust impacts that would combine with construction dust emissions from other projects. Table 5-4 in the EIR identifies the proposed project could result in up to 5.6 pounds per day of oxides of nitrogen (NOx) and 4 pounds per day of reactive organic gases (ROG). These emissions could combine with emissions from the construction and operation of Table 13-1 projects. When evaluating whether a project's potential contribution to cumulative impacts is significant, EKAPCD's CEQA Guidelines Article VII – Preparation of Environmental Impact Reports, Part D, Cumulative Impact Evaluation, recommend a lead agency/EIR preparer develop a specific cumulative project list (EKCAPCD CEQA Guidelines Part D, Section 2) and consider a project's contribution to cumulative impacts by utilizing the same significance criteria as those for project specific impacts (i.e., 137 pounds per day) as well as consistency with existing programs and plans (EKAPCD CEQA Guidelines Part D, Sections 1 and 2).

The project's emission of regional ozone precursor pollutants could combine with NOx and ROG emissions generated from the construction and operation the projects listed in Table 13-1, however, they would not individually exceed EKCAPCD CEQA significance thresholds of 137 lbs day of NOx and ROG, would not cause or contribute to a regional exceedance or violation of an ambient air quality standard, and would not compound or substantially increase the severity of cumulative pollutant emissions. Based on this conclusion and in accordance with EKCAPCD CEQA Guidelines, the combined air quality impact from the project and cumulative projects is less than significant. Thus, the project's contribution to cumulative air quality impacts is less than significant and no further analysis is warranted.

Comment #17-33: The expected 1% increase in visitor use as a result of the proposed land acquisition will impact the natural resources of nearby/adjacent Red Rock Canyon State Park. This approximately 27,000 acre [park] is already suffering from lack of law enforcement and monitoring of illegal activity. A 2007 report was written by State Archeologist Michael Sampson on the effects of OHVs on archeological sites and selected natural resources in Red Rock Canyon State Park. The report found that "OHV use degraded, to varying degrees, all the archeological sites studied, and off-trail riding, an unpermitted activity, was a problem in a third of the sites studied." This report made several recommendations to minimize state park resource impacts, including a monitoring program for resources in the park.

Have these recommendations been implemented? What effect would increased visitor use as a result of the land acquisition have on implementation of these recommendations?

We urge the following:

- The Red Rock Canyon State Park General Plan must be completed before the state moves forward with acquisition plans. As the DEIR states (3.1.3.3), "revisions to the park's general plan were initiated in 2008 but have not been completed."
- The three Resource Sensitive Parcels (S-3, S-4, S-5) adjacent to and near Red Rock canyon are prime candidate for addition to the park boundaries.

Response to Comment #17-33: Coordination often occurs between staff from both California State Parks and OHMVR Division when park units are in close proximity to each other. For instance, staff from Ocotillo Wells SVRA and Anza Borrego Desert State Park coordinate

activities related to OHV issues. Once the project parcels are in state ownership, coordination would occur between OHMVR Division and Red Rock Canyon State Park staff to address OHV-related issues at the two units. See responses to Comments #10-7, #10-10, #15-6 regarding Red Rock Canyon State Park General Plan. Future uses of the project parcels, including those adjacent to and near Red Rock Canyon State Park would be determined by a future planning effort. The appropriateness for inclusion of nearby parcels into the state park boundary is not being assessed as part of the CEQA analysis for the acquisition project (see response to Comment #16-1).

Comment #17-34: The projected 1% increase in visitor use from the land acquisition may have an adverse impact on a significant fossil bed located within and adjacent to the project area. The "Dove Springs Formation" (formerly known as the Ricardo Formation) is a Miocene fossil bed that is generally 7 – 12 million years old. The Dove Springs Formation is comprised of vertebrate fossils such as land mammals, reptiles, and birds. It has been stated that this fossil bed is the best of its time-period west of Nebraska. It is recognized as a standard bearer of fossil beds, giving scientists a 5 million-year stratigraphy of the fossil record. Unfortunately, much of it is located within the Dove Springs Open Area. As a result, this important look into the past has suffered significant damage from OHV activity.

The DEIR has identified part of Parcel #D-2 as a Sensitive Resource Parcel. Parcel D-2 is adjacent to the western edge of the Dove Springs Open Area. It is important to document the other nearby acquisition parcels which may contain part of the Dove Springs Formation, such as D-1, the western portion of D-2, and D-3. Will the FEIR address the need to completely identify and document the fossil beds of all parcels which may have the potential for fossil-bearing stratigraphy? If the surveys reveal damage to fossil beds, will there be signage and route closures before the general plan is conducted?

Response to Comment #17-34: The OHMVR Division would document important paleontological resources once it owns the parcels. As described in response to Comment #17-7, more extensive surveys would be conducted in advance of the general plan to help guide the development of its land use policies, location of designated uses, resource protection measures, use of interpretive facilities to inform visitors of special areas, etc.

Comment #17-35: In Table S-1 (Summary of Project Impacts and Mitigation Measures) it is stated that "implementation of Land Use Management Measures would more than offset any increase in intrusions associated with the 1% visitor use increase and is expected to reduce existing intrusion levels."

We disagree with this assessment of projected impacts to the already beleaguered and abused PCT as it passes west and north of Kelso Valley. The PCT has a long history of trespass from illegal OHV trespass. We suggest that state acquisition of the following parcels will only create increased trespass of OHV use due to current trespass already in the area:

1) L-1, L-2, L-3 (Landers Meadow area)

2) K-1, K-2 (near St. John Ridge)

3) K-3, K-4, K-7, B-1 (adjacent to the PCT and east of Kelso Valley Road)

4) K-8 (1 mile east of the PCT in the heavily forested area of Sorrell Peak of the Piute Mountains)

5) K-15 (less than a mile east of the PCT and overlapping the Jawbone Canyon Road)

The PCT is for use by foot traffic and equestrian users only, and offers an experience of scenic solitude in this portion of the Southern Sierra Nevada. Noise, dust, and ground disturbance of trespassing OHV use is incompatible with the PCT experience. Every effort must be made to clearly separate these two very different outdoor forms of recreation. The Pacific Crest Trail resources deserve the highest protection from legal or illegal OHV intrusion.

Response to Comment #17-35: The comment expresses general disagreement with the impact conclusion but does not raise specific concerns such as inadequate or flawed analysis or facts to be addressed in a response. The potential for conflict between motorized and non-motorized uses is acknowledged and discussed in EIR Section 11.3.3.3. The impact of OHV intrusion on the Pacific Crest Trail is specifically addressed in EIR Section 3.3.4.2. The OHMVR Division acquisition of the project parcels does not change the route network or open riding areas. Authorized OHV use would continue as before the project. State ownership of project parcels near the Pacific Crest Trail does not open those parcels to new OHV use and would not create new points of access to the Pacific Crest Trail. Any impact to the Pacific Crest Trail from the project would be an indirect incidental impact from increased visitors to the area. The OHMVR Division would provide state law enforcement officers to the area, which would be a new addition to the existing BLM and USFS law enforcement presence in the area. The addition of OHMVR Division staff and resources to the area would increase the amount of protection applied to the Pacific Crest Trail and is expected to result in decreased OHV access from project parcels. The Pacific Crest Trail corridor is specifically identified for protection in the proposed Land Use Management Measures in EIR Section 3.3.2. Other proposed measures (law enforcement, public education, and OHV travel route designations) would also benefit the Pacific Crest Trail. See also response to Comment #12-5.

Comment #17-36: We have serious concerns because user conflict occurs on all public lands. For instance, Forest Service employees have, for years, been receiving comments of concern about the conflicts encountered, apprehensions, philosophical aversions, reduction or loss of the experience sought, and safety considerations expressed by hikers, back packers, and horsemen (non-mechanized users of the trails) when sharing trails with mechanized equipment users of trails in the adjacent National Forest. Moreover, individuals and organizations, including the Sierra Club, have reported their concerns over the years about the lack of safety and tranquility when high-speed motorized vehicles and bicycles share trails with non-motorized users. The Forest Service has documented many current objections about multiple-use trails in the Sequoia National Forest Trail Plan FEIS, on page 5 paragraph 3, under “Trail Use”, where it states that, “Many people expressed concerns with shared use, especially on trails where motorized users, bicycles, horses, hikers, or skiers are mixed together.” The motorized-users’ intimidation of non-motorized users has, by itself, caused the loss of the experience sought by hikers, back packers and horsemen. Non-motorized trail users have stated that by requiring the coexistence of motorized and non-motorized trail access in the National Forest, the Forest Service is not fulfilling its obligation to manage the National Forest so as to avoid or even minimize user conflict.

The DEIR for the East Kern County Acquisition by the OHMVR Division makes inadequate statements about user conflict that cannot be considered adequate to address the concerns of the public. . . .

We have serious concerns regarding the conclusion that, “therefore, the project would not result in new OHV disruption of non-motorized recreation activities such as hiking, horseback riding, and camping.” Just because there would be no new conflicts between motorized and non-motorized because the land was acquired, does not mean that there are no user conflicts to resolve by the new managers of the land. There are many conflicts between motorized and non-

motorized users, which will eventually have to be resolved by isolating the noise from the quiet recreation.

Response to Comment #17-36: The issue of user conflicts is acknowledged in EIR Section 11.3.3.3. The concerns raised in the comment are concerns of existing user conflicts on public lands, which are part of the existing conditions or environmental baseline. The proposed change in land ownership and management does not change land uses or intensities of use and does not create new user conflicts. A1% project increase in visitor use could increase user conflicts in the project area. However, land ownership and management by the OHMVR Division would introduce state resources to the area including managers, peace officers, ecologists, hydrologists, maintenance personnel, and park aides, among others. Bringing land management resources to the project property would have a beneficial effect of reducing problems (e.g., unlawful uses, user conflicts, etc.). As stated in the Law Enforcement Program Management Measure (EIR Section 3.3.2), the OHMVR Division would actively enforce OHV laws and regulations related to the California Vehicle Code and the Public Resources Code. Provisions in the California Vehicle Code specifically address OHV speed and safety. The application and enforcement of these regulations on state owned property would help reduce potential conflict between OHV use and other user groups. Examples of relevant California Vehicle Code include the following:

> **ARTICLE 3. Speed Laws**
> **§ 38305. Basic Speed Law**
>
> No person shall drive an off-highway motor vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of other persons or property.
>
> **§ 38310. Prima Facie Speed Limit**
>
> The prima facie speed limit within 50 feet of any campground, campsite, or concentration of people or animals shall be 15 miles per hour unless changed as authorized by this code and, if so changed, only when signs have been erected giving notice thereof.

While the OHMVR Division would not be responsible for conflicts occurring off its property, the OHMVR Division would partner with Sequoia National Forest (USFS), BLM, and Red Rock Canyon State Park to help bring resolution to conflicts on nearby public lands. See proposed Land Use Management Measures in EIR Section 3.3.2.

The OHMVR Division manages eight SVRAs throughout California and has vast experience in resolving user conflicts on and around its SVRAs. In addition, the OHMVR Division oversees funds used by federal, local, and non-profit agencies for OHV related uses. In many cases OHV recreation occurs simultaneously with non-OHV use.

Comment #17-37: DEIS page 13-8 says, "The existing noise condition does not expose persons to noise levels in excess of standards established in the local general plan noise ordinance (Kern County). Currently no persons are exposed to excessive ground-borne vibrations from ongoing activities on the properties."

We have serious concerns because the OHMVR Division must consider and analyze the impacts of noise on persons because the existing conditions are going to change, more OHVs are going to be in the area, and an analysis of the impacts of noise should have been done.

Response to Comment #17-37: The OHMVR Division considered the project's effect on noise in EIR Section 13.5.4. Property acquisition and management activity would have little to no effect on ambient noise levels in the project area. The effect of increased visitor use in the project area (1% annual visitor use or 1800 visitors) would result in increased noise from OHV

recreation. The increase would occur in an established OHV recreation area where few, if any, adjacent sensitive receptor land uses such as private residences occur. Arguably, the noise effect from both existing and project increased OHV use may be somewhat reduced as more staff is present in the area and able to sound test OHVs, ensuring compliance with the California Vehicle Code noise limits.

Exposure of persons (e.g., other recreationists using the project property or adjoining BLM lands) to OHV noise would be intermittent dependent upon the recreational riding habits of the visitors. Audibility would vary with the distance to the receptor, the type of OHV in use, speed of travel, intervening topography, meteorological conditions, terrain conditions affecting motor power (e.g., hillclimbs vs. flat trails), and whether visitors are riding in groups (clustered noise sources). The increased OHV use would be dispersed over many miles of designated trails and in the two open riding areas (Dove Springs, 3,000 acres, Jawbone Canyon 8,500 acres; Figure 2-3) where OHV use already occurs. As a result, the OHV use may be audible at any given location but noise would not be concentrated in one location for any substantial duration of time. For these reasons, the EIR concludes that the potential noise impact is less than significant and does not require further analysis.

Comment #17-38: All OHV trail projects come down to one major concern that must be addressed – they do not have a unique identifier for each OHV or for each operator – so an enforcement officer or a member of the public who observes a violation has no way to report the violator because there is no license or name tag or number on a placard prominently displayed on the chest and back of each operator.

We have serious concerns because the State of California could require vehicle licensing in order to use the State land trail system and non-licensed OHVs could be prohibited.

Or in the alternative, California could, on entering the land, provide for each OHV operator two placards that must be displayed on the back and chest of each operator, so observers can, from a distance, easily identify each vehicle operator as they are traversing the trail system.

We have serious concerns because an alternative of using an electronic detection system could be considered. . . .

We have serious concerns because another alternative to consider would be a GPS tracking device. . . .

Another alternative to consider would be to put a drone in service over the OHV Trail System that detects any violation of the approved OHV trails and detects any user conflicts and detects the unique Infrared (IR) signature of the violator and alerts an enforcement officer to intervene in the conflict or apprehend the violator identified by his/her unique IR signature.

We have serious concerns because routes where OHVs are permitted must be designated by signage that indicates that this specific route is designated for OHVs. Clear signage is the only way to educate the trail users about who is permitted on a trail. Maps may be a way to inform the users, but a map is no substitute for on the ground signage that specifies who may use this trail.

Response to Comment #17-38: The issue of the OHMVR Division requiring visible placards or electronic tracking devices on riders or their vehicles when using state property to help enforcement is one of a number of options. It has been raised legislatively but not yet approved. Upon acquisition, the OHMVR Division would enforce all applicable laws, including laws governing OHV registration. See Law Enforcement Program and other Management Measures in EIR Section 3.3.2. For the purposes of the EIR, the proposed project is not expected to result in increased incidents of OHV trespass or unlawful OHV use due to the implementation of

Management Measures (EIR Section 3.3.4.4); therefore, no significant impacts were identified and no mitigation, such as the suggested new policy, is required at this time.

Comment #17-39: We stated in scoping comments on the acquisition that the proposed acquisition area of 28,500 acres will need additional law enforcement staff to both patrol the property and dispatch offenders. Adjacent Red Rock Canyon has suffered for years from a lack of adequate law enforcement personnel. As a result, natural resources have been degraded.

We have serious concerns because permanent and reliable funding must be allocated for an appropriate law enforcement staff to monitor the acquisition lands. . . .

We have serious concerns because maps of the area's trails and closed areas may be good while an OHV rider is looking at the map. But retention of the data when the OHV rider is flying down a trail may be lost in the attempt to maintain speed. The best way to indicate on which trails an OHV rider can travel is to have signage at the beginnings and intersections of each trail that specifies which user type can sue this trail, so the OHV rider knows that OHVs are legal on the trail that is about to be accessed. The OHV rider would know it is illegal to access a trail when there is no sign that indicates that OHVs are permitted on this trail.

We have serious concerns because posting signage to indicate that a trail is closed to OHVs will not work to prevent OHV access. The OHMVR Division efforts to post closed signs can be thwarted by simply removing the signs and tossing them into the bushes. It is much more difficult for an OHV rider to illegally post legal signs that indicate that a trail is open for OHV access.

Response to Comment #17-39: See responses to Comments #10-7 and #10-10 regarding Red Rock Canyon State Park law enforcement issues.

OHMVR Division would assign law enforcement officers to the project area as proposed in the Law Enforcement Program Management Measure (EIR Section 3.3.2). Specific staffing levels would be determined after acquisition when the needs have been assessed. The OHMVR Division has proposed providing daily patrols. See also the Public Education Management Measure.

Appropriate trail signage would be included in the OHMVR Divisions efforts to manage OHV use on designated travel routes (see OHV Travel Route Designations Management Measure; EIR Section 3.3.2). Also refer to responses to Comments #17-39 regarding signs and trespass.

Comment #17-40: . . . We have serious concerns because the OHMVR Division should consider installing a drone over the OHV Trail System that detects any violation of the approved OHV trails to protect the desert tortoise and detect any user conflicts and detect the unique Infrared (IR) signature of the violator and alerts an enforcement officer to intervene in any conflict or apprehend the violator identified by his/her unique IR signature.

We have serious concerns because personal penalties must be liberally dispensed to individual OHV riders who violate the restrictions along with trail closures for all OHV riders, or there will be no desert tortoise remaining in the area.

Response to Comment #17-40: As stated in response to Comment #17-38, the OHMVR Division would assess law enforcement needs and develop strategies to address the issues once the property is acquired. The use of drones raises legitimate concerns about privacy and requires careful consideration. Whether use of a drone is a desired or viable option as a law enforcement tool would be determined at that time the law enforcement program is developed.

Comment #17-41: We have serious concerns because the routes where OHV are permitted must be designated by better signage that indicates that these specific routes are designated for OHVs. Such signage is not currently present, yet motorized users are clearly evident based on the ground disturbance that results when these OHVs widen the trail as they drive off the route.

For example, Sequoia National Forest trail 32E49 – not in the land proposed for management by the OHMVR Division, is an example of a route that is poorly signed and being damaged by OHVs that do not stay on the trails.

Response to Comment #17-41: Signs already exist that have the route number of trails and roads that are designated and, therefore, legal to travel. As part of its property management activities, the OHMVR Division would post signs along designated routes. These would be the typical "state park" signs that are used in all CDPR units. Friends of Jawbone and BLM have already posted closed signs and fenced extensive areas that are closed to OHV use. The OHMVR Division would augment the signing and fencing as necessary and in coordination with the others. Provision of signage is included in the OHV Travel Route Designations Management Measure (EIR Section 3.3.2). See Response to Comment #17-39.

Comment #17-42: . . . We differ with the conclusions that a 1% increase in produced greenhouse gasses (GHGs) would be less than significant when all emissions are to be reduced and no mitigation measures are required.

We believe this analysis is in error because a 1% increase in GHGs is going in a completely opposite direction from the required decrease in GHG emissions. Therefore, we propose mitigation in the following form:

Preserve all forested lands of this OHMVR Division acquisition to offset Greenhouse gasses per acre for mitigation impacts to compensate for increased rather than decreased global warming greenhouse gasses.

Response to Comment #17-42: The EIR assesses project-related greenhouse gas emissions and concludes that the combined emissions from visitor trips to the area, park management vehicles, and OHV use would be lower than the significance thresholds used by the Eastern Kern Air Pollution Control District. Case law upholds the approach that projects found consistent with adopted regional plans can be determined to be fully mitigated given that these regional plans contain mitigation measures addressing project level increases at a larger regional scale. See response to Comment #17-32.

Project GHG impacts are less than significant and no mitigation is required. Preservation of forested lands is not necessary as project mitigation. It should also be noted that no forest lands are proposed to be affected by the project.

Comment #17-43: In conclusion, the Kern-Kaweah Chapter, Sierra Club, wishes to express that our deepest concern is for the adequate and appropriate protection of the natural resources of the parcels within the proposed OHMVR Division Eastern Kern County Property Land Acquisition.

The natural resources within the project area have suffered the abuses of a multitude of human-related activities: OHV trespass, over-grazing, and illegal hunting, to name a few. Currently, wind farm development to the south of the project area has also impacted native species, adding to the cumulative adverse impacts on natural resources within the greater Kelso Valley area and eastern edge of the Piute Mountains.

The OHMVR Division, as a sub-agency of the California Department of State Parks and Recreation, should be expected to be the role model of CEQA compliance in spirit as well as the

letter of the law. California's natural resources must be protected by application of the highest standards of conservation, science, and legislative intent.

Response to Comment #17-43: Comment acknowledged. As stated in the EIR, the condition of natural resources on the project property has been affected by existing uses. The proposed property acquisition and management project would apply resource protection measures to impaired resources resulting in an overall beneficial effect.

Comment Letter #18A. Stewards of the Sequoia

Comment #18-1: We support the acquisition of lands in Jawbone for continued OHV recreation and grazing. This acquisition will benefit the environment and the public by consolidating management under State Parks, instead of the current checkerboard of BLM and private lands.

However there is a huge need for building single track motorized trails within this area. The existing single track trails have been widened to road width or closed, so there is little or no single track motorized recreation opportunity in this area where the public is directed to enjoy OHV recreation. The building of trails is also necessary in order to reduce impacts by dispersing motorized recreation over a broader trail system.

I understand there are in excess of 80,000 off roaders recreating in the Jawbone area on holiday weekends. Yet there are less than 200 miles of route for them to recreate on. This overcrowding of routes needs to be addressed in the EIR by including building more routes.

At the 8/2/12 meeting in Jawbone both The Nature Conservancy and Audubon Society openly supported the building of single track motorized trails as necessary in order to provide enough opportunity to keep people on the trail system and reduce impacts.

The EIR should include a statement on the need to expand single track motorized trail opportunity. Without this it may be more difficult to include building trails in your future General Plan for the area. It is imperative that investment should include the written intention of building motorized trails on acquisition lands.

Response to Comment #18-1: The EIR addresses property acquisition and management of the existing trail system, recreational facilities, and natural and cultural resources (EIR Section 2.5). In no way does the acquisition and management of existing facilities preclude future development of additional trails and other recreational facilities. Changes in the existing designated trail systems would be subject to a public planning process and additional CEQA compliance through the general plan process (EIR Section S.1). The EIR does not speculate on future changes in motorized recreational opportunities on the trail system that may be proposed as an outcome of the general plan process. As stated in the project objectives and priorities (EIR Section 2.3), one of the project objectives is to facilitate desert oriented OHV recreation. However, recreational planning must be done in a regional context and consider a variety of competing interests and values. For this reason, a commitment to increased motorized trails on the acquisition parcels cannot be made at this time in advance of a general plan. See also response to Comment #17-8 regarding the uncertainties of the general plan process.

Comment Letter #18B. Stewards of the Sequoia

Comment #18-2: I believe the Saddle Trail as well as the Sorrel Peak Trail and perhaps a small portion of Jawbone Trail may be on the lands you are purchasing.

Response to Comment #18-2: Comparing the map submitted by Stewards of the Sequoia (see sections C1 and C2) to the parcel acquisition map (Figure 2-4), it appears that less than one half-mile of the Sorrel Peak Trail travels along the northwestern boundary of acquisition Parcel K-8

(APN 153-030-05). No other trails, including the Saddle Trail or Jawbone Trail, in the Piute Area of the USFS Kern River Ranger District, cross through acquisition parcels. The Saddle Trail (sections D1 and D2 of the Stewards of the Sequoia map) appears to be on the parcel north of project parcel K-8.

Comment #18-3: We would like to see all trails that exist on the purchase lands remain open. Will the EIR ensure that?

Response to Comment #18-3: The purpose of the EIR is to address impacts of the proposed project. In this case the project is the acquisition of up to 59 private parcels to CDPR, and management of the parcels. As stated in Response 1-1, CDPR does not propose to change the existing designated trail system until it conducts more studies during development of a general plan. Some designated trail segments may be subject to permanent or seasonal closure if the trail is determined to be causing damage to sensitive resource (cultural, biological, and geotechnical). Reroutes of trails are also possible based on a case by case assessment of the existing designated roads and trails (EIR Section 2.5.2.1).

Comment #18-4: We would like to see the EIR include a statement regarding building of more single track in the Jawbone area.

Response to Comment #18-4: See response to Comment #18-1.

Comment #18-5: I particularly liked your concept of a gatekeeper system of single track with expert trails at the bottom of the hill with signs letting people know the level of difficulty, that the degree of difficulty does not ease off and that there are no exit trails.

Response to Comment #18-5: Comment does not appear to be referencing the EIR. No comment was made on the adequacy of the EIR. No response is necessary.

Comment Letter #19. The Nature Conservancy

Comment #19-1: The Nature Conservancy (TNC) is an international conservation organization dedicated to preserving the lands and waters upon which all life depends. TNC has long worked to protect lands and biodiversity resources in the Mojave Desert. Onyx Ranch, a portion of which the OHMVRD proposes to acquire from ReNu Resources in the transaction evaluated in this draft EIR, contains very high value conservation targets. Among other key aspects, the ranch's lands connect the Mojave Desert to the Tehachapi and southern Sierra Mountains, and comprise an important migration corridor for birds--as well as other plants and animals moving seasonally among habitats, or as climate change forces long-term elevational shifts in species ranges. In fact, prior to the OHMVRD proposed acquisition, for over a decade, TNC had sought to protect the ranch to maintain its ecological communities and values.

Response to Comment #19-1: The OHMVR Division proposes purchasing the property for the purposes of managing OHV recreation opportunity and its environmental effects. It is not the intention of the OHMVR Division to develop the property with energy related projects. No response is necessary as Comment #19-1 is a statement and raises no concerns of the EIR's adequacy.

Comment #19-2: On balance and with important conditions, TNC supports the OHMVRD's proposed acquisition of the Onyx ReNu acreage. We believe that substantial changes need to be made to the content of the draft EIR and to the Division's interim plan for and management of the acquired lands and adjoining public lands.

TNC's conditional support for the acquisition is based in part on the Division's commitment that renewable energy facilities—especially wind turbines—will be excluded from the acquired

lands. TNC believes that that commitment needs to be clearly stated, permanent, and legally enforceable by third parties.

Our support is founded on the Division ensuring that off highway vehicle use of the ReNu parcels and surrounding lands managed by the BLM and California Division of State Parks and Recreation (CDPR) is appropriately managed—to remedy the unauthorized vehicular uses now occurring on these lands. We are particularly concerned about how motorized access to these lands will be managed after the acquisition, given the apparent difficulties the Division will face in closing off illegal routes branching from legal ones. We request that the Division discuss in detail in the Final EIR how this issue will be handled.

Response to Comment #19-2: As stated in the response to Comment #19-1, it is not the intention of the OHMVR Division to develop the property with energy related projects, including wind turbines.

The Management Measures that would be implemented to address any increase in illegal use are briefly summarized in Table 2-1 of the EIR (pages 2-8 to 2-10) and presented in greater detail in each EIR chapter under the Project Impacts section. Unauthorized OHV travel would be specifically addressed by the Land Use Management Measures identified in EIR Section 3.3.2. These measures include inspection of OHV travel route designations and preparing a plan for closing and restoring unauthorized routes, providing public education and law enforcement, and protecting the Pacific Crest Trail corridor. Further property management detail has not been developed by the OHMVR Division and is not necessary for the purpose of providing an adequate CEQA analysis of the project. Given the scale of the project property (28,275 acres), it is premature for the OHMVR Division to invest in a more detailed level of planning effort prior to the successful property purchase and the availability of more data on property conditions. For these reasons, developing more detailed property management plans is considered beyond the scope of the EIR.

The OHMVR Division's purpose at this time is solely to purchase the property and manage existing uses. A future approval of a general plan or management plan that involves a change in how the property is used would be subject to separate environmental review under CEQA (EIR Sections 1.1 and 2.5.2.1).

Comment #19-3: The Final EIR should commit the Division to provide specific restoration, management, and enforcement resources to the area—in this respect, the management model and level of restoration and enforcement resources provided at the Hungry Valley State Off Highway Vehicle Recreation Area provide excellent prototypes, and we urge the Division to agree to follow this example. While the DEIR does state that the Division will provide enforcement patrols and other resources to the area post acquisition, the commitment is not sufficiently specific and the DEIR analysis is accordingly vague about impacts on the area resulting from the acquisition. One key example: the DEIR analysis of effects is based upon the assumption that OHV use will increase by no more than a 1%. This assumption appears to be largely unsupported, and may well be incorrect given the attractiveness of the Onyx/ReNu lands, the possible closure of other OHV access areas in the Mojave Desert (e.g., Johnson Valley) and a rebound in the economy. The Final EIR should include an analysis of the impacts of possible significant increases in ridership.

Response to Comment #19-3: Specific commitment levels of resource protection or law enforcement efforts cannot be made in advance of assessing the needs, however, it is possible that the Hungry Valley SVRA District may be expanded to include the project area due to proximity of Hungry Valley SVRA to the project property and given that Hungry Valley SVRA staff have already been involved in issues related to the acquisition. Since February 2013,

Hungry Valley SVRA has assigned a staff member the job of making monthly visits to the area to better understand the issues there (Pistone 2013). Mr. Pistone has prepared a series of "observation reports" in this regard, an example of which is included in the Final EIR as Attachment 1. Regardless of which district takes over management of the area, or if a new district is created, park regulations require that resource protection plans for cultural, biological, and soil resources, and a law enforcement program be prepared and implemented after property purchase as part of the property management effort. See response to Comment #19-2. Per Public Resources Code section 5002.2(c), no permanent commitment of resources on the project parcels can be made prior to preparing a general plan.

See responses to Comments #9-3, #10-5, #12-11, and #15-2 regarding the EIR assumption of a 1% increase in OHV use.

Comment #19-4: We do applaud the Division's express agreements in the DEIR regarding use of the acquisition lands pending completion of a formal land use management planning process: . . . .

The Final EIR should also include a specific, firm commitment to commencement and completion of the general planning process by a date certain, a commitment absent from the DEIR.

Response to Comment #19-4: Subsequent to the acquisition, the OHMVR Division would initiate the general plan process for the acquired property. No changes in land use or development of facilities in a manner that permanently commits a resource can occur until a general plan is approved (PRC 5002.2(c); EIR Section 2.5.2.1). Once a general plan process is initiated, it would likely take two to three years to prepare the plan and complete the CEQA environmental review process.

Comment #19-5: The ReNu Onyx lands interfinger with and abut BLM lands, including two open access OHV areas—Jawbone Canyon and Dove Springs-- which are currently principally managed by a non-profit organization, Friend of Jawbone Canyon (FJC). In addition, the ReNu Onyx lands and BLM open OHV areas are proximate to and linked by roads to Red Rock Canyon State Park, which has suffered damage caused by unauthorized vehicular access to closed lands and park resources.

TNC strongly urges that the final EIR analyze options for interim improvements in management coordination and corrective actions among all of these entities, with a view to limiting further unauthorized vehicular access and ecologically important areas). The analysis should include a review of and exploration of improvements to the existing trail system, open areas and changes in use patterns to avoid damage to sensitive resources and halt erosion. It should also consider more optimal allocations of financial and other resources for the entire area.

There are presently a limited amount of road miles and designated routes and open riding areas that run through the property. Most of these uses are concentrated in the eastern portion of the property, and it should be a priority to eliminate unauthorized uses in area away from legal access areas. This should result in nearly 18 sections in the western portion of the property being managed exclusively for resource protection, as only public roads run through the area. Additionally, nearly 4 sections in the eastern portion of the property have no authorized uses. In total, roughly half of the acquisition area is not in close proximity to authorized OHV use areas and should be managed exclusively for resource protection.

Prior to future completion of agreements with BLM, FJC and CDPR, and the final general plan for the ReNu OHV area and Red Rocks State Park (revisions to the park's general plan were initiated in 2008 but have not been completed), the DEIR leaves open serious questions about how vehicular access to the combined areas will be managed and how additional harm to resources will be limited. The Final EIR must include the analysis of connected actions and

cumulative effects that are related to this acquisition, which include consideration of how the BLM open areas and Red Rocks State Park may be affected by the proposed acquisition.

Thus, OHMRVD and BLM should, with participation of other interested entities, seek to implement as soon as possible unitary management and control of Jawbone Canyon, Dove Springs and the ReNu Onyx and BLM lands to ensure that the OHV open access areas in the larger area provide both a high quality riding experience but at the same time define and protect ecological, cultural and other resources. The Final EIR should fully analyze the possible structure, benefits, and impacts of such a joint management scheme.

Response to Comment #19-5: The proposed Land Use Management Measures (EIR Section 3.3.2) specifically include coordination with other entities to address OHV effects. See response to Comment #9-5. A more detailed management plan cannot be prepared in advance of the property purchase.

The EIR was prepared to support the acquisition only and subsequent management of the parcels given existing conditions of the lands, including the various uses that occur on the parcels (recreation, grazing, nature study, utility maintenance, etc.). CDPR does not prepare a general plan or management plan for an acquisition before the sale has been completed. TNC would be able to participate in the general plan process after successful acquisition. Suggestions provided in the comment letters can be introduced during the general plan process. Also refer to responses to Comments #19-3 and #19-4.

Designation of use areas such as exclusive resource protection zones would be the role of a general plan and is not proposed by this project as an interim Management Measure. The exception would be specific impaired areas that need immediate protection as determined by the WHPP prepared for the property (EIR Section 6.3.2).

Comment #19-6: TNC believes that a third alternative, not analyzed in the DEIR, should be selected—a hybrid between the DEIR preferred alternative and the Exclusion for Resource Protection Alternative. This alternative would focus on reducing the impacts of unauthorized OHV use on known resources prior to the general plan adoption, while resolving issues related to grazing management in the general plan. While many of the management actions discussed for adoption in the DEIR under the current alternative indicate that the Division intends to protect ecological and other resources, we are very troubled by the conditional language employed in the DEIR and the lack of a clearly stated priority for and commitment to resources protection.

Response to Comment #19-6: It is not clear from the comment how the suggested alternative is different than the proposed project. The project proposes several Management Measures aimed at reducing unlawful OHV travel through enforcement, unlawful route closure, signage, public education, etc. (see Management Measures in EIR Section 3.3.2). These measures would be implemented prior to preparation of a general plan.

The comment lacks detail needed to determine what “conditional language” is being referred to that the commenter finds objectionable. The proposed resource protection measures, summarized in EIR Table 2-1 and presented fully in each EIR impact chapter, are evidence of the OHMVR Division commitment to resource protection. The priority of resource protection is addressed in response to Comment #19-12 below.

Comment #19-7: The Project has TNC’s support if, and only if, the following criteria are met: 1. No new infrastructure, development, transmission line, or utilities can developed on the acquired land, except as necessary for the management of public recreation in the form of OHV use, camping, hiking, mountain biking and horseback riding.

a. No renewable energy projects are permitted on the ReNu/Onyx lands after acquisition by the state.

b. No transmission lines are permitted on the lands after acquisition by the state.

Response to Comment #19-7: See responses to Comments #7-2 and #7-3.

Comment #19-8: 2. There is cooperative management of the adjacent BLM lands with BLM and Friends of Jawbone to increase the success of management actions in this multiple ownership landscape.

Response to Comment #19-8: See responses to Comments #7-5 and #1-1. No response is necessary as Comment #19-8 is a statement and raises no concerns of the EIR's adequacy.

Comment #19-9: 3. Adequate immediate and long-term staffing will be available for management:

a. As stated in S.3.1 on page S-8, law enforcement resources are increased

b. Adequate staffing and law enforcement will be available to ensure all commitments in the DEIR can be met, concentrating on natural and cultural resource protection as stated on page 3-13 and minimizing impacts to Red Rocks State Park (page 3-14).

c. As stated on page 2-8, law enforcement will be assigned and provide daily patrols.

Response to Comment #19-9: See response to Comment #7-6.

Comment #19-10: 4. As stated on page 2-3 "Outside of the open management areas, vehicular travel is permitted only on designated routes of travel," and those limits will be adequately enforced.

Response to Comment #19-10: See response to Comment #7-7.

Comment #19-11: 5. No areas of the project can be used as mitigation for the DRECP or in any other way allow greater development in the regional planning area.

Response to Comment #19-11: See response to Comment #7-8.

Comment #19-12: 6. Resource protection must be a stated primary, and not a secondary, objective of the Project.

Response to Comment #19-12: The OHMVR Division identifies several project objectives and priorities (EIR Section 2.3). Resource protection is the immediate management priority but it is not the sole primary purpose for property acquisition. The OHMVR Division also has the goal of using the property to facilitate sustainable OHV recreation. While no changes in recreational or other existing uses are envisioned at this time, changes could be proposed under a future general plan dependent upon the public process.

Comment #19-13: 7. Division commitments stated in the DEIR must be fully honored.

Response to Comment #19-13: See response to Comment #7-9.

Comment #19-14: 8. Resource management will be implemented to protect sensitive resource from unauthorized OHV use prior to the development of a general plan. Management actions (e.g., as stated on page 2-7 of the DEIR) must be implemented to benefit natural and cultural resources by installing and maintaining sensitive habitat protection fences, closure areas, wildlife monitoring and management, vegetation management, exotic pest plant removal and restoration plantings before the development of a general plan. Resource management must also include:

a. Although impacts to desert tortoise cannot be reduced below significance, OHV impacts to this species must be reduced through eliminating unauthorized use in known occupied areas. (Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management).

b. Protection of areas known to be occupied by Mohave ground squirrel from unauthorized OHV impacts. (Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management).

c. Protection of known springs, wetlands and riparian areas from all OHV impacts. (Section S.3.2 on page S-9 states these areas will receive targeted monitoring and management).

d. Protection of known populations of rare plants from unauthorized OHV impacts.

e. Efforts to eliminate OHV impacts to areas outside of open areas with no designated trails/routes that overlap with sensitive species habitat and springs and riparian areas.

Response to Comment #19-14: See response to Comment #7-10.

Comment #19-15: f. As discussed on S-11, although we agree it is advantageous to have more information in hand before defining the overall management strategies needed for resource protection, there are existing, pressing problems that need to be addressed prior to being defined in a general plan and thus must receive attention prior to the plan is completed. An example of an existing problem that needs to be addressed immediately is frequent off-trail use in areas with areas of known high resource value.

Response to Comment #19-15: Upon acquisition, the OHMVR Division proposes implementation of the Management Measures summarized in EIR Table 2-1. These measures include identifying impaired sensitive biological and cultural resources and implementing immediate protection measures. This would occur prior to the start of a general plan process. Identifying and closing unauthorized trails and initiating a law enforcement program are examples of Management Measures proposed for immediate implementation.

Comment #19-16: g. The TNC preferred Alternative, as noted above, is a hybrid between the preferred and the Exclusion for Resource Protection Alternative that focuses on reducing the impacts of unauthorized OHV use on known resources prior to the general plan adoption, while leaving issues related to grazing until that time.

Response to Comment #19-16: See response to Comment #19-6.

Comment #19-17: 9. State Parks and the Division must address the issue of OHV use on Red Rock Canyon State Park and ensure that management of the ReNu Onyx acquisition results in a net benefit to the resource on that park by reducing trespassing and decreasing the demand for OHV use in that park.

Response to Comment #19-17: See response to Comment #12-4. The proposed Management Measures would have a beneficial effect of reducing unlawful OHV use at Red Rock Canyon State Park by increasing law enforcement, barriers, signage, and coordination with state park law enforcement officers as identified in the Land Use Management Measures (EIR Section 3.3.2). The project does not propose creating new OHV opportunity and would not necessarily decrease lawful OHV demand at the state park.

Comment #19-18: 10. Strictly following the management model at Hungry Valley.

Response to Comment #19-18: See response to Comment #19-3

Comment #19-19: 11. Ensure that all management activities, future projects and designated routes and open riding areas are designed and managed in such a manner as to minimize impediments to wildlife movement and bird migrations.

Response to Comment #19-19: See response to Comment #7-12.

Comment Letter #20. Nuri Benet-Pierce

Comment #20-1: Just recently I became aware of the proposed purchase of this large area of land and have become concerned that the breadth of this proposed purchase would affect the area much more seriously than it is anticipated. It was not clear to me where the 1% of increase of anticipated OHMV users in the EIR, is derived from. But if this purchase proceeds, and all these parcels are dedicated to OHMV use, usage is bound to increase dramatically, and, sooner or later the area will suffer immensely. The whole project area could be jeopardy, as, by its nature, OHMV recreation is highly destructive.

Response to Comment #20-1: See Responses to Comments #9-3, #10-2, #10-5, #12-11, #15-1, and #15-2 addressing the 1% increase in visitor use as an indirect result of the acquisition project. For clarity, all of the acquisition parcels are not proposed for dedication to OHV use. No expansion of the existing trail route system or the open riding areas is proposed (EIR Section 2.5.2.1). Some minor changes could be made to trails in order to address soil erosion or resource impact issues; however these changes would be subject to subsequent environmental review and CEQA compliance (EIR Section 2.5.2.1). The OHMVR Division disagrees with the opinion that properly managed legal OHV use is inherently destructive. The project is consistent with the Legislative intent of Public Resources Code section 5090.02 (b) that "effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation."

Comment #20-2: Understandably, this region is very popular with OHMV enthusiasts, and undoubtedly they hold it in great esteem, or in all likelihood they would be riding on a track back home. But their sport is by nature destructive and should be limited accordingly, as it precludes any other use. It interferes with the ecosystem; it interferes with cattle grazing, with hiking and bird watching. Given the damaging effects of OHMV use, it makes more sense to keep upgrading riding trails already in use; to employ more resources to enhance smaller areas over and over again after so much destruction, so that riders can continue to enjoy the rough ride rather than opening more and more areas to irreparable destruction. Because after an area has been used for OHMV vehicles, the land is eroded and devoid of life: this is the nature of the sport.

Response to Comment #20-2: The comment is an opinion with unsubstantiated statements and does not reference the Draft EIR. The purchase itself would not change the nature or intensity of OHV use in the project area.

Comment #20-3: Given the large area in the proposal, pervasive OHMV use will greatly increase fragmentation and degradation of habitat over that large area, and would, in effect, block the necessary connectivity, especially for plants, first of all between parcels, and then further, between two rich biological areas to the East and West; species will experience increased challenges in survival, reproduction and dispersal. This patchwork of parcels, by remaining in varied ownership, might still provide a necessary buffer from more OHMV use.

Response to Comment #20-3: This comment is an opinion about OHV use and does not reference the Draft EIR. Impacts on biological resources from past and existing OHV use are documented in the EIR (see Sections 6.2.8.1, 6.2.9.2, and 6.2.9.4) as a baseline condition. The acquisition and property management project does not propose expanded OHV use on the

property. Within the OHV use area, OHV use would continue to be restricted to designated trail routes and the nearby open riding areas. The impact assessment reflects this project description. The project would not result in increased trail networks or fragmentation and degradation of habitat throughout the property. Currently, there is little habitat or invasive species management on the acquisition parcels; acquisition by the OHMVR Division would facilitate implementation of natural resource protection measures. Ultimately, sensitive habitats and species would be better protected by the OHMVR Division's acquisition of these parcels than currently afforded them under private management where no formal biological resource protection measures are in place at this time.

Comment #20-4: The increase use of trails for OHMV will surely invite more invasive species too, all of these being cumulative effects for plants and animals already severely impacted by cattle grazing, present OHMV damage and water scarcity. In addition, it is likely that once this land is under government control, more wind and solar energy projects will be approved - in accordance to the multipurpose use of the land – which is bound to represent a compound effect and cause irreparable damage to the corridor. All of this of course can't even be addressed, as long as that 1%, that appears unsubstantiated, is offered as a likely scenario and future developments are not considered.

Response to Comment #20-4: The project-related increase (1%) in use of trails is unlikely to result in more invasive species occurring in the project area. OHV use would be confined to existing designated trails and open riding areas. Biological surveys would be conducted to evaluate existing conditions, and management measures would be implemented to protect vegetation communities and wildlife habitat.

Unlike the BLM and Forest Service lands, CDPR lands do not have a multiple-use mandate and would not be subject to wind or solar energy projects as those uses conflict with CDPR's mission and regulations and are not allowed. See responses to Comments #7-3, #10-12, #13-2, #13-3, #19-1, and #19-2.

See responses to Comments #9-3, #10-5, #12-11, #15-1, and #15-2 regarding an explanation of the 1% increase in OHV use.

Comment #20-5: As the EIR states, it will have significant impacts on biodiversity, as OHMV use is highly disturbing of any wildlife, even if a great number of measures are not taken parcel by parcel. These are likely never to occur, as we well know how limited biological surveys are, due to the difficulties to visit the land often and long enough, and through the different cycles of life of the incredible number of species as it is needed, to be meaningful. Therefore the protections become moot. Again, this should be viewed parcel by parcel, but as the report hinges on that 1%, a number that needs to be further substantiated, otherwise, an impact should be considered an impact.

Response to Comment #20-5: Existing OHV effects on biological resources (EIR Sections 6.2.8 and 8.2.9) are part of the current baseline conditions of the project area. The EIR concludes that proposed acquisition and property management activities would not have a significant impact on biological resources with the exception of desert tortoise. This conclusion is based on the fact that no change in existing uses is proposed, and no expansion of OHV trails or open riding areas would occur. The 1% increase in OHV use would be confined to existing designated areas and is unlikely to affect biodiversity of the project area. See responses to Comments #9-3, #10-5, #12-11, #15-1, and #15-2 regarding an explanation of the 1% increase in OHV use.

Wildlife protection measures would be implemented beginning soon after state acquisition in accordance with CDPR regulations. Initial measures would be taken based on studies conducted

for the acquisition EIR, in particular to protect at risk desert tortoise habitat, riparian habitat, and meadows. Not only would these areas be protected from OHV use, but also from cattle grazing impacts. Additional biological surveys would be conducted during the general planning process and also by CDPR ecologists in areas that have potential to support important biological resources. Where problems are identified, resource protection measures would be implemented.

Comment #20-6: The list of biological resources in the EIR is most impressive and extensively documents the wealth of biological resources of the area but in reality, most of the region has not yet been fully explored by scientists. Increased biodiversity is likely to be found, as scholars continue to advance science. In my case alone, I have already found two un-described taxa, and there will be more, as I continue along my work revising the Genus Chenopodium in the Western North America. It is possible that all of them will be classified as rare. See MADRON O, Vol. 57, No. 1, pp. 64–72, 2010 CHENOPODIUM LITTOREUM (CHENOPODIACEAE), A NEW GOOSEFOOT FROM DUNES OF SOUTH-CENTRAL COASTAL CALIFORNIA. Chenopodium, we believe, play an important role with arthropod life and therefore are of consideration in the health of an ecosystem. Although I have read the very well intentioned plan of cordoning sensitive areas from ORV damage, it can't be forgotten that isolated areas suffer incredible challenges, even if cordoned off.

Response to Comment #20-6: Biological resources are indeed diverse in the area as the acquisition property lies within a transition zone between the Mojave Desert and the Sierra Nevada. Protection measures would be implemented soon after state acquisition in accordance with PRC section 5090.35. Initially, environmental scientists would enact Management Measures based on studies conducted for the EIR, but OHMVR Division environmental scientists would continue to conduct biological studies throughout the property during the general planning process (see EIR Section 6.3.2). Where problems are identified, resource protection measures would be implemented. The OHMVR Division would regularly monitor Management Measures for effectiveness and takes appropriate action if adaptations need to be made. Ultimately, sensitive habitats and species would be better protected by the OHMVR Division's acquisition of these parcels than they are currently under private management where no biological resource protection measures are not in place.

Comment #20-7: The reduced purchase option was not selected, as the purpose of the proposed purchase is, in fact, to increase the land area for OHMV use. But all arguments rest on that 1 % increase usage, which is of doubtful origin. In fact, when such a destructive activity is concerned, less may very well be better, particularly if funds are available and used to continue to enhance and improve the land used for OHMV, instead of opening more each time. The sport can be properly and fairly supported with more regard to a healthy environment.

Response to Comment #20-7: See responses to Comments #9-3, #10-5, #12-9, #15-1, and #15-2 regarding an explanation of the 1% increase in OHV use.

As stated in EIR Section 12.3, the reduced purchase was not selected as the best option for this project. The primary objectives of the acquisition include establishing broader public land ownership in and around an existing large-scale OHV recreation area in Southern California, reducing OHV conflicts with incompatible land uses, and protecting habitat. Removing the parcels outside the active OHV area from the purchase would meet some of the project's objectives, however, it would not allow the OHMVR Division to work with the BLM and USFS to provide and manage a comprehensive recreation opportunity in the greater project area, such as helping to protect the Pacific Crest Trail from trespass, or to maintain public land corridors that avoid crossing private lands. Securing these non-OHV use project parcels also provides

CDPR with lands that could potentially help offset future impacts associated with any changes in recreational use considered in a future general plan (EIR Sections S.3.3 and 12.3).

Comment #20-8: A reduced option has been rejected or not considered jointly with improvements. Leaving Landers Meadow and other sensitive areas out of the purchase as in the Reduced Option could result in much richer and improved biological resources, in particular when this sport is so destructive, and this land is so incredibly rich in bioresources. I am sure this is the reason why OHMV enthusiasts also like it. By not restoring destroyed ecosystems, and expanding use of larger areas instead, they themselves are depriving future generations of the same enjoyment they are now having. Opening more land to OHMV just results in more impoverished land, and a larger impacted land means reduced possibilities for wildlife and plants to sustain themselves. We all lose.

Response to Comment #20-8: The three Landers Meadows parcels (L-1, L-2, L-3), as well as three parcels in Kelso Valley (K-13, K-17, and K-20), are not part of the immediate property acquisition. Thus, instead of purchasing 59 parcels, the OHMVR Division would purchase 53 parcels. It is possible that the six remaining parcels may become available for purchase in the future. To reflect this, the FEIR describes the six parcels as a potential future acquisition. The OHMVR Division included the Landers Meadow area in the acquisition area to ensure the biological and other sensitive resources on those parcels could be managed appropriately and as part of a comprehensive planning effort. Except under very unusual circumstances, such as if a federal or state listed species occurs on the property, destruction of habitat is not precluded on private property as it would be on CDPR property. Therefore, biological resources found on these parcels would be better protected by purchase of the property by the OHMVR Division than leaving them in private ownership.

Comment Letter #21. Norman L. Beze

Comment #21-1: Please read and consider the letter below from Scott [Spencer] and fully supported by myself and the rest of the Jawbone Canyon Store Trail Plan team. We represent the voice of many supporters, we are hereby submitting a plan for recognizing some of the existing single-track trails traversing the proposed parcels for purchase by the State of California plus those already controlled by the BLM. We would appreciate your consideration of the plan and related GPS tracks we have located at the below link.

Jawbone Canyon Store Trail Plan link:

http://stewardsofthesequoia.org/PDF/JawboneCanyonTrailSystemProposal.pdf

Response to Comment #21-1: See response to Comment #30-1.

Comment #21-2: In case you need more options for conversion of the tracks we supplied in the last email, the following link to GPS Babel is nested within GPS Visualizer and offers numerous additional track and map format conversion options…

http://www.gpsvisualizer.com/gpsbabel/

If this is still not sufficient for your use, please let me know so we can pursue meeting a specific requirement.

Response to Comment #21-2: No comment is made on the adequacy of the EIR. No response is required.

Comment Letter #22. Boswell Family

Comment #22-1: From an initial view, we are supportive of the acquisition for various reasons.

First we back recreational activities and public lands that support public activities. We have traveled to countless locations over the years, many of which have since been closed to our recreation or the public in whole. An increase to recreational land would be a first if successful. Continued pressure continues to threaten some of our most treasured OHV areas, some found within the close proximity of this proposal. Johnson Valley OHV Area, located in Lucerne Valley, continues to receive pressure of a closure, and includes some of the most sought after rock crawling trails and terrain for our sport. Although we have been wheeling there for almost 15 years, events such as the King of the Hammers indicate the ever growing interest for this sport. The north-west end of the proposed acquisition includes a portion of and lies adjacent to BLM land holding an untapped gem of opportunity for future rock crawling. The mountain terrain is perfect for this type of trail, comprised mostly of large boulders lying in low canyons with steep ledges. If it is true the OHMVR will be working with the BLM to create an expansive recreational area, combining the existing BLM lands with this proposal would be optimum, and future consideration for this type of trail and sport should be discussed. We would be available to meet with the agencies to assist in scouting or discussing options and designs.

Response to Comment #22-1: The support of the project is acknowledged. The future uses of the property beyond existing uses have yet to be determined. The proposed project is property purchase and management. Future development of the property would be subject to a general plan process to determine best public use and management strategies for those uses. This process is separate from the proposed project (EIR Section 1.1). The commenter can participate in the general plan process.

Comment #22-2: Secondly, we believe the OHMVR option would be less destructive than alternative development. OHV trails do not require clear cutting, do not require certain grades, are only wide enough for individual passenger vehicles and are often only single track. OHV is typically a seasonal activity. OHV does not blast with explosives. OHV does not construct devices in the path of migrating birds. It is apparent the initial intent for this area by both ReNu and the County of Kern has been for wind and solar development since 2009. This proposal offers a far less destructive option than the previously considered development plan.

Response to Comment #22-2: Comments express the opinions of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #22-3: Third, we prefer public land remaining for existing and public use. However, the DEIR indicates the property is interspersed with lands owned by BLM. It is also mentioned that the "OHMVR Division acquisition would lead to future preparation of a general plan governing use of the project property. The potential loss of the property as grazing land could occur in the foreseeable future given the state livestock policy preference for no or limited grazing in state parks. Future grazing use of the property would be determined during the general plan approval process." Concerns:

A. Our family supports the current grazing operations. We look forward to each season with these animals and the benefits they bring to our valley. Positive acquisitions or development occurs when all existing uses can continue in some fashion or some areas, and safely with new proposals. Perhaps during this 'general plan' approval process, additional considerations could be discussed for geographical areas or corridors.

Response to Comment #22-3: As stated in the EIR, the OHMVR Division proposes allowing grazing on the acquired parcels to continue under the existing terms of the BLM grazing permits (EIR Section 4.3.2). The OHMVR Division would manage cattle grazing to protect sensitive biological and cultural resources. The long-term future of grazing on the property would be subject to both the general plan process and the renewal of the grazing permits.

Comment #22-4: B. The DEIR notes a potential revision to the 'general plan', which may again have the ability to affect the existing private land owners in the close proximity. A similar case occurred due to this same property in 2009 which affected the adjacent private properties, which at the time of the public hearing was presented to the adjacent land owners that inconsistencies were found in the general plan, whether correct or not. The DEIR notes once the parcels are acquired by the state; they would be reclassified to the state or federal land designation. This classification applies "to all property under the ownership and control of the various state and federal agencies operating in Kern County (military, USFS, BLM, Department of Energy, etc.). A request is now being made to the State of California to reconsider what was previously performed by the Kern County Planning Department for this land noted as part of the acquisition. Perhaps if a general plan approval process is once again required for this project site as noted in the DEIR, the adjacent private properties which were once affected by the previous zone changes from E-20 to A could be corrected in this upcoming general plan process. Would the affected site become "non-jurisdictional" only because of State or Federal owned or would the corrections be made from the previous modifications in 2009 for this previous owner? Section 13.5.5 notes long term plans for the Kelso Valley residence will be evaluated during the general planning process – what does this refer to? Reference the items below for a partial history of 'general plan' and 'zone change' modifications which occurred due to the previous acquisition of this same land. (This included ReNu's property currently being discussed in the DEIR by the OHMVR).

Response to Comment #22-4: If the parcels are acquired by the OHMVR Division, they would no longer be subject to the Kern County General Plan designations. The future general plan adopted for the project property would be unrelated to the Kern County General Plan. A CDPR general plan for the acquired parcels would not change the Kern County General Plan land use designations or zoning for adjacent non-project parcels remaining under county jurisdiction. The OHMVR Division would consider the proximity of private properties as well as sensitive resources (e.g., such as wetlands, riparian areas, special-status species habitat, cultural resources, etc.) when developing a general plan for the property. The preparation of a general plan is a public process in which all interested persons would have ample opportunity to participate.

. . .

Comment #22-5: C. Currently there are several BLM California wind development applications currently on file for this area. How will the OHMVR noting BLM parcels interspersed throughout work with these known wind energy project applications? Although the DEIR notes by bringing the private lands into OHMVR Division control, the project would eliminate the potential for wind energy development…. Would this also eliminate the potential issues associated with wind energy development such as access roads, high voltage transmission lines, or easements through proposed OHMVR acquisition property to access these interspersed BLM parcels? This would help address future security concerns, future public safety concerns, etc. Although all future foreseeable mitigation is not being considered at this time, how do the applications dating back approximately 8-years affect the overall development plan for the OHMVR Division? See below for partial list of BLM California Wind applications in this area.
. . .

Response to Comment #22-5: See response to Comments #13-2 and #13-5.

Comment #22-6: Expanded Acquisition Area: Although the DEIR does not address this area in detail, this plan is favored by our family. As noted, larger swaths of land could engulf the OHV area, leading to greater consistency and less conflicts, and additional resource protection could be achieved. This may also satisfy Kern County based on their latest public display for this adjacent property. Reference proposed wind energy boundary map hearing on September 25, 2012 @ 2:00pm:

http://kern.granicus.com/MediaPlayer.php?view_id=2&clip_id=2147

. . .

Response to Comment #22-6: Comments express the opinion of the commenter. No comment was made on the adequacy of the EIR. No response is necessary.

Comment #22-7: The uncertainty lies with the fact that previously approved EIR's do not guarantee to the public that the mitigation items or locations of items discussed in the documents will be followed. This leads to a taking of adjacent property owner's intended uses for their land, destruction of the environment, damage to habitats and injury or death to species. We hope for a balance of all items when the OHMVR Division is successful with this proposal.

Since approximately a dozen private properties are located within the Southern Kelso Valley area at or around the intersection of Jawbone Canyon Road and Kelso Valley Road, consideration during the preparation of the general plan to existing private properties and residents to allow for proper separation of potential future camping locations and potential restroom locations would be valuable. Again we ask that the General Plan, specifically zoning, although different in nature for this application, be reconsidered for this area as it was in 2009 for the current owners. Wetlands, although not connected to navigable waters, exist within the basin of Kelso Valley and should be considered during the preparation of the general plan.

As a whole, we support the acquisition by the OHMVR Division for all parcels noted. We suggest consideration be given where appropriate in the future preparation of the general plan to ensure unity with all stake holders.

Response to Comment #22-7: Presently, no changes in existing use of the project property are proposed by the project. Existing and future uses of the property have the potential to affect adjacent parcels through unlawful trespass. Management Measures proposed by the OHMVR Division (EIR Table 2-1) would address unlawful use issues through law enforcement and public education (see EIR Section 3.3.2). Future land use changes have not been identified and would be subject to a future general plan. General plans prepared by the OHMVR Division do not use "zoning" per se, although areas can be designated for particular types of uses. The effect of any proposed land use changes on adjacent parcels and area resources such as wetlands would be evaluated at the time of proposal and are too speculative too predict until then (see response to Comment #17-7).

Comment Letter #23. Mark R. Faull

Comment #23-1: Paleontological Resources. *Dove Spring Formation.* The current Draft EIR unfortunately overlooked the extremely prominent paleontological resources reflected in the local Dove Springs Formation. The Dove Springs Formation is prominent within Red Rock Canyon State Park, the upper strata of which extend westward beyond the park boundary into the new acquisition lands as well as adjoining BLM properties.

The Dove Springs Formation was earlier referred to as the Ricardo Formation (Dibblee 1952), which was revised to become the Ricardo Group containing the Dove Springs Formation and the Cudahy Camp Formation in 1989 (Loomis and Burbank 1988).

The Dove Springs Formation contains a globally recognized vertebrate fossil collection from a portion of the Miocene and represents the most complete collection for its age recovered from any United States fossil beds west of Nebraska. The most recent publication documenting this significance is Whistler et al. 2009.

The earliest vertebrate fossil recovery initiated with Merriam pursuant to a series of articles. Dr. Merriam published seven intermediary works defining this topography's special and unique fossil heritage, leading up to his comprehensive paleontological review of what he termed the "Ricardo group" in 1919 (Merriam 1913, 1914; 1915a; 1915b; 1915c; 1916; 1917; 1919). Numerous significant publications occurred between 1919 and 2009 and can be provided upon request.

Miller and Amorosa 2007 have most recently mapped the westward extent of the Dove Springs Formation west of Red Rock Canyon State Park.

Paleontologists at the Los Angeles County Museum of Natural History represent the experts on this paleofauna and their archives curate over 10,000 specimens collected locally pursuant to permits with California State Parks and the Bureau of Land Management.

Response to Comment #23-1: The information provided by the commenter regarding the Dove Springs Formation is acknowledged and would be used by the OHMVR Division in future studies conducted on the parcels subsequent to acquisition. Sensitive paleontological resources found on the project parcels would be subject to protection from existing property uses and proposed property management activities should they be determined to be at risk from such activities. See response to Comment #28-1.

Comment #23-2: *Unnamed Local Fossil-bearing Strata.* A second triangular wedge of an "Unnamed Formation" of indeterminate age extends westward into certain southeastern acquisition parcels covered by the Draft EIR, which has yielded a vertebrate fossil assemblage. Paleontologists suspect the assemblage of being Pliocene in age, but have been unable to secure accurate dating confirmation. The unnamed formation exists within a triangular wedge bound by the Garlock fault on the south, the El Paso Fault on the north and the Sierra Frontal Fault on the west.

Most of the "unnamed formation" occurs as remnant patches exposed as low ridgelines, not uncommonly cut and capped by apparent Pleistocene erosional depositions. Paleontologists at the Los Angeles County Museum of Natural History are the most knowledgeable researchers regarding these strata and their archives curate several examples of recovered fossils.

Response to Comment #23-2: The information provided by the commenter regarding the unnamed formation is acknowledged and would be used by the OHMVR Division in future studies conducted on the parcels. Sensitive paleontological resources found on the acquisition parcels would be subject to protection from existing property uses and proposed management activities should they be determined to be at risk from such activities. See response to Comment #28-1.

Comment #23-3: Botanical Resources. The Draft EIR does not mention the newly published Red Rock Canyon Monkeyflower, Erythranthe rhodopetra (Fraga 2012). The type locality for this new species lies within adjacent Red Rock Canyon State Park. The new species is of constricted or limited distribution. Formerly thought to be populations of the more widespread Palmer's Monkeyflower, new range and distribution data are extremely important to collect. The proximity of these acquisitions to Red Rock Canyon warrants consideration of this species within the final EIR.

Response to Comment #23-3: The information provided by the commenter regarding the Red Rock Canyon monkeyflower is acknowledged and would be used by the OHMVR Division in future inventories and studies conducted on the parcels. Any populations found on the acquisition parcels would be subject to protection from existing uses, such as OHVs and cattle grazing, and proposed property management activities should they be determined to be at risk from such activities.

Comment #23-4: Cultural Resources. *Death Valley 49ers.* The Draft EIR does not contain any reference to the important passage of the Death Valley 49ers in early 1850. Reference to their passage and its importance can be gleamed from Faull 2000, as well as other publications.

Response to Comment #23-4: The information provided by the commenter regarding the passage of the Death Valley 49ers in early 1850 is acknowledged and would be used by the OHMVR Division in future inventories and studies conducted on the parcels and would be useful when developing Cultural Resource Management Measures and later on, the general plan. In the meantime, any resources related to the passage that are discovered prior to development of a general plan would be assessed by a Park Archaeologist under the requirements of the California PRC section 5090.35(f) (EIR, Section 7.3.2).

Comment #23-5: *Los Angeles Aqueduct.* The creation of the first Los Angeles Aqueduct was an event of statewide and even national significance (Faull 2000; also Faull 1991). The trace of this aqueduct passes through the eastern acquisition parcels and several acquisition parcels contain remnants of important construction camps utilized during the multi-year construction process of the aqueduct.

The rearrangement of water resources in California is a major factor influencing the 20th Century transformation of California culture, economy and even the balance of power within our state. The Los Angeles Aqueduct was the first major water redistribution project, which eventually enabled the arid southland to outpace northern California in population.

Sites associated with the establishment of this aqueduct deserve consideration under the National Register of Historic Places criteria. In addition to their significant aforementioned contribution to California history, the innovative layout of the camps and the worker motivational strategies are also significant historical accomplishments for the era.

It appears that several acquisition parcels may contain the remnants of aqueduct camps, such as San Antonio Camp, Water Canyon Camp and Gray Ridge Summit Saddle Camp.

Response to Comment #23-5: The information provided by the commenter regarding the passage of the Los Angeles Aqueduct is acknowledged and would be used by the OHMVR Division in future inventories and studies conducted on the parcels and would be useful when preparing Cultural Resource Management Measures and later, the general plan. In the meantime, any resources related to the passage that are discovered prior to development of a general plan would be assessed by a Park Archaeologist under the requirements of the California PRC section 5090.35(f) (EIR, Section 7.3.2).

Comment #23-6: *The Keysville Massacre.* Brief mention is made within the Draft EIR of Captain Moses A. McLaughlin's Keysville Massacre of 35 Native Americans on April 19, 1863. While the massacre is believed to involve mostly innocent individuals, the incident occurred against the backdrop of greater cultural unrest and conflicts after Euro-American settlers and miners entered the southern Sierra Nevada, Coso Mountains, Slate Range, El Paso Mountains and Owens Valley.

These Euro-Americans impacted the crucial winter pinyon nut crops by cutting down vast quantities of these trees to smelter minerals. Perhaps one early article in the Daily Alta California (28 July 1860:1) unknowingly summed up an essential and pivotal element in the worsening conflict when it stated, "we have plenty of firewood. It is a very scrubby pine, called by the Indians pinon. They gather the seed for food." In addition, cattle had been introduced, which forged upon the spring and early summer annual and perennial plants utilized by Native Peoples for sustenance. Conflicts escalated into violence.

The initial conflicts occurred in the Eastern Sierra region. Over time the epicenter of some conflicts shifted southwest into the southernmost Sierra Nevada. On April 17, 1863 the Los Angeles Tri-Weekly News reported "the Indians are becoming troublesome" having "blockaded Walker's Pass … and we have been informed all travel has been obliged to be suspended in consequence." This was one of the main supply routes to provision the miners of the Eastern Sierra region. According to Captain McLaughlin's report part of Captain McLaughlin's justification of his actions was that one miner had been murdered in "Kelsey" [Kelso] Canon" (Barras 1984:76). As such, one of the incidents that appear to have motivated the retaliatory massacre on April 19, 1863 occurred in or near the EIR project area.

Trouble persisted and again impacted the project vicinity as The Los Angeles Tri-Weekly News (19 June 1863) announced the death of two additional men hauling freight through the Kelso Valley.

These local incidences fit into a larger paradigm of cultural conflict and transition.

Response to Comment #23-6: Expansion of the story surrounding Captain Moses A. McLaughlin's Keysville Massacre of 35 Native Americans on April 19, 1863 is appreciated. No response is needed.

Comment #23-7: *Native American Cultural Traditions and Heritage.* It remains extremely important to recognize the ongoing, unbroken, living family and cultural traditions of our Local Native Americans, which occur and transact upon the proposed acquisition lands. These family and community traditions must be formally acknowledged and recognized. Every attempt should be made to reasonably accommodate the perpetuation of these invaluable cultural traditions, which lie at the heart of self and community identity, as well as protecting the most sacred and spiritual grounds within the proposed acquisition from undue incidences or harm.

Response to Comment #23-7: Comment acknowledged. The OHMVR Division recognizes the importance of preserving cultural resources and traditions. The proposed Cultural Resources Management Measures (EIR Section 7.3.2) include consulting with California Indian Tribes and organizations connected to the region when initiating projects and management practices. Native tribes were contacted regarding this acquisition project and would also be contacted and invited to participate in the general plan process.

Comment Letter #24. Blair Groves

Comment #24-1: In reading the first couple pages of the EKCA Draft EIR Report there is some concerns that I have. We'll start in order as they appear in the Report. In the S.1 Project Description portion of the report it states that, "This Draft Environmental Impact Report (EIR) assumes that in the foreseeable future the OHMVR Division would manage the former ReNu parcels for OHV recreation. It further assumes all existing uses (including grazing) would continue to occur on the acquired parcels, subject to management necessary to protect natural and cultural resources, ensure public safety, and facilitate effective operations and subject to potential change under a general plan." Then in Table S-1. Summary of Project Impacts and Mitigation Measure under Agriculture and forestry it states that " The potential loss of the

property as grazing land could occur in the foreseeable future given the state livestock policy preference for no or limited grazing in state parks. Future grazing use of the property would be determined during the general plan approval process. Therefore, actual loss of grazing land is speculative at this time and cannot be assessed." Then immediately after that it states that" Upon acquisition of the project parcels, the OHMVR Division would implement Agricultural Resource Management Measures to manage rangeland health. These measures would not result in a loss of access to public grazing land or loss of use of grazing land by the operator. Implementation of the Agricultural Resource Management Measures would apply federal standards to the presently unregulated ReNu parcels resulting in a beneficial impact". The Report contradicts itself here, are they going to close down the grazing or are they going to allow it to continue?

Response to Comment #24-1: Subsequent to project approval and prior to completion of the general plan, all existing uses including grazing would be allowed to continue. These uses may be modified somewhat as necessary for resource protection. See response to Comment #17-5. It is uncertain whether grazing would continue after completion of a general plan. There is no set time frame for commencing and completing the general plan process and its environmental review. So, for the immediate future, at least up until the time a general plan is completed, grazing would continue.

EIRs must address both direct and reasonably foreseeable indirect physical changes to the environment (CEQA Guidelines §15064(d)). Property acquisition would lead to preparation of a general plan governing how the land is to be managed and what changes may be accepted in the future. In order to disclose as much as possible about the future consequences of the acquisition project, the EIR acknowledges that it could lead to preparation of a general plan that prohibits continued grazing on the property (EIR Section 4.3.3.1). However, the policy direction that would be established by the general plan is unknown at this time and is too speculative to predict. See response to Comment #17-8 regarding the uncertain outcome of the general plan process.

Comment #24-2: In the Table S-1. Summary of Project Impacts and Mitigation Measure under the Geology and Soils section it states that: "IMPACT: Portions of designated routes traversing acquisition parcels have soils with high and moderate erosion potential and areas within the acquisition parcels may be prone to erosion. A 1% increase in annual usage would not significantly increase erosion potential. The OHMVR Division would implement geology and soils management measures, including a soil conservation plan to address all trails, routes, and open areas on the acquired parcels." We already monitor trail in the surrounding area using photos as evidence. We already have soil reports that look at the type of trail, the amount of traffic on the trail and other aspects that affect the condition of the trails.

Response to Comment #24-2: The EIR acknowledges that Friends of Jawbone assists BLM with trail maintenance (EIR Sections 2.4.1, 2.4.3, and 2.5.2.2). The OHV Grants Program provides funds for much of this work. Once the project property is acquired, the OHMVR Division would work with Friends of Jawbone and BLM to determine the best way to coordinate soil conservation work between all entities.

Comment #24-3: In the Hazards, Hazardous Materials, and Public Safety section of Table S-1 Summary of Project Impacts and Mitigation and Measure it states that there are "Three project parcels (A-2, A-7, and B-10) have open pits or shafts, which may become dump sites or safety hazards if accessed by the public. A 1% increase in visitor use could result in increased public exposure to an existing safety hazard. Filling the open pits and closing or fencing the shaft as proposed by the Management Measures would prevent public injury and eliminate the safety hazard." There is no documentation of these sites. All Mine shafts have already been fenced off

in these areas. Furthermore there is no legal access to any of these mine shafts. If people stay on designated trails then there's no access.

Response to Comment #24-3: Three project parcels containing open pits or shafts were identified by Kennedy/Jenks Consultants in 2008 for a Phase 1 ESA report (EIR Section 10.2.1). The OHMVR Division would evaluate these sites and secure them as needed to prevent a public safety hazard. While there is no legal OHV access to these areas, lawful pedestrian access to the mine sites from adjoining BLM parcels may occur given the lack of property boundary demarcation with signage or fencing. It is in the state's interest to eliminate potential public safety hazards.

Comment #24-4: In the 2.5.2.1 Management of the Acquired Parcels section it states that "The project does not propose construction of new facilities to support the existing land uses, although minor projects such as vault toilet installation or facilities improvements for Americans with Disabilities Act (ADA) compliance or safety are foreseeable." There is already in place 6 of these toilets throughout the area of concern that are ADA compliant. The station building at the entrance to Jawbone Canyon off Hwy 14 was just upgraded and re-opened last year. The building and surrounding areas are already compliant with the (ADA) act. There is an information center already located inside the building that offers all kinds of information about the surrounding area and wildlife that fall within the parcels up for sale.

Response to Comment #24-4: The foreseeable projects listed are intended as examples of minor facilities that could be installed. The OHMVR Division would not install new ADA facilities if adequate facilities exist. The OHMVR Division would assess facility needs after property acquisition.

Comment #24-5: The [Section] 2.5.2.1 also states that "No changes in the land use are proposed. No expansion of open riding or the existing trail network is proposed." Seeing how there is going to be no new trails or areas to ride then WHY is there such a push for the state to buy the land? This whole project was sold to the public as a way to get new "single track trails" in the network. It seems there is some hidden agendas being pushed and that the public was misled in order to get them through.

Response to Comment #24-5: The EIR addressed only the acquisition and management of existing uses of the parcels by the OHMVR Division. No land use changes are proposed at this point in the land use planning process. As stated in EIR Section 2.3, the OHMVR Division has many objectives and priorities for purchasing the property. One of the goals is to facilitate OHV recreation in the project area. Any change to a park unit, such as expanded OHV recreation opportunity, that makes a permanent commitment of its resources must first have an approved general plan. Preparing the general plan is an involved and separate action from the proposed land acquisition and initial property management. As discussed in the EIR (Section 1.1) and in responses to Comments (e.g., #16-3 and 17-7), the outcome of the general plan depends on many factors including consultation with regulatory agencies and public interest. Until the general plan is prepared, changes in land use have not been defined and cannot be proposed with this acquisition project.

Comment Letter #25. Bruce Hafenfeld

Comment #25-1: [Section] S.3.5 Exclusions for Resource Protection.

- Parcel B-9 and B-10: This is an important grazing area which includes water haul sites and spring areas with watering troughs.
- Parcels A-4, A-6, and A-7: This is another important water source.

Excluding grazing – Impacts are not proven, only assumed. The alternative was not selected here but requires further study and is referenced in S-3-3.

Response to Comment #25-1: The value of these parcels to the livestock operation is acknowledged. More evaluation would be needed to determine the best locations and methods for resource protection. As noted, the Exclusions for Resource Protection Alternative is not selected as the proposed project.

Comment #25-2: [Section] S.3.3 Environmentally Superior Alternative. Does this then include 4,318 acres under resource protection alternative? This is a confusing way to present this alternative. Exclusions in S.3.5 would have significant impact on livestock management.

Response to Comment #25-2: The proposed project being considered for approval by the OHMVR Division is described in EIR Section 2.4. The Exclusions for Resource Protection Alternative includes the 4,318 acres in the acquisition but would prohibit any of the existing land uses (e.g. cattle grazing and OHV use) from accessing that acreage. This alternative was identified as the environmentally superior alternative, which is different than, and should not be confused with, the proposed project. Text in EIR Sections S.3.5 and S.3.6 has been amended for clarity. See Errata, Chapter 4 of this document.

The commenter may be more familiar with federal NEPA documents (EA, EIS), which utilize a different method of considering project alternatives than a CEQA EIR. Under NEPA, an agency equally considers and analyzes multiple project alternatives and then selects a preferred alternative as the project for approval. In contrast, a CEQA document (this EIR) starts with a single proposed project, analyzes the project effects, and then identifies project alternatives that could alleviate significant environmental effects identified for the project while at least partially achieving the project's objectives. CEQA further requires that the project alternative with the least amount of adverse environmental effects be identified as the environmentally superior alternative. CEQA does not require an agency to select any of the project alternatives in preference over the proposed project for approval. However, CEQA Guidelines Section §15092 requires that an agency not approve a project that will have a significant effect on the environment unless the impacts have been eliminated or substantially lessened and "any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described Section 15093."

The proposed project would have an unavoidable significant effect on desert tortoise (EIR Section 6.5, p. 6-58). All other potential impacts are lessened by the implementation of the OHMVR Division's proposed resource Management Measures. As a result of this determination, the agency may not approve or carry out the project unless the agency finds that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR." (Guidelines §15091(a)(3)). This finding must describe the specific reasons for rejecting identified mitigation measures and project alternatives. (Guidelines §15091(c)).

Four project alternatives were considered and analyzed in the EIR: No Project, Reduced Acquisition Area, Expanded Acquisition Area, and Exclusions for Resource Protection. The Exclusions for Resource Protection alternative is the environmentally superior alternative and could afford greater protection for the desert tortoise than the proposed project; however, it does not eliminate impact to the tortoise and the effect would remain significant and unavoidable. Given that the OHMVR Division would be engaging in more studies to inventory natural resources and assess site conditions, it is premature for the OHMVR Division to commit to installing extensive exclusion fencing identified in this alternative prior to completing the studies

and developing a better resource database and understanding of where resource protection can best be accomplished to minimize impacts to desert tortoise and other sensitive species. For this reason, the Exclusions for Resource Protection Alternative is less desirable than the proposed project and therefore it is rejected as a means of reducing impact to desert tortoise.

Comment #25-3: [Section] S.4 Grazing interest should be carefully considered. It will be necessary for the OHMVR Division to carefully consider the interests of those who currently utilize the land and its resources.

Response to Comment #25-3: Comment acknowledged. No change in grazing use of the land is proposed by this project. The long-term future of grazing on the property would be determined by a general plan. Grazing interests as well as all other expressed interests would be carefully evaluated at that time. No comment is raised on the adequacy of the EIR. No response is required.

Comment #25-4: [Section] 1.1 Project Overview. Assumes livestock grazing would continue "subject to management necessary to protect natural and cultural resources..." Assumes? Utilizing management by BLM and livestock operator would be more cost effective.

Response to Comment #25-4: Livestock grazing presently occurs and would continue to occur on the property until future property uses are determined by an approved general plan. Cattle grazing would be monitored by the OHMVR Division. Resource protection actions, such as fencing and restricted access, could affect grazing use of the property (EIR Section 4.3.3.1). BLM does not provide grazing monitoring on state or private property. The OHMVR Division would coordinate with the livestock operator to provide the most effective means of monitoring.

Comment #25-5: [Section] 1.1 Third paragraph. This action is irresponsible. Only government acquires something then tries to figure out how to use it let alone fund it. Our taxpayer dollars at work!

Response to Comment #25-5: The comment expresses opinion and does not offer specific comment on the project or the adequacy of the EIR that the OHMVR Division can address. See responses to Comments #16-3, #17-7 and #24-5 for an explanation of why the land use planning process is separate from this proposed acquisition project. See responses to Comments #16-4 and #17-2 for discussion of project funding.

Comment #25-6: [Section] 2.4.2 ReNu parcels are managed along with the BLM and USFS permittee for the simple reason the land is open range. We cannot manage them differently as the land is a checkerboard of private and BLM. To install 20 miles of fencing is ludicrous and waste of taxpayer dollars.

Response to Comment #25-6: Section 2.4.2 of the EIR identifies that cattle grazing is open range. The project does not propose installation of fencing. The 20 miles of fencing is in reference to the Exclusions for Resource Protection Alternative (EIR Section 12.5). Creating a cattle and recreation exclusion of the nine parcels identified in that alternative would require an estimated 20 miles of fencing. Extensive fencing could fragment the land and may further complicate connectivity and recreation values. A commitment to extensive fencing at this time is premature given that more resource studies and a general plan land use planning effort are forthcoming (EIR Section 12.5).

Comment #25-7: [Section] 2.4.4 the water trough at Butterbredt Spring is functioning and maintained when cattle are present.

Response to Comment #25-7: Clarification is acknowledged. The EIR text is revised accordingly. Please see amended text in EIR Section 2.4.4 and in Errata, Chapter 4 of this document.

Comment #25-8: Table 2-1 Summary of Management Measures – the term of permits is automatically rolled over every 10 years.

Response to Comment #25-8: Clarification is acknowledged. The Terms and Conditions of RCA Grazing Permit Management Measure (EIR Section 4.3.2) has been amended to reflect that the BLM grazing permit is renewable. See revised text in EIR Section 4.3.2 and in Errata, Chapter 4 of this document.

Comment #25-9: [Section] 4.1.4 Assumes potentially adverse impacts of grazing on recreation and biological resources. Does the policy acknowledge and understand the potentially adverse impacts of OHV use on the resource or is it only focused on grazing?

"Contract grazing" does not put food on my table nor the table of those that are employed by this ranch. "Raising livestock for commercial trade" is the way we make our living as well as those before us for the past 100 years or more. Grazing is the custom and culture of the land. And I am sure that if you checked, your "Contract" Grazers probably "raise livestock for commercial trade." State Parks OHV policy does not meet the test for continued commercial grazing or investment in infrastructure by the permittee.

Response to Comment #25-9: Section 4.1.4 occurs within the Agriculture and Forestry Resources chapter of the EIR and therefore only addresses CDPR policy pertaining to grazing. State regulations governing OHV use is discussed in EIR Section 3.1.3.2. "If OHV use results in damage to any natural or cultural values, appropriate measures must be taken to protect these lands from any further damage. These measures may include the erection of physical barriers and must include rehabilitation of the damage to natural resources and the repair of damage to cultural resources (PRC 5090.43)." The effects of existing OHV use on biological resources in the project area as well as project impacts on biological resources are addressed in the Biological Resources chapter of the EIR.

Contract grazing (EIR Section 4.1.4) is a reference to agreements that two SVRAs have with local livestock operators to perform fuel reduction and weed control service on state property. SVRAs have not historically allowed livestock operators to use park land apart from providing a resource management service.

Comment #25-10: [Section] 4.1.5.1 "Kern County General Plan (Goals) Goal 2. Protect areas of important mineral, petroleum <u>and agricultural resource</u> potential for future use. Goal 5. Conserve prime agriculture lands from premature conversion." Kern County and its policies should be incorporated into all OHV planning for this project. After all, the state came to Kern County.

Response to Comment #25-10: The proposed acquisition project would not change existing land uses. Until a state general plan is prepared for the project property, the land uses would remain the same as they were under county jurisdiction. The general plan prepared for the property would establish the long-term land uses of the property. See responses to Comments #16-6 and #17-7 regarding the general plan process. See also responses to Comments #22-3, #22-4, and #22-7 for general plan discussion related to properties remaining in county jurisdiction.

Comment #25-11: Table 4-2 Operations Manual, Livestock Grazing Policy – there is nothing in this section that works for grazing, only a myriad of conflicts. "Protecting and restoring natural processes is at the core of the State Park Systems natural resource management. Livestock

grazing is an artificial process impacting physical and biological resources." I do believe that there were cattle before there were motorcycles, artificial? This table shows a very real and clear bias in the State Park System towards the age old practice of grazing. How does OHV use work for State Parks in this section?

Response to Comment #25-11: CDPR policy views grazing as incompatible with park purposes and an inappropriate use of state parkland. However the policy acknowledges circumstances can exist where grazing may be permitted. As noted in response to Comment #25-9, this table only addresses livestock grazing policy. OHV use on state parkland is governed by Public Resource Code 5090.01 et seq. and is addressed in other chapters of the EIR (e.g., EIR Section 3.1.3).

Comment #25-12: [Section] 4.3.1 Thresholds of Significance "According to Appendix G of the CEQA guidelines, a project would normally be considered to have a significant adverse impact on the environment if it would …

- Conflict with existing zoning for agricultural use, or a Williamson Act contract…
- Result in the loss of forest land or conversion of forest land to non-forest use.

This does not agree with your summary.

Response to Comment #25-12: The proposed project is limited in scope to the purchase of the parcels and the management of the property consistent with existing uses until a general plan is prepared. Continuation of existing cattle grazing does not conflict with the current agricultural use of the property. There are no Williamson Act contracts on the property. The project does not change or result in the loss of forest land. The potential for loss of private and public grazing land is assessed in EIR Section 4.3.3.

Comment #25-13: [Section] 4.3.2 Proposed Agricultural Resource Management Measures – Term of RCA allotments – if terms and conditions are met, the term will roll for another 10 years. There is currently a proposal before congress to increase the terms to 20 years.

Monitoring – BLM and USFS monitoring is generally done with permittee present and aiding in the monitoring process.

Response to Comment #25-13: As stated in EIR Section 4.1.1, the 10-year grazing permits "are renewable if the BLM determines that the terms and conditions of the expiring permit or lease are being met." The Terms and Conditions of RCA Grazing Permit Management Measure has been revised to acknowledge issuance of subsequent permits. See response to Comment #25-8. Long-term continuance of grazing on the property would not be determined by the renewal of BLM or USFS grazing permits but rather by the land use directives established in the forthcoming general plan.

The OHMVR Division recognizes the cooperative effort required for grazing monitoring and would work with BLM and the permittee in conducting its monitoring.

Comment #25-14: [Sections] 4.3.3-4.3.3.1 permit roll over from 2018 to 2028. Very likely. Same as USFS permits. These statements are opposite of the statements in the CEQA document as well as at the previous public meeting. By not addressing the effect on commercial grazing, that it is not an environmental effect subject to CEQA review, is a very hollow statement. Just as grazing has a potential effect, so does the removal of livestock after 100+ years. What about the loss of food and product to consumers? This operation produces enough beef to feed thousands of people to say nothing of the by-product that comes from beef. The State Parks policy gives every opportunity to eliminate livestock use and very little assurance of continued livestock use.

Again, there is that very clear bias. California Cattlemen's Association as well as Kern County and California Farm Bureau both have a significant concern with this policy now and in the past.

Response to Comment #25-14: The commenter's concern regarding CDPR livestock grazing policy is acknowledged. As noted in previous responses, the proposed acquisition and property management would not change the grazing use of the property immediately. Long-term grazing use could be established by the general plan.

CEQA does not require an EIR to assess the economic impact of a project. However, as noted in the comment, economic impacts can create environmental effects that are subject to CEQA environmental review. Discontinuance of grazing on the project property would create environmental changes. These effects must be considered when determining the land uses established by the general plan and the environmental consequences of the general plan.

Comment #25-15: Management Measures in sections 6.3.2, 7.3.2 and 8.3.2 may seem insignificant if measured in square feet, but may indeed be significant and should include the presence of the livestock operator who has the experience to determine the needs of the livestock.

Response to Comment #25-15: Where Management Measures are contemplated to address problems related to livestock grazing on biological resources, the OHMVR Division would work with the livestock operator (permittee) to determine the best methods to implement and resolve the problem (EIR Section 6.3.2).

Comment #25-16: [Section] 4.4. Depending on resource protection impacts, there could be cumulative impacts to grazing!

Response to Comment #25-16: Potential loss of grazing land due to implementation of proposed Management Measures is a project impact, not a cumulative impact. A cumulative impact would be the project impacts combined with non-project related impacts. No cumulative impacts to grazing have been identified (EIR Section 4.5).

While resource protection measures could restrict cattle access to specific locations, the need for use restrictions is not known at this time and therefore the potential reduction in available pasture from such closures is speculative (EIR Section 4.3.3.1). Furthermore, the use of large exclosures to restrict cattle from particularly sensitive areas has been considered in the Exclusions for Resource Protection Alternative. However, the alternative was rejected (EIR Section 12.5). A grazing management measure was developed whereby the OHMVR Division would 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 (EIR Section 6.3.2).

Comment #25-17: [Section] 4.5 Mitigation may indeed be needed if water sources are cut off that affects thousands of acres.

Response to Comment #25-17: As stated in response to Comment #25-16 above, a grazing management measure (EIR Section 6.3.2) was developed that states the OHMVR Division would 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. In addition, protection of riparian resources from impacts to livestock is required by BLM in accordance with the RCA grazing permit terms and conditions (EIR Appendix C), without eliminating cattle access to water. Water for livestock is provided by the operator and typically consists of a trough that is fed from a spring or a separate cattle pond that has been developed off of a natural spring. Troughs are filled by a water truck when no natural source is available. These sources would not be cut off from livestock.

Comment #25-18: Why does the state wish to purchase Kelso Camp and meadow, School House Springs and meadow and Landers Meadow? What importance is there to OHV use while using OHV funds to acquire? These are all sub-irrigated meadows and are of no use to OHVs. Landers Meadow is non-contiguous from all other parcels.

Response to Comment #25-18: The three Landers Meadows parcels (L-1, L-2, and L-3), as well as three parcels in Kelso Valley (K-13, K-17, and K-20), are not part of the immediate property acquisition. Thus, instead of initially purchasing 59 parcels, the OHMVR Division would purchase 53 parcels. It is possible that some or all of the six remaining parcels may become available for purchase in the future. To reflect this, the FEIR has been revised and now describes the six parcels as a potential future acquisition. The OHMVR Division included the Landers Meadow area in the acquisition area to ensure the biological and other sensitive resources on those parcels could be managed appropriately and as part of a comprehensive planning effort.

Comment #25-19: Cost Benefit Ratio. Your documentation talks of only a 1% increase in ridership at what cost? Do the funds you have to acquire also include enough funds to develop and manage in perpetuity? Where will that money come from and what assurance is there that funding will be there in perpetuity?

Response to Comment #25-19: The 1% increase in OHV use is the projection of incidental increase in visitor use resulting from the proposed change in property ownership and management only. Future increases in park visitation may occur dependent upon the general plan outcome (see responses to Comments #9-3, #10-5, #12-11, and #15-2). The public benefit received is not just sustained OHV recreation but also stewardship of resources impacted by OHV recreation.

See responses to Comments #16-4 and #17-2 regarding funding.

Comment #25-20: Updated appraisal. There is a new sale of a section of comparable land with water and a meadow directly across from School House Spring. It is section 34. T29S, R34E.

Response to Comment #25-20: No comment is made on the adequacy of the EIR. No response is required.

Comment #25-21: Because of the "checkerboard" land ownership, how do you plan on managing separate from the BLM when you have both state and federal standards to meet? By virtue of the "checkerboard" pattern, the lands to be acquired will be very difficult and non cost effective to manage.

Response to Comment #25-21: The management strategy with regard to coordination with BLM and USFS has not been determined. However as described in the EIR Section 1.1, "If the land is acquired, the OHMVR Division in partnership with BLM would determine the most effective way to manage the project and adjoining BLM parcels using resources available from both agencies."

Comment Letter #26. Katherine Klemic

Comment #26-1: I apologize for the fragmented nature of this response, but I want to be on record prior to close of the comment period to have appeal standing. I am appalled with the lack of attention that Kern County pays to the importance of due diligence in notifying potentially interested parties. This is the second project in as many years that my family has not been contacted during initial scoping and we have only found out through our network of neighbors about activities happening near our property in T29S, R35E, Section 28. I have serious concerns about the lack of attention given to what future projects may impact my family's property that we will not be provided opportunity to comment or collaborate.

Response to Comment #26-1: Note to reader: T29S, R35E, Section 28 is located in the middle of the following parcels as shown in Figure 2-4 of the EIR: K-13, K-16, K-18, and K-20. Section 28 includes a small parcel subject to the acquisition (K-17). Kern County was not responsible for notifying residents of the proposed project as it is a State of California sponsored project and not a County project. CDPR posted all legally required notices regarding the project including by posting a public notice with the county clerk, publishing a notice in two local newspapers (the Bakersfield Californian and Antelope Valley Press), and contacting organizations and individuals that requested notification.

Comment #26-2: I understand that this DEIR states "No changes in land uses or significant site improvements are proposed. No expansion of open riding or the existing route network is proposed. No new points of access to the project property or changes to open range grazing are proposed." However, it is unclear what the impact will be to the private residences and to the cultural resources in the area. This project describes the significant impact of "take" on an endangered species (Desert Tortoise) but only discusses a 1% increase in visitor use. This raises serious concern as to the necessity of this project. Due to the large file size of the documents and appendices I was unable to access the entire DEIR so some of my concerns may have been addressed. I do not feel that you have done an adequate job making the documents accessible to the average citizen.

Response to Comment #26-2: The EIR addresses only the acquisition and management of the property with existing uses. Given that there would be no change in property uses, nearby private residences would be unaffected by the project. To the degree that private residences are currently affected by trespass issues such as unlawful OHV use, the private residences may benefit from the addition of state law enforcement efforts on the project property. Cultural resources would be protected as prescribed in the Cultural Resources Management Measures (EIR Section 7.3.2).

A general plan for the proposed property would be prepared to establish long-term land uses of the property. See responses to Comments #9-3, #10-5, #12-11 and #15-2 for an explanation of the 1% increase in visitation.

Residents can contact the OHMVR Division with their concerns. Upon state acquisition, the OHMVR Division would maintain a presence on the project property making local access to OHMVR Division staff possible. Residences would also have the opportunity to participate in the general plan process to help establish land use goals and policy for the property.

The Draft EIR was made available to the public on the OHMVR Division website (http://ohv.parks.ca.gov/ohv-ceqs-notices), at Hungry Valley SVRA, and at OHMVR Division Headquarters.

Comment #26-3: I will attempt to continue reviewing this Draft document in the hopes that OHMVR is not trying to 'pull a fast one' and that there are protections in the document for resources in the fragile Kelso Valley area. This area is already being seriously impacted by the trespass of wind farms on the landscape. Increased OHV use will put our properties unduly at risk. As it is my family has stopped riders from setting "warming" fires near our property lines in dry conditions and we have had to other individuals not to ride on the hills above our property that will lead to erosion. I am concerned that if CA Dept. of Parks and Recreation acquire these lands eventually the designated open riding areas will expand. This will leave our property at greater risk from human-caused wildland fire, from erosion and from theft and trespass when we are not on site. I was not afforded enough time to ensure there are provisions in the DEIR to protect our interests. If the OHVs stay East of Butterbredt and out of the valley, I have fewer concerns on a personal level, but my concerns about the impacts of uncontrolled OHV to cultural resources and the desert tortoise remain.

Response to Comment #26-3: The proposed acquisition and property management project would not change any existing OHV use patterns or opportunities in the project area at this time. No expansion of OHV riding is proposed, including within Kelso Valley, by the acquisition project considered in this EIR. Development of new or expanded uses cannot occur until a general plan has been approved for the park unit (EIR Section 2.5.2.1). Public concerns can be brought to the attention of the OHMVR Division not only during the general planning process, but also at any time by contacting OHMVR Division staff. All designated OHV routes occur on and east of Butterbredt Canyon Road (EIR Figure 2-3). No change to this route system is proposed by the acquisition project. Unlawful OHV use is expected to be reduced by the addition of state law enforcement efforts to the project area (see Land Use Management Measures in EIR Section 3.3.2). Impacts to the desert tortoise are addressed in EIR Section 6.3.3.

Comment #26-4: I wish I had time to provide more constructive comments, but I was not afforded that luxury. I can only hope that you plan to do right by the resources and think long and hard before putting non-renewable resources at risk for what appears at first glance to be no real benefit.

Response to Comment #26-4: Comments express the opinion of the commenter. No comment was made on the adequacy of the EIR. No response is necessary.

Comment Letter #27. Stephen Re

Comment #27-1: I do support the land acquisition Jawbone area for OHV use and grazing.

This will be beneficial for the environment and the public by consolidating management under state parks and not the BLM.

We need more single track trails to disperse the volume of traffic on existing road type trails.

Single track trails are also important to horses and mountain bikers as we like to get away from the main more traveled trails.

There are at least 70,000 people on many holiday weekends each year enjoying this area.

I would like to see the EIR include a statement to promote making more single track trails in this area and not closing any existing trails.

Response to Comment #27-1: Comments reflect the opinion of the commenter and do not require a response. The purpose of the EIR is to assess the environmental impacts related to the proposed property acquisition and Management Measures. Future changes, such as expanded OHV opportunity, would be subject to a general plan public planning process and additional CEQA compliance (EIR Section 1.1). No facilities can be developed that result in the permanent commitment of a resource of the park unit prior to developing a general plan (EIR Section 2.5.2.1).

Comment Letter #28. Michael Sampson

Comment #28-1: The February 2013 Draft Environmental Report does not adequately address the issue of paleontology and the potential presence of fossil-bearing deposits within the proposed acquisition area. I recommend the OHMVR Division follow the following measures: (1) request that their consultant hire a professional paleontologist to provide the requisite expertise, (2) the paleontology contractor then should conduct a records search for the region that would focus upon known fossil localities and their respective geological contexts (e.g., the Dove Springs Formation and others), (3) compare the records search results with geological formations found within the acquisition area to identify potential areas where fossil localities might occur,

and (4) recommend protective measures for areas identified as holding a high potential for paleontological finds.

Response to Comment #28-1: Although the archeologists who conducted preliminary surveys of the project area were not paleontological experts, they were experienced at identifying sites that have potential to support unique paleontological resources. No potentially unique sites were identified (EIR Section 7.3.4).

Because the project only involves purchase of private parcels and management of the parcels under current use, it is unlikely that the project would increase risk or cause any new impacts to existing paleontological resources that may exist.

The suggested use of professional paleontologists to provide requisite expertise is an excellent one. Once the parcels are under State ownership and future changes in use are contemplated under the general plan, the OHMVR Division would work with a qualified paleontologist to conduct a records search and survey potential sites near activity areas. This has been added as the Paleontological Resources Protection Management Measure. See EIR Section 7.3.2 and Errata, Chapter 4 of this document.

Comment #28-2: The February 2013 Draft Environmental Report did a fine job of discussing cultural resources and proposing recommendations for future monitoring and protection of archaeological sites. However, I wish to make the following recommendations related to the protection of archaeological sites in the acquisition area: (1) All vehicular trails that currently traverse archaeological sites should be realigned around those sites. Then, the abandoned trail segments should be restored. (2) Dust originating from vehicular trail use will over time degrade and obscure prehistoric rock art (including, pictographs, petroglyphs, and cupule petroglyphs). The OHMVR Division should devise a means of lessening the amount of dust in areas at or close to rock art locations, such as, realignment of OHV trails, placing a dust-control medium on the trail where it passes close to rock art sites, etc. (3) Install split-rail fences or peeler-log fences along the margins of OHV trails at locations where they pass next to archaeological sites, sensitive plant habitat, fossil localities, sensitive wildlife habitat, fragile geologic formations, or other locations requiring protection.

Response to Comment #28-2: The EIR includes implementing a series of Cultural Resources Management Measures for the project after acquisition. One of the measures is implementing a cultural resource management program that would address all historical and archaeological resources know to exist in the project area. According to the EIR, Section 7.3.2 “Resources will be evaluated for significance as set forth in EIR Section 7.1.5 and protective measures prescribed as appropriate for their risk of disturbance by existing uses.” The comment recommendations are excellent and may be used by the OHMVR Division when the time comes to develop specific resource protocols for the existing and any newly found resources.

Comment #28-3: I also recommend that the remaining unexamined portions of the proposed acquisition area be surveyed for archaeological sites; you need those data to make informed land-management decisions. I would suggest that additional, more in-depth historical research on the property be conducted in an effort to fully comprehend the cultural significance of the historic sites in the acquisition area. It would appear to me that the property has one or more work camp sites associated with the construction of the original Los Angeles Aqueduct, as well as evidence of past ranching activities and mining.

Response to Comment #28-3: The EIR includes implementing a series of Cultural Resources Management Measures for the project after acquisition. One of the measures is implementing a cultural resources inventory for all areas not included in the cultural resource inventories

conducted for the EIR. The comment recommendations are excellent and may be used by the OHMVR Division when the time comes to develop specific inventory protocols for the project area.

Comment Letter #29. Paul Slavic

Comment #29-1: Butterbredt Springs should have a high level of protection possibly completely fenced off from the public.

Response to Comment #29-1: The biological value of Butterbredt Springs is recognized (EIR Section 2.4.4). Protection measures for this resource area would be addressed in the WHPP prepared for the property after acquisition (EIR Section 6.3.2).

Comment #29-2: OHMVR Division should engage the grazing permitted in all facets of the project that affect the historic grazing operation. Grazing should at the very least continue as it has under the BLM guidelines. The permittee should not feel threatened by new management but all parties work cooperatively for the best outcome.

Response to Comment #29-2: The proposed project would allow continuance of grazing on the property as an existing use as specified in the Agricultural Resource Management Measures (EIR Section 4.3.2). BLM permit conditions would be applied to the grazing operation on the project property. The OHMVR Division would work with the livestock operator and BLM to make sure that grazing on the newly acquired land does not harm sensitive resources. See responses to Comments #25-3, #25-4, #25-13, and #25-16, which also address the livestock operator's concern for working together with the OHMVR Division.

Comment #29-3: The Pacific Crest Trail should be protected from trespass. I would submit that one way to do that is by creating a long distance single track trail system that challenges the most experienced riders. I understand that we have to wait for a general plan to be developed but if the non-motorized community understands what the future could look like. I believe they would feel a lot more comfortable. Incorporate Friends of Jawbone into the project as much as possible.

Response to Comment #29-3: The EIR reflects the intent for the OHMVR Division to assist in protecting OHV trespass onto the Pacific Crest Trail. Adding single track trails to the project area would lead to the irrevocable commitment of land and its resources and therefore, as noted, is subject matter for the future general plan. Other comments the opinion of the commenter and do not require a response.

Comment Letter #30. Scott Spencer

Comment #30-1: Dear Mr. Jones, my name is Scott Spencer, and I'm the owner of the Jawbone Canyon Store. I'm very excited about the land purchase in our area. Although I haven't read the EIR, I'm concerned about language in the description that vaguely states new routes [trails] aren't part of the planning for this area. I'm surprised by this, because I would hope that a trail system, especially single track, is a vital component of developing this area for off road recreation. This is a huge purchase, and the off road riding public is growing frustrated in the way green sticker dollars are spent to close trails that have historically been open for decades. It seems to me [and my many customers] that there is now an opportunity to address the complete lack of a well designed trail system. We have proposed such a system to the BLM, and now I believe it has been forwarded to your dept. It is called the "Jawbone Canyon Store Trail Plan."I hope you will give earnest consideration to this carefully crafted plan, which has been endorsed by off road organizations and hundreds of riders. I can't imagine that when the state purchased the Hungry Valley property the thought existed that new trails wouldn't be added. There is a vital need to add trails at Jawbone, the road system currently in place is simply too dangerous for a

variety of off roaders who may encounter a buggy or side by side vehicle coming at high speed in the opposite direction. I would be happy to show you the existing problems and suggest solutions for our beautiful area.

Response to Comment #30-1: The purpose of the EIR is to assess the environmental impacts related to the proposed property acquisition and Management Measures. Future changes, such as expanded OHV opportunity, would be subject to a general plan public planning process and additional CEQA compliance (EIR Section 1.1). No facilities can be developed that result in the permanent commitment of a resource of the park unit prior to developing a general plan (EIR Section 2.5.2.1). Preparation of a general plan is a public planning process during which interested parties can express ideas for future land uses. It would appropriate for the Stewards of the Sequoia participate in the general plan process and submit their Jawbone Canyon Store Trail System Proposal to the OHMVR Division at that time.

Comment Letter #31. Edward Waldheim

Comment #31-1: My comments throughout this document are in reference to the management areas by BLM/FOJ as they relate to Jawbone Canyon Road, Kelso Valley Road to the East, ending at LA Aqueduct 2. The area between these two routes, are areas where BLM and FOJ have intensive management. I have no comments on all the other areas within the acquisition area document. My comments are based strictly on FOJ work in this area of involvement.

Response to Comment #31-1: Comment does not require a response.

Comment #31-2: After reading through this, it seems the OHMVR Division has no intention of working with anyone on the property to be acquired, and furthermore makes strong allegations that BLM will not be an equal partner, in as much this document continually keeps talking about SVRA and the brilliance of that type of management, while pretty much degrading anything that Friends of Jawbone and BLM have done in Jawbone.

Response to Comment #31-2: Partnership details of property management with BLM and interested non-profits have yet to be developed. It is not required prior to acquisition for the purposes of the EIR. See response to Comment #1-1. In Section 2.3, the EIR identifies one objective of CDPR to "work with federal partners and non-profits to provide and manage a comprehensive recreation opportunity in the greater project area." Work of Friends of Jawbone and BLM is acknowledged in the EIR (e.g., Sections 2.4.1, 2.4.3, and 8.2.5.3).

Comment #31-3: Peter, I have made it clear to you from day one that this area is maintained unlike anything else you have acquired. It is managed with the highest standards but throughout the document you continually degrade what we do in order to seemingly boost your reason for this to be a SVRA. I will argue that this is not to become a SVRA.

Let me say, I will argue that this is not to become a SVRA. This is open desert and the last thing we need is the infrastructure of a SVRA, no matter how much money you have.

From day one I have made it very clear that law enforcement is desperately needed, nothing else.

Response to Comment #31-3: The work conducted by both BLM and FOJ under the OHMVR Division Cooperative Agreement Grants Program has been satisfactory as measured by Grant Administrators and other staff of the OHV Division, including soil scientists, archaeologist, and environmental scientists. The EIR acknowledges the work of Friends of Jawbone and BLM on the BLM parcels and on portions of the private parcels where there are problems of trespass. The proposed implementation of Management Measures is not a rejection of future partnership with Friends of Jawbone and BLM or an implied statement that the work accomplished by BLM and Friends of Jawbone is inferior. As stated in response to Comment #31-2 above, the OHMVR

Division intends to partner with public agencies and non-profits to address the needs of the property. The details of these partnerships have yet to be determined.

The OHMVR Division has multiple interests in pursuing property ownership as described in Project Objectives and Priorities (EIR Section 2.3). This is further discussed in responses to Comments #31-4 and #31-5 below. Contrary to the suggestion, degrading the work of BLM and Friends of Jawbone is not done in the EIR and is not necessary for the purpose of legitimizing the proposed project.

Comment #31-4: There is a need to come up with a MOU for the BLM to manage the newly acquired parcels and keep the integrity of our desert free of the SVRA mentality.

Ranchers, private property water rights, hunting, cattle grazing, mineral and gem rock collecting all will be adversely affected by the continued push for a SVRA type of facility.

There is nothing you can bring to the table, except law enforcement, that is not already in place in this area.

I have read through the report and hope that you take seriously my notes and comments that are listed.

Response to Comment #31-4: See responses to Comments #1-1 and #13-4 for a discussion regarding a MOU with BLM.

In addition to law enforcement, the proposed project would bring resource protection (e.g., biological and cultural) to the property that is not presently occurring while in private ownership. OHMVR Division ownership of the proposed parcels creates an opportunity for the state to initiate a general plan process on land outside of BLM jurisdiction to further facilitate state interests in resource protection and OHV recreation.

Comment #31-5: [Section] S-1. This is a broad statement that makes the reader feel the State has to buy this property so it can have "Implemented primarily resource protection, public safety and effective operations once property is acquired."

Throughout this book, there is only justification for the desire to take over. You do not paint a true picture of what is going on, especially on ReNu property. All they have are existing trails and maybe a toilet….that is it.

Response to Comment #31-5: The proposed project is acquisition and management of private parcels. The OHMVR Division has expressed the reasons for its interest in the project property in Project Objectives and Priorities (EIR Section 2.3). The OHMVR Division would not supersede or "take over" BLM management responsibilities on BLM land. Where designated trail routes and open riding areas occur on both BLM and project parcels, the OHMVR Division would partner with BLM to effectively manage the area in accordance with the MOU (responses to Comments #1-1 and #13-4). A "true picture of what is going on" meaning the existing conditions of the property, cannot be fully determined until inventory work is completed. The OHMVR Division identifies the need to conduct this inventory work in its proposed Management Measures (i.e., OHV Travel Route Designations, Wildlife Habitat Protection Program (WHPP) and Habitat Monitoring System (HMS), Cultural Resources Inventory, and Assess Erosion Conditions).

Comment #31-6: Table S-1 Livestock: This clearly states "no" livestock grazing in State parks.

Response to Comment #31-6: Table S-1 (EIR Section S-2) specifically states, "Future grazing use of the property would be determined during the general plan approval process. Therefore, actual loss of grazing land resulting from land use changes in a future general plan is speculative

at this time and cannot be assessed." Further, the EIR states that livestock grazing is not typically allowed on state parkland but can be allowed for vegetation management or when it helps to consummate a land acquisition (EIR Table 4-2). Grazing would be continued as an existing use prior to adoption of a general plan. Future grazing on the property would be determined by the general plan (see Terms and Conditions of RCA Grazing Permit Management Measure).

Comment #31-7: [Table S-1] Air Quality: OHMVR Division management activities include operation and maintenance. So here again it is a foregone conclusion it will be managed by OHMVR and no mention of BLM. Will your management be restricted only to parcels acquired? Interesting concept.

Response to Comment #31-7: As described in EIR Section 2.5.2.2, the project includes operations and maintenance. Property management by the OHMVR Division does not preclude coordination or partnership with public agencies or other non-profits to assist with management of the lands. See response to Comment #31-5. Management activities by the OHMVR Division would be restricted to the acquired lands unless provided in partnership with BLM under the terms of the MOU. The agreement would provide a framework of coordination with BLM to manage the interspersed parcels affected by both agencies. See response to Comment #31-5.

Comment #31-8: [Table S-1 Air Quality] Impact: This entire paragraph is nothing but inflammatory writing to make the reader feel that no management is currently taking place. That is so far from the truth.

Response to Comment #31-8: The Air Quality impact paragraph in Table S-1 (p. S-3) concludes that any increased dust emissions resulting from a project increase in OHV use (1%) and management activity would be of low magnitude and not exceed air quality standards. Noting that the implementation of Geology and Soils Management Measures (i.e., remediating areas found of compliance with the 2008 Soil Conservation Standard and Guidelines) would have the beneficial effect of addressing potential erosion issues that can contribute to fugitive dust is not inflammatory. Contrary to the comment suggestion, the statement does not imply that the BLM or Friends of Jawbone have poorly managed its trail system or open riding areas. Rather, the statement acknowledges that erosion areas may exist on the project property. To the degree that that these areas do exist and are a source of fugitive dust emissions, the implementation of the project Management Measures would reduce dust emissions. Nowhere does EIR text imply that current soil conditions on the project parcels or BLM lands are creating a significant air quality concern.

Comment #31-9: [Table S-1 Biology] Impact: Again in Measure BIO-1 law enforcement is good, but state is going to go to Friends of Jawbone and BLM to put up fences and signs to prevent to off-designated route of travel in tortoise habitat. Has anyone from state looked at what BLM/FOJ has been doing for the past 4 years? Is the state going to bring staff and displace the local residence workers who are already doing this work?

Response to Comment #31-9: Refer to responses to Comments #31-2, #31-3, and #31-7.

Comment #31-10: [Table S-1] Recreation: Any increase in visitor use would result in proportional increase in need for facility maintenance such as trail signage, fencing, and vault toilets. This is wrong. You are making assumptions that are not true. What we have can handle double the visitors with zero impact on signs and fencing. It is the criminals that law enforcement needs to capture, nothing to do with more visitors.

Response to Comment #31-10: Comment acknowledged. Increased visitor use would result in an increased need for some facility maintenance such as maintaining soil conditions of trail and

open riding areas and servicing vault toilets. Increased visitor use could cause a need for more fencing and signage if the increased use results in damage from vandalism or unlawful access.

Comment #31-11: [Table S-1 Recreation] OHMVR Division may curtail firearms: Here you go… this makes it very clear of your intentions.

Response to Comment #31-11: The OHMVR Division would develop standards addressing the use of firearms on the acquisition parcels (see EIR Section 11.3.2). Because acquisition parcels are interspersed with BLM land and the property boundaries are unmarked, hunting and shooting may occur on the project parcels, but those activities are not authorized by ReNu. The standards to be developed could reduce unauthorized firearm recreation on what is now private property but would not result in the loss of legal firearm recreation on federal property.

Comment #31-12: [Section] S.3.2. No Project Alternative: Here again the authors of this document make broad assumptions, like we will have more illegal dumping. Would you please show me what current management has failed to do? There is no illegal dumping that is not taken care of as soon as it found. We always have visitors who do not pick up after themselves, but that again is a law enforcement issue.

Should some of the parcels be developed for wind or solar energy: Are you telling me you could include energy development, yet ban cattle, rock collecting, hunting? The environmental impact of building wind or solar equipment is far greater on the land than a few cattle, rock collectors, or hunters.

This is a killer if I ever saw it. There should be absolutely no energy development on these purchased properties. Period!

Response to Comment #31-12: Illegal dumping remains a potential concern. The EIR reference to energy development in Section S.3.2 is removed. See response to Comment #4-1 and Errata, Chapter 4 of this document. Energy development is not proposed as part of this project. The OHMVR Division does not intend to develop the property with future energy projects.

Comment #31-13: [Section] 1.1. Re: Project Overview. OHMVR Division again is making assumptions that they are going to manage the land. There is no mention about BLM or Friends of Jawbone who are already involved in this area. This again is very troubling that no effort is being made to work with BLM to be the lead agency; they have more land than the State does, and thus should never abdicate their management of Federal Land to the State.

It is very presumptuous that OHMVR appointed itself as lead agency and I can just see it being set up to run over anyone in their way.

Interesting concept is that all ReNu lands are used for designated trails. If you add up sections of land that a designated trail comes through it may add up to 20 miles of designated trails that traverse ReNu Property, out of over 211 miles in the Jawbone/Dove Spring area. So, is the state going to force a SVRA style management on us for maybe 20 miles of trails going through ReNu property?

Response to Comment #31-13: Based on GIS data, there are 30 miles of trail routes that run through 23 parcels proposed for acquisition (EIR Figure 2-2 and Figure 2-4). Five of the project parcels (J-1 through J-5) totaling 2,866.4 acres are partially or completely located within the Jawbone Canyon Open Riding Area (EIR Figure 2-3), which is also subject to OHV use.

The OHMVR Division intends to manage the property using the same regulations (Public Resources Code) that apply to a SVRA. The property would not be officially designated as a SVRA until so determined by a general plan.

The OHMVR Division would not supplant BLM as the manager of federal lands. The OHMVR Division would work with BLM to jointly manage interfacing parcels in accordance with an agency MOU. See responses to Comments #1-1 and #31-14.

Comment #31-14: Page 1-2: OHMVR Division clearly plans to manage, there is no discussion. So perhaps we should limit State management to parcels acquired.

Response to Comment #31-14: OHMVR Division management would be limited to the parcels acquired. The OHMVR Division is not responsible for management of OHV uses on BLM land but would work cooperatively with BLM to manage the greater project area. The Memorandum of Understanding would clarify management responsibilities of each agency and joint cooperation in the interface parcels.

Comment #31-15: Page 1-4: Wind development in reference to chapter 12. There is no way that this should be considered.

Response to Comment #31-15: The statement regarding wind energy on EIR p. 1-4 was in relation to a comment made at a scoping meeting. Wind energy is not included in the acquisition project. As stated in response to Comment #13-2, wind energy would not be allowed on the state parcels.

Comment #31-16: Page 2-3, Project objectives and priorities: It is interesting how the State can write a book from Sacramento and make all these statements about facility access to an existing public landmark. Maintain public land corridor. Work with federal partners and non profit to provide and manage a comprehensive recreation opportunity in the greater project area.

(Ok, finally something about BLM and Friends of Jawbone.) But further down "provide comprehensive law enforcements" (ok). Emergency medical response. (Not needed as they don't even know about the existing Kern County Search and Rescue Teams) Outreach, Visitor Education and Interpretation. (The State probably does not know we have over 50 kiosks in the surrounding areas and one in each main access point. We also have a staffed Visitor Center open 365 days a year.) There is so much already in place.

Response to Comment #31-16: Comments express the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #31-17: [Section] 2.4.1. Recreation: All county roads are street legal only. Not "some."

Response to Comment #31-17: EIR Section 2.4.1 states, "Outside of the open management areas, vehicular travel is permitted only on designated routes of travel, some of which are limited to street-legal vehicles." All county roads (e.g., Kelso Valley Road and Jawbone Canyon Road) are street legal vehicles only. Other local roads (e.g., Butterbredt Canyon Road, Alphie Springs Road; Figure 2-2) do not have street legal limitations.

Comment #31-18 Page 2-5. Volunteers man the station: The station is manned by paid staff 365 days a year, from 9 a.m. to 5 p.m.

Response to Comment #31-18: Correction noted. Text is revised accordingly. See Errata, Chapter 4 of this document and EIR Section 2.4.3 (p. 2-5).

Comment #31-19: [Section] 2.4.5. Other existing uses. Moose Anderson Day is a one day event. There is no poker run. The High Desert Trails event does not cross ReNu land; it is run entirely on Kern County roads.

Response to Comment #31-19: Correction for Moose Anderson Day is noted. Text is revised accordingly. See Errata, Chapter 4 of this document.

Comment regarding High Desert Trails is acknowledged. The EIR states that the race route occurs on county roads (Jawbone Canyon and Kelso Valley). These roads traverse project parcels as shown in EIR Figure 2-2.

Comment #31-20: [Section] 2.5 Project Characteristics. 2.5.2.1. Continued land use activity: Again wrong information is put here to boast SVRA management, minor projects fix facilities, and they are not on ReNu property. ADA compliance, again false statement, they all are compliant. BLM knows what they are doing. Trails re-alignment: There are none on ReNu property.

Response to Comment #31-20: CEQA requires that the EIR assess the proposed project and reasonably foreseeable actions resulting from the project. The OHMVR Division proposes purchasing the project property and managing the existing uses until a general plan is prepared. Although not specifically proposed, for the purposes of evaluating the environmental consequences of the project, the OHMVR Division has projected the types of minor projects it may be necessary to undertake while managing the property. It is not a foregone conclusion that these types of projects are indeed needed and proposed.

EIR Section 2.5.2.1 states, "The acquisition project does not propose construction of new facilities to support the existing land uses, although minor projects are foreseeable, such as repairs to existing facilities, installing vault toilets, kiosks, and signage, or ensuring ADA compliance at existing facilities. Such minor projects could be proposed prior to completion of a general plan. Additionally, some existing trails, including non-motorized trails, could require minor trail realignments to address localized erosion or avoid a sensitive resource."

The OHMVR Division has not completed an evaluation of the property management needs. Once the OHMVR Division begins to manage the property, it would be able to determine what minor projects, if any, are needed.

Comment #31-21: [Section] 3.3.2. Proposed land use management measures: OHV travel route designation. "OHMVR Division will travel routes and flag unauthorized routes": I guess it is assumed that BLM and FOJ just have not been doing anything these past 4 years. Clearly the State has no clue what has been done.

Response to Comment #31-21: Comment expresses the opinion of the commenter. No comment is made on the adequacy of the EIR. No response is required.

Comment #31-22: [Section 3.3.2] Public Education: the Friends of Jawbone already does this.

Response to Comment #31-22: The work of Friends of Jawbone to provide public outreach is acknowledged. No comment is made on the adequacy of the EIR. No further response is required.

Comment #31-23: [Section] 3.3.3. Conflict with applicable land use plans, policies, or regulation. "May eventually propose to classify and manage some or all of the lands as an SVRA." There you are…this is all about trying to make this a SVRA.

Response to Comment #31-23: As noted in the EIR Project Description, the OHMVR Division has a number of project objectives and priorities for this project (EIR Section 2.3). Facilitating and sustaining OHV recreation is one of these objectives. Classifying and managing the property as an SVRA may be proposed in the future as a means of furthering those goals. However, it is not presently proposed. Stewardship of natural and cultural resources is also a priority. There are numerous ways the use of the land can be managed to accomplish these objectives and priorities. As discussed in responses to Comments #16-3, #17-7, and #24-5, the outcome of a general plan

process is far from determined. It cannot be said with any certainty that the property would be turned into a SVRA.

Comment #31-24: [Section] 11.1.1. BLM Management. Shooters must remove their debris. This is a true statement and already in place. Unfortunately, without law enforcement, we cannot cite violators.

Response to Comment #31-24: No comment is made on the adequacy of the EIR. No response is required.

Comment #31-25: [Section] 11.2.2. Sequoia National Forest. Piute Mountain trails, as described, 64 miles are not part of BLM/FOJ management.

Response to Comment #31-25: Trails on the Sequoia National Forest are managed and maintained by USFS. As noted, BLM and Friends of Jawbone do not manage or maintain these trails.

Comment #31-26: [Section] 11.3.2. Proposed resource management, Firearms: OHMVRD will assess the extent of hunting and develop standards and policies accordingly. Rockhounding will only occur with approval of Parks Director.

Response to Comment #31-26: No comment is made on the adequacy of the EIR. No response is required.

Comment #31-27: [Section] 12.5 Exclusions for Resource Protection. Under this alternative Powerline and SC175 and route SC262 will be closed. Nine sensitive parcels will be closed.

Response to Comment #31-27: No comment is made on the adequacy of the EIR. No response is required.

Comment #31-28: Figure 12 is not included.

Response to Comment #31-28: Figure 12-1 is included and can be found at the end of Chapter 12.

Comment #31-29: In closing, I want to respectfully request that when you start doing negotiations on the management of the acquired properties, that a true partnership be established with BLM, OHV, and FOJ. That a MOU be developed and OHV have minimal building of hierarchy in Jawbone. We need LEO, yes, and a General Plan, but that is about it. The last thing we need is have full team of State staff just driving around in their vehicles, creating more smoke emissions. If you need something done, FOJ can do the job with funds from OHV. Our organization is an economical benefit to our local communities.

This entire acquisition, in Jawbone/Dove Springs was done to make sure we secure our trail system. It was never to create a SVRA that is really not welcome here. You decided to purchase more than we needed. OK, but that needs to be left as is in its present use, no OHV. Then all you need is some fencing, which we can do. It is felt that law enforcement is more necessary, and that alone is what is needed.

Response to Comment #31-29: Comments express the opinion of the Commenter. No comment is made on the adequacy of the EIR. No response is required.

3.2 ORAL COMMENTS RECEIVED AT THE OHMVR DIVISION MEETING, MARCH 16, 2013

Commenter #32. Bruce Hafenfeld, Hafenfeld Ranch, LLC.

Comment #32-1: I want to reference S.3.3. Environmentally Superior Alternative. Does this include the 4,318 acres in Resource Protection Alternative? If this is indeed true, it's a very

confusing way to present the possibility or present this alternative. In other words, S.3.3.5 was not selected as the alternative. If that is indeed the case, the exclusions within S.3.5 would have significant impact on livestock management activities.

Response to Comment #32-1: See response to Comment #25-2.

Comment #32-2: I'd like to address S.4, please, which is Areas of Controversy to be Resolved. This assumes livestock grazing would continue with management necessary to protect the natural and cultural resources, but it assumes there has been poor management by BLM and livestock operator. In fact, you make reference in your EIR document about the last study that was done on riparian issues in 2004. This was prior to the ReNu's acquisition of the property and prior to our use of it.

I think it would serve a lot better if you were to get a better analysis from the BLM on the present conditions of all of the sensitive areas and riparian areas.

Response to Comment #32-2: The potential effect of the project on grazing was raised as an issue by several commenters (e.g., members of the California State Assembly and Congress, Kern County Board of Supervisors, and area residents) during the EIR scoping process and is therefore listed in EIR Section S.4 and 1.4.

The EIR makes no implication or conclusion that BLM poorly manages its rangeland. BLM does not manage or monitor grazing on private property or on state property. The reference to management necessary to protect natural and cultural resources is solely related to resources that are present on the private property to be acquired by the OHMVR Division and not on BLM parcels. BLM only conducts rangeland health assessments on the RCA every ten years, so the next assessment is not due until 2014. Until that time, BLM would not have a better analysis of the present conditions on RCA lands.

The total project area covers as much as 28,275 acres. The OHMVR Division has not inventoried the existing conditions of all the property's sensitive resources in advance of the purchase. This work would be performed after property acquisition as identified in the proposed Management Measures (see Biologic Resources Management Measures in EIR Section 6.3.2).

Comment #32-3: 1.1, Project Overview, this assumes livestock grazing would continue, as I said, and to protect the natural resources. But one of the things that we don't talk about is working with the livestock operators in the overview on sensitivity of the impacts to the operators on the ground.

Included in the use in the EIR under 1.1, this action is likely to occur -- under this action, it's like acquiring something and then figuring out how we are going to use it and fund it. Only, I guess, the government can do that. And I think you guys learned your lesson when you tried to buy Pozo. Your EIR was a little different when you approached Pozo Creek, and you did it based upon your management rather than just acquisition. But as an individual who is a private enterprise, I don't think I would buy something and then try to figure out how I'm going to manage it and how much it's going to cost me to manage it. And we have asked that question and certainly have not had any feedback from the OHV Division as to that. I think when you look at a state that's broke, you people are here on credit, most of my government works on credit, and I've got to tell you it bothers me when I see the government trying to buy more land.

Response to Comment #32-3: The OHMVR Division does have a management strategy in mind for the parcels. First and foremost, the OHMVR Division would provide staff to monitor and enforce regulations on the parcels. Secondly, the OHMVR Division would provide maintenance staff to determine if any existing facilities require maintenance. Finally, the OHMVR Division

would provide natural resource staff to determine if any sensitive areas require implementation of protection measures from existing uses. See also response to Comment #16-4.

The OHMVR Division proposes working with the livestock operators to assure compliance with terms and conditions of the grazing permit issued by BLM and the USFS. See Proposed Agricultural Resources Management Measures (EIR Section 4.3.2).

Comment #32-4: I would like to address 2.4.2, Cattle Grazing. ReNu parcels are managed along with the BLM and the U.S. Forest Service permit areas. For this reason within open range we cannot differentiate management on ReNu parcels and BLM. Folks, it's a checkerboard. And the checkerboard is a very, very difficult thing to manage if you wanted to manage the individual parcels, which is next to an impossibility. So the land has been managed under the terms and conditions of our grazing permits for the BLM and our terms and conditions of our permits for the Forest Service.

Response to Comment #32-4: These comments are the opinion of the commenter and do not require a response.

Comment #32-5: Under 2.4.4, Water Troughs, under the Butterbredt Springs area, it states that they're not functioning. That is not the case. They are maintained when cattle are present, unless when we have no livestock use in the area. But we do maintain that livestock watering facility with a spring box within Butterbredt.

Response to Comment #32-5: Comment acknowledged. Text has been amended accordingly. Please see Errata, Chapter 4 of this document.

Comment #32-6: Under Table 2.1 -- 2-1, I'm sorry, the Summary of Management. Our terms of our permits are ten years, but if terms and conditions of permits are met, they automatically flip for another ten years. So when you refer to within your document of honoring grazing up to the term of the end of the term of the permit, it's likely that that permit will be flipped for an additional ten years, and, in fact, the industry has in front of Congress right now a request to move those to a 20-year term.

Response to Comment #32-6: Comment acknowledged. Text has been amended to reflect the potential for subsequent permit renewal. See Errata, Chapter 4 of this document.

Comment #32-7: Under 4.1.4, it assumes potentially adverse impacts for grazing on recreation and biological resources. Do they also estimate the same impacts through OHV use? Folks, I've got to tell you, you know, having lived on this land and looked at this land, and I see what the OHV does to the land. And when you look at the impacts on the livestock, I don't understand why Parks is even messing with OHV. When you look at what Parks has stood for over the years, it seems a little strange to me.

Response to Comment #32-7: This section of the EIR only addresses the actual CDPR grazing policy so it does not address impacts of OHV use in state parks. Impacts of OHV use on biological resources are addressed in Chapter 6 of the EIR.

Comment #32-8: I'm going to go to Table 4-2. Under your Operations Manual, Livestock Grazing Policy, we don't have much room to wiggle here. The first sentence in the 031.2 -- 0317.2.4:

> "...after statewide review by the State Park and Recreation Commission, livestock grazing is considered incompatible with park purposes, including natural resource protection and providing a meaningful outdoor recreational experience."

Protecting and restoring natural resources is one of the State Parks system's natural resource management.

"Livestock grazing is an artificial process impacting physical and biological resources."

So I don't get a warm fuzzy feeling when I read your document about the continuation of livestock grazing. I see every opportunity for the OHV Division to suspend livestock grazing based upon your own Operations Manual.

Response to Comment #32-8: Comment acknowledged. See response to Comment #25-11.

Comment #32-9: I'd like now to move to 4.1.5, the Kern County General Plan, where you address the protected areas for mineral, petroleum, and agricultural resources. Under policy five for the Kern County General Plan, areas of low intensity agricultural, which I believe this certainly qualifies, should be and may be allowed to be grazed. It is the position of the county to continue to graze those areas, even though they are not considered prime agricultural areas. I think you brush it aside as being not important, and that bothers me. Under the Threshold of Significance, 4.3.1, conflicts with existing zoning for ag use and Williamson Act, again, you don't address it. It has the potential for conflicts for threshold of significance and the result in the loss of forestland and/or conversion of forestland. Mainly I address that because that's based upon your acquisition of Landers Meadow. We do not agree or I do not agree with your summary in regards to that.

Response to Comment #32-9: See responses to Comments #25-10 and #25-12.

Comment #32-10: 4.3.2, terms of the RCA allotment, again, they roll over for ten more years. It's mentioned many times in there you would chop it off at 2018, which would be the end of the current term grazing permit.

Response to Comment #32-10: See responses to Comments #25-8 and #25-13.

Comment #32-11: Monitoring, BLM, U.S. Forest Service, monitoring is generally done with the permittee and the permit holder to aid in the monitoring, to work together to recognize issues that the permittee must address. So I, again, would think that you might want to address that so you don't send three scientists out without contacting the permittee to work with them and come up with logical -- I mean I think it's fair to assume you guys don't have a lot of livestock experience except down there. And, by the way, those contracts that you have down there are not commercial contracts. They're referred to in here as benefits to the resource down there for fire and invasive plants. That doesn't give me a very warm and fuzzy feeling either.

Response to Comment #32-11: See response to Comment #25-13.

Comment #32-12: 4.3.3 again, your opposite -- your statements within the CEQA document, when I look at the public meetings that we addressed and how you assured us that livestock grazing would continue, but there's no commercial grazing within the Park system now, and the environmental effects subject to the CEQA review is a very hollow statement. Just says grazing has the potential effect, so does the rollover after 100-plus years of grazing of withdrawing grazing. So, in other words, what I'm trying to say there, it's like for every action there's always an opposite and equal reaction. Removing grazing is not always the best thing, but it's like, okay, we're going to analyze it. We're going to analyze whether we should graze it. You should also analyze whether you shouldn't graze it. So both sides of the review process should include yes and no.

Response to Comment #32-12: See response to Comment #25-14.

Comment #32-13: One thing that I think you need to make that's very important to us in my industry, we produce a lot of food. We produce a lot of byproduct, and every one of you here today came in here on my byproduct, and we produce enough food to feed thousands of people. I happen to think the production of food and fiber is a little bit more important than recreating, but that's my opinion.

Response to Comment #32-13: Comment expresses the opinion of the commenter. No comment was raised on the adequacy of the EIR. No response is required.

Comment #32-14: Park policy gives every opportunity to eliminate the livestock grazing. Management measures with the Section 6.3.2, at 7.3.2, and 8.3.2 may seem insignificant if measured in square foot, but it is significant when you're talking about the distribution and use of livestock.

Response to Comment #32-14: See response to Comment #25-15.

Comment #32-15: Okay. Some future things here, one thing that really bothers me is I hear that we're talking about one percent or less of ridership. Where is the cost benefit ratio? How many millions of dollars is it going to cost to acquire it, and what's the cost benefit ratio for those OHV funds, which you very adamantly explained, come from those Green Sticker dollars? What's the cost benefit ratio? I didn't see it in here, but nor did I look at the entire document.

Response to Comment #32-15: See response to Comment #25-19.

Comment #32-16: One thing that really bothers me also is your acquisition of Kelso Camp, Schoolhouse Meadow, and Landers Meadow. I see absolutely no reason of importance for OHV to acquire meadowlands within the acquisition area. I've talked to you folks about it before. The only answer I guess is you don't want conflict from other landownership. I see no reason to spend OHV dollars on meadows that are critical to any livestock grazing operation with the BLM, which is a bigger banana than the banana you're buying. Hopefully, you're going to do some more look at that and whether those parcels are actually needed for your acquisition.

Response to Comment #32-16: See response to Comment #25-18.

Comment #32-17: I think Ed [Waldheim] and his group have done a marvelous job, I really do. And we've worked hard to work with him on step-overs and different areas where fences have created some issues for us, but these guys have done a great job out there, and have worked very hard.

And I think we as livestock permittees have done the same to get along. And I would like to think that when you leave here today that you know that our industry and what we do out there, we do believe we can get along. We really do. And, yeah, there are some conflicts from time to time, but you all know this gentleman, and we've managed and worked with him pretty good. So just good job.

Response to Comment #32-17: Comment expresses the opinion of the commenter. No comment was raised on the adequacy of the EIR. No response is required.

Commenter #33. Bob Robinson, Desert Mountain Resource Conservation and Development Council, and Kern Valley Indian Council

Comment #33-1: Covered comment is Far West did the survey for cultural resources, and at no time did anyone from Far West try to attempt to contact any of the local people in the area that had any knowledge of this. It's a very vast, extensive area. And we have people that were born and raised in the Kelso Valley area; they live on allotments out there, that were instrumental in

identifying resources on the North Sky River Project. And after the initial survey that was done by CH2M Hill that identified at least seven sites.

And after going back with AECOM and having a tribal member that went out, and they identified almost 50 sites that were eligible. And at the end of the project there were actually 90 sites that were identified. And I don't know what -- I haven't seen the report from Far West, but I think they could have benefitted greatly by just simply going and talking to the local people, and that's always missing, almost always.

There is an exception right now with Southern California Edison that's doing a project south of Tamer, transmission project, and we have some tribal members out there doing consultation. And they're benefitting the project extensively. They're working with Simon Well, Historic Presentation Office, and that was my first comment.

Response to Comment #33-1: The OHMVR Division acknowledges the invaluable information that the Native American community provides during consultation for cultural resource inventories. Native American consultation for this project was conducted in compliance with Governor Executive Order B-10-11, the Natural Resources Agency Tribal Consultation Policy (2012) and the Department of Parks and Recreation Consultation Policy & Implementation Procedures (2007). Archaeologists with the CDPR conducted a cultural resource inventory of portions of the project area during the months of March, April and October 2011. Supplemental archaeological field work was completed by Far Western Anthropological Research Group, Inc. (Far Western) in June 2012.

The OHMVR Division has made every effort to involve and consult with the local Native American community during the cultural resource inventories and Far Western was not contracted to complete Native American consultation. On March 17, 2011 the OHMVR Division mailed a certified letter to Mr. Robinson that offered “an opportunity to consult and offer comments during a cultural resources inventory/pedestrian survey of a project area in Kern County.” This letter also indicated that “this notification is to provide you with the opportunity to disclose the existence of Native American archaeological or cultural sites that could potentially be affected by future projects as well as the opportunity to submit other comments regarding the cultural resources inventory.” OHMVR Division records indicate that this letter was received and signed for on March 22, 2011 but the OHMVR Division did not receive a response from Mr. Robinson. All Native American Tribes and individuals listed on the Native American Heritage Commission consultation list were mailed similar letters.

On April 27, 2011 an email was sent to Mr. Robinson and those on the consultation list with an invitation “to meet with myself [OHMVR Division Associate State Archaeologist Alicia Perez] and Kelly Long, along with additional Division staff at Hungry Valley State Vehicular Recreation Area (SVRA) to discuss this project [Eastern Kern County Acquisition] in further detail. Additionally, this meeting will provide you the opportunity to share pertinent information about cultural resources that may exist in the project area.” Our records indicate that the OHMVR Division did not receive a response from Mr. Robinson.

On May 5, 2012 an email was sent to Mr. Robinson and those on the consultation list indicating that “several cultural resource surveys of the acquisition area were conducted in March, April and October of 2011 by Associate State Archaeologists with California State Parks, and additional archaeological field work will occur this summer by the consulting firm Far Western” and “I [Ms. Perez] welcome any questions that you may have and invite you to consult with the OHMVR Division during this project. I look forward to hearing back from you and working with you in the future.” Our records indicate that the OHMVR Division did not receive a response from Mr. Robinson.

Upon acquisition, the OHMVR Division will again make every attempt to consult with the local Native American community to help identify Native American archaeological sites and any information regarding Native American occupation and land use. The OHMVR Division will provide Mr. Robinson a copy of the *A Cultural Resource Survey for the Onyx Ranch Acquisition, Kern County, California* (Perez 2012) report, which includes the results of the cultural resource inventories completed by CDPR and Far Western. The OHMVR Division will also provide Mr. Robinson with any additional cultural resource information as requested. Should the OHMVR Division acquire the land, more opportunity for consultation will be available.

Comment #33-2: One of the things I talked about earlier was identifying trust allotments that were sold under the -- and also Indian Homesteads which are under a separate Act from the Southern Homestead Act. They are handled through the Bureau of Indian Affairs and were handled by trust allotments. And there are records of those in the Kern County Recorder's office, and copies I have are from the land office before it was – from Sacramento before it was BLM, and I have copies of those. I'm going to transcribe those and pass them on to Alicia, I think her name is.

Response to Comment #33-2: As stated in response to Comment #32-1, upon acquisition, the OHMVR Division would again make every attempt to consult with the local Native American community to help identify Native American archaeological sites and any information regarding Native American occupation and land use. OHMVR Division Associate State Archaeologist Alicia Perez is the Native American contact for this project. The OHMVR Division records indicate that Mr. Robinson spoke with Ms. Perez on March 13, 2013 regarding known Native American archaeological sites, including known burials and cremation areas, within the project area and information about Native American occupation and land use.

Comment #33-3: And the Kern River Valley Indian Council has future possible claims for restoration of some of these allotments upon completing our federal recognition process. We need to be federally recognized in order to go to Congress and request the statute of limitations be withdrawn and make those claims. And I guess there is precedence in place for that process, for those allotments that were sold with uninformed consent or without consent of the property owners that were on those allotments.

Response to Comment #33-3: As stated in response to Comment #32-1, upon acquisition, the OHMVR Division would again make every attempt to consult with the local Native American community to help identify Native American archaeological sites and any information regarding Native American occupation and land use. As stated in the EIR, in the event Native American burial and/or cremation areas are identified on the property, the OHMVR Division would comply with the regulations set forth in the California Health and Safety Code Section 7050.5 and the California Public Resources Code (PRC) Section 5097.98. The preservation, protection and management of known burial and/or cremation areas would be a priority of the OHMVR Division upon acquisition and would occur in compliance with PRC Section 5097.9, which also includes granting local Native American Tribes and individuals access to known cemeteries and places of worship on public lands.

The OHMVR Division manages all information pertaining to Native American archaeological sites and historic-era resources as confidential. Confidential archaeological site information includes all data that falls under an exemption to the California Public Records Act (Government Code Section 6254.10), or any other similar federal or state law, and is protected by the Information Practices Act, or by any other federal or state law regarding public disclosure of information. This includes archaeological data that are either specific enough or of a nature that their disclosure would put one or more archaeological sites or resources in danger of being

located and/or damaged, should the information deliberately or inadvertently be made available to the public or to unauthorized individuals. Professional qualifications for access to confidential archaeological site information include individuals who meet the Secretary of Interior Standards or who hold a position as either, or a position equivalent to, a California State Associate State Archaeologist or California State Historian II.

The EIR lists several "resource protection measures" for the proper resource management and preservation of the 29 known historical and archaeological resources recorded during the cultural resource inventory for this proposed acquisition. The resource preservation 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; and include sites within an archaeological site stewardship program. Implementation of these resource management and protection measures would prevent further impairment of known historical and archaeological resources resulting from existing cattle grazing, designated and unauthorized trail access, and visitor impact. The EIR also states that upon acquisition, the protection of Native American archaeological sites and historic-era resources from unlawful excavation, looting, vandalism and additional illegal disturbance will be enforced in accordance with various PRCs including PRC Section 5090. which requires the management and protection of cultural resources specific to State Vehicular Recreation areas. PRC Section 5090.35(f) also requires the OHMVR Division to monitor and protect cultural and archaeological resources within the SVRAs.

Comment #33-4: Also identify and maintain records of prehistoric and historic grave sites and cemeteries in the area and also allow access of tribal members to those areas and allow burials within those cemeteries that become identified. And I'm not sure where all of them are at; have to talk to other people in the tribe. Those have been kept secret a lot because there is no real enforcement out there at all. Lots and lots of our sites have been looted, and graves have been dug up extensively. And so those are going to be things that need to be kept on confidentiality-only basis. And with cooperation from you folks to make it so roads don't lead right up to these areas which they do right now on some of these properties, and they go right -- because they were originally old homesteads or allotment areas, and the roads still go there and people still go there with their metal detectors and all that stuff.

Response to Comment #33-4: The OHMVR Division would identify and maintain records of prehistoric and historic grave sites as they become known to their staff. Tribal members would be allowed access in accordance with the policy set forth in response to Comment #33-7 below.

Comment #33-5: And one of the things that I think I brought up at the last meeting was there be language -- I don't know if there is or not; I haven't read through the whole thing -- but language that this property cannot be used by any companies for mitigation land. That if they're ordered by Kern County to -- for instance, they buy a piece of property or BLM, if they're on a piece of BLM property, to do any kind of project that they have to have mitigation property for their project for whatever reason, that they can't come and claim the state property and say this habitat here is suitable for mitigation for my project. And that they actually have to go out and find another piece of property that is suitable.

I say that because right now there's a possibility that Kern County is involved with the water company or water irrigation district around Bakersfield to purchase the remainder of the Onyx Ranch down in the south fork area, and it's 2500 acres or something. It's all down in farmland, and they want to purchase that for a hawk habitat for a developer down in the Rosemont area, so want to export the water out of the valley. And it's something that's actually possibly could be

happening. It's in a six-month-long escrow right now because of all of the issues involved. But I want to make sure that this property is not used for that kind of a purpose.

Response to Comment #33-5: As long as the property is owned by the OHMVR Division, it would not be made available for use by non-state agencies for mitigation land. See also response to Comment #7-8.

Comment #33-6: Will any of this property be eligible for land exchange in the future? Any of this property could be -- for instance, is not suitable for off-road vehicle and you find another piece of property that's suitable for off-road vehicle and that person wants to exchange this piece of property for this property; is that mentioned in the EIR?

Response to Comment #33-6: Some of the parcels could be subject to land exchange depending on the outcome of the general plan process.

Comment #33-7: And also from the tribal people who actually go out in these areas today and gather food and fiber, and they're covered under BLM to be able to do that and the Forest Service to do that, but on the State Parks property, I don't know. I would like that put into the language.

Response to Comment #33-7: The project would not remove lands from the jurisdiction of BLM. Tribal people using existing BLM land would be unaffected by this project.

Access to the acquired parcels by tribal people would be subject to a permit issued by CDPR. CDPR grants California Native American Tribes and individuals permission to gather plant materials and minerals for heritage purposes through the completion of a CDPR 864, "Application and Permit for Native California Indian Gathering Permits" form. Upon acquisition, California Native American Tribes and individuals can request this permit from the OHMVR Division.

Comment #33- 8: And what my comments have always been to BLM and to Forest Service on trails are that they should be destination oriented, that our public lands shouldn't be basically Magic Mountain where you just go around and around in circles all over. The trails should actually be going to some place and coming back to some place. And that's all I have to say. Thanks.

Response to Comment #33-8: Comment expresses the opinion of the commenter. No comment is raised on the adequacy of the EIR. No response is required.

Commenter #34 Edward Waldheim

Comment #34-1: Mr. Waldheim's comments are all related to work that Friends of Jawbone performs in the project area and provide opinions about what is needed out there and what is not. There are no specific comments that related to text or information contained in the DEIR. Please refer to the public hearing transcript to review actual text of oral comments. Mr. Waldheim also provided written comment on the DEIR. His written comments are addressed under Comment Letter #31.

Response to Comment #34-1: All comments are the opinion of the commenter. No comment was raised on the adequacy of the EIR. No response is required.

CHAPTER 4 ERRATA

The following changes are made to EIR to correct inaccuracies or to provide clarification in response to public comment. Page and section references made here refer to the Draft EIR document. These text changes have been incorporated into the Final EIR, Volume 1: EIR with Revised Text.

Page S-5 and 6-58, Measure BIO-1:

….The OHMVR Division shall provide daily law enforcement presence ~~during busy weekends and holiday periods;~~ and work with Friends of Jawbone and BLM to maintain fences and signs to prevent off-designated route travel in desert tortoise habitat…

Page S-9, Section S.3.2, first paragraph, last sentence

~~Should some of the parcels be developed for wind or solar energy, the adverse effects on wildlife, including avian migratory corridors, and recreation could be substantial~~.

Page S-11, Section S.3.5, last sentence

This alternative would prematurely locate resource protection areas prior to the results of extensive studies planned after property acquisition and in advance of the general plan and therefore was not selected~~ as it would be premature since more extensive studies would need to be conducted on the acquisition parcels as well as the adjacent BLM parcels during the general plan process to assess the big picture need for resource protection measures~~.

Page S-11, Section S.3.6, last sentence

The OHMVR Division project, as proposed, would establish an extensive data gathering and management program after acquisition, and rely upon the general plan process to determine a comprehensive strategy for locating resource protection areas ~~and the acquisition would bring OHMVR Division resources into an existing popular OHV recreation area~~; therefore, ~~the proposed project was selected.~~ the Environmentally Superior Alternative was not selected and the project remains as proposed.

Page 2-5, second full paragraph

~~Volunteers man the station and~~ Station staff help visitors with recreation information…

Page 2-5, Section 2.4.4:

The area is subject to grazing, consistent with grazing permit conditions, and contains a ~~non-functioning~~ water trough for cattle.

Page 2-6, Section 2.4.5:

Moose Anderson Days, sponsored by……includes a ~~poker run and~~ clean up…

Page 2-10, Section 2.7, second paragraph:

The project proposes acquisition of 59 ReNu parcels; t does not propose any change in the system of designated routes that currently exist in the area, in the boundary or uses in the Jawbone Canyon Open Area, Dove Springs Open Area, or any additional open riding areas."

Page 4-14, Section 4.3.2, second paragraph:

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….

Page 7-19, end of Section 7.3.2:

Paleontological Resources Protection. The OHMVR Division will conduct a records search of the acquisition area 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 conduct a comprehensive paleontological inventory of areas identified in the record search as having geological formations that are likely to include unique paleontological resources, sites, and/or unique geological features. Based on the inventory results, the paleontologist will recommend protective measures for areas identified as having or likely to have unique paleontological resources, sites, and/or unique geological features.

Page 8-8, second full paragraph:

Prepare ~~Trail Maintenance~~ 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 ~~trail maintenance~~ soil conservation plan. Finally, monitoring of soil conditions will be conducted per established schedule; the minimum requirement is annual monitoring.

Attachment A Red Rock West Boundary LAP Trail Inspection on Saturday April 20, 2013

Fax: 831-638-3208
-----Original Message-----
From: Pistone, Ross@Parks
Sent: Sunday, April 21, 2013 1:21 PM

To: Jones, Peter@Parks

Subject: Red Rock West Boundary LAP Trail Inspection on Saturday April 20th 0900Hrs to 1300Hrs

Peter,

As requested, I have inspected the west boundary line of Red Rock State Park (Park) for any evidence of illegal off road travel from the trails that connect the Jawbone riding area to the Dove Springs riding area.

Using the Hungry Valley Suzuki ATV, I started my inspection at the Park Maintenance Yard and traveled north on SC94 to the cattle crossing at the north end of the Park. SC94 is the only trail that provides direct access from the Park Campground to the OHV trails. No evidence of off road travel outside of the trail was found along this route.

Once I exited the Park I headed south on Power Line Trail (LAP on the Friends of Jawbone Map). The west property line runs in and out of the LAP trail alignment providing good access to the fence. The property line was secured with various types of fencing materials from the N/W corner post to the S/W corner post as shown on the Friends of Jawbone Map. I found no evidence of any off road trails or travel along the Parks west boundary.

I spoke with State Park Peace Office Matthew Williams who has been stationed at Red Rock for several years and he stated that he is not aware of any illegal off road travel on Park lands from the Jawbone riding area to the Dove Springs riding area.

I have attached several pictures* of the area for your review. The pictures show several locked gates and drainages that are well fenced with no evidence of off road travel within the Park.
Feel free to contact me if you have any questions.

Thanks,

Ross

*Note the photos are not included in this attachment; however, they are available upon request to the OHMVR Division.