



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

## Memorandum

**Date:** October 24, 2012  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Director  
**Re:** SCH # 2012091066  
Eastern Kern County Acquisition

---

The State Clearinghouse forwarded the above-mentioned project to your agency for review on September 28, 2012 with incorrect review dates. Please make note of the following information for your files:

Review period ends: November 13, 2012

We apologize for any inconvenience this may have caused. All other project information remains the same.

cc: Dan Canfield  
CA Department of Parks and Recreation  
OHMVR Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, CA 95816

<input type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Fish & Game Region 1E Laurie Harnsberger	<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Caltrans, District 8 Dan Kopulsky	<input type="checkbox"/> Regional Water Quality Control Board (RWQCB)
<input type="checkbox"/> Dept. of Boating & Waterways Nicole Wong	<input type="checkbox"/> Fish & Game Region 2 Jeff Dronngesen	<input type="checkbox"/> Public Utilities Commission Leo Wong	<input type="checkbox"/> Caltrans, District 9 Gayle Rosander	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Fish & Game Region 3 Charles Armor	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang	<input type="checkbox"/> Caltrans, District 10 Tom Dumas	<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> Colorado River Board Gerald R. Zimmerman	<input type="checkbox"/> Fish & Game Region 4 Julie Vance	<input type="checkbox"/> State Lands Commission Jennifer Deleong	<input type="checkbox"/> Caltrans, District 11 Jacob Armstrong	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Dept. of Conservation Elizabeth Carpenter	<input type="checkbox"/> Fish & Game Region 5 Leslie Newton-Reed	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Caltrans, District 12 Marlon Regisford	<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)
<input type="checkbox"/> California Energy Commission Eric Knight	<input type="checkbox"/> Fish & Game Region 6 Gabrina Gatchel	<input type="checkbox"/> Business, Trans & Housing	<input type="checkbox"/> Caltrans, District 13 Marlon Regisford	<input type="checkbox"/> RWQCB 5S Central Valley Region (5)
<input type="checkbox"/> Cal Fire Dan Foster	<input type="checkbox"/> Fish & Game Region 6 I/M Brad Henderson	<input type="checkbox"/> Caltrans - Division of Aeronautics Phillip Crimmins	<input type="checkbox"/> Caltrans, District 14 Marlon Regisford	<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Central Valley Flood Protection Board James Herota	<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input type="checkbox"/> California Highway Patrol Suzann Ikeuchi Office of Special Projects	<input type="checkbox"/> Caltrans, District 15 Marlon Regisford	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<input type="checkbox"/> Office of Historic Preservation Ron Parsons	<input type="checkbox"/> Food & Agriculture Sandra Schubert Dept. of Food and Agriculture	<input type="checkbox"/> Housing & Community Development CEQA Coordinator Housing Policy Division	<input type="checkbox"/> Caltrans, District 16 Marlon Regisford	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Dept. of General Services Public School Construction	<input type="checkbox"/> Dept. of Transportation	<input type="checkbox"/> Caltrans, District 17 Marlon Regisford	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/> California Department of Resources, Recycling & Recovery Sue O'Leary	<input type="checkbox"/> Dept. of General Services Environmental Services Section	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> Caltrans, District 18 Marlon Regisford	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve McAdam	<input type="checkbox"/> Dept. of Public Health Jeffery Worth Dept. of Health/Drinking Water	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez	<input type="checkbox"/> Caltrans, District 19 Marlon Regisford	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> Dept. of Water Resources Agency Nadell Gayou	<input type="checkbox"/> Delta Stewardship Council Kevan Samsam	<input type="checkbox"/> Caltrans, District 3 Gary Arnold	<input type="checkbox"/> Caltrans, District 20 Marlon Regisford	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input type="checkbox"/> Fish and Game	<input type="checkbox"/> Independent Commissions, Boards	<input type="checkbox"/> Caltrans, District 4 Erik Alm	<input type="checkbox"/> Caltrans, District 21 Marlon Regisford	<input type="checkbox"/> Other
<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division	<input type="checkbox"/> Delta Protection Commission Michael Machado	<input type="checkbox"/> Caltrans, District 5 David Murray	<input type="checkbox"/> Caltrans, District 22 Marlon Regisford	
<input type="checkbox"/> Fish & Game Region 1 Donald Koch	<input type="checkbox"/> Cal EMA (Emergency Management Agency) Dennis Castrillo	<input type="checkbox"/> Caltrans, District 6 Michael Navarro	<input type="checkbox"/> Caltrans, District 23 Marlon Regisford	



November 14, 2012

Ms. Janelle Beland

Acting Director

California Department of Parks and Recreation

P.O. Box 942896

Sacramento, California 94296

Mr. Phil Jenkins

Division Chief

California Off-Highway Motor Vehicle

Recreation Division

P.O. Box 942896

Sacramento, California 94296

Dear Ms. Beland and Mr. Jenkins:

We write today to express our concern that the formal Notice of Preparation for the Eastern Kern County Acquisition Environmental Impact Report (EIR) fails to mention cattle grazing as a permissible activity that would be considered as part of this land acquisition proposal.

The Eastern Kern County Acquisition proposes to acquire approximately 60 privately-owned parcels totaling 28,500 acres for the Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division (OHMVRD) for continued motorized recreation in the area. However, the private land parcels are interspersed with U.S. Bureau of Land Management (BLM) managed lands. It is our understanding that due to the checkerboard nature of the BLM and private lands, grazing occurs on both. BLM has issued a grazing permit for its lands in the area, and the current permittee leases the private lands for grazing, which upon acquisition of the private lands by the current owner, it was stipulated that grazing on these lands would continue. Furthermore, we have been told that motorized recreation and grazing have coexisted in this area on both BLM and private lands for years.

As strong supporters of multiple-use of Federal and state public lands, we support the preservation of off-highway motor vehicle recreational areas and hope that should OHMVRD acquire these lands, this form of recreation remains robust in the area. We also believe that grazing, which has occurred in the area for more than 80 years, should be included in the NOP

and EIR as a permissible activity on the lands to be acquire by California. We are concerned that if the acquisition EIR fails to include grazing, it has the potential to create conflict between state-ownership and management of its lands once acquired and the BLM lands, and could disqualify grazing as a permissible activity in a general plan for the state-owned property in the future.

As you continue with the EIR process and development of management plans for the Eastern Kern County Acquisition, we encourage you to work with local ranchers in the area and leaders in the off-highway vehicle recreation community to maintain motorized recreation and grazing in the area, including on any lands that may be exchanged between Federal and state government departments, and request that grazing be included as a permissible activity in the acquisition EIR. Please do not hesitate to contact Kyle Lombardi with Congressman Kevin McCarthy, Todd Moffitt with Senator Jean Fuller, Robert Smith with Assemblywoman Shannon Grove, or Leigh Carter with Assemblywoman Connie Conway if you have any questions.

We appreciate your attention on this important matter.

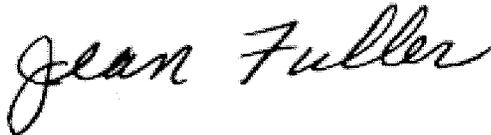
Sincerely,



KEVIN McCARTHY  
Member of Congress



SHANNON GROVE  
California State Assembly



JEAN FULLER  
California State Senate



CONNIE CONWAY  
California State Assembly



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Ridgecrest Field Office  
300 S. Richmond Road  
Ridgecrest, CA 93555  
[www.ca.blm.gov/ridgecrest](http://www.ca.blm.gov/ridgecrest)

In Reply Refer To:  
4100(P)  
GR#403503  
LLCAD-05000.37

Mr. Dan Canfield  
Planning Manager  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
1725 23<sup>rd</sup> Street, Suite 200  
Scaramento, CA 95816

Dear Mr. Canfield;

The BLM has obtained a copy of a "Notice of Preparation" (NOP) at recent information meeting that outlines several areas of concern which will be assessed by the California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division with regard to Eastern Kern County Acquisition Environmental Impact Report (EIR). The area in question is currently owned by Renewable Resources Group (RRG) where private land exists in a checkerboard land ownership pattern with the BLM. We understand that this document is necessary to satisfy CEQA requirements during the NEPA process.

After reading the NOP the BLM is perplexed because the document makes no mention of cattle grazing as a current and ongoing activity which would be analyzed as part of the Acquisition EIR. The current owner, RRG, acquired the land with the stipulation that grazing would be permitted. We know that 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 private (potentially State owned) lands are inseparable. The two land ownership types are interwoven by the practice of cattle grazing as well as by other activities. Given this situation, we believe cattle grazing should be addressed in any subsequent scoping document and in the Acquisition EIR as a current and ongoing activity.

Because the OHMVR Division did not list grazing as one of the present and recognized activities on the private land in the NOP, the BLM wonders, what is the OHMVR Division's commitment to the future of grazing in the project area? The current permittee has a ranching operation that depends upon not only forage on private land, but also upon facilities and waters on private land and would become OHMVR managed land. Ranching has been a legitimate and honorable endeavor in the project area for over 80 years. The current permittee is engaged in long term efforts to make his grazing activity more efficient and less impactful. However, neither the permittee nor the BLM can make adequate improvements without the commitment of the OHMVR Division to grazing activity. The BLM will continue to manage for cattle grazing with the anticipation that the OHMVR Division will recognize the interdependent circumstances that dictate the future of grazing in the project area.

Thank you for consideration of these concerns. If the Ridgecrest BLM can be of assistance in the future please contact either Robert Pawelek, Resources Branch Chief at 760-384-5430 or Sam Fitton, Natural Resource Specialist at 760-384-5432.

Sincerely,

Robert W. Pawelek  
Field Manager, Acting

Cc: Michael Kaschak, Renewable Resources Group  
Bruce Hafefeld, Hafefeld Ranch  
Eric Hafefeld, Hafefeld Ranch

Signed hard copy sent via surface mail



United States  
Department of  
Agriculture

Forest  
Service

Pacific  
Southwest  
Region

Regional Office, R5  
1323 Club Drive  
Vallejo, CA 94592  
(707) 562-8737 Voice  
(707) 562-9240 Text (TDD)

---

File Code: 2350

Date: November 5, 2012

Mr. Dan Canfield  
Planning Manager  
California Department of Parks and Recreation  
(OHMVR)  
1725 23rd Street  
Suite 200  
Sacramento, CA 95816

Dear Mr. Canfield,

This letter is reference to the Notice of Preparation of the Eastern Kern County Acquisition Environmental Impact Report and is in reference to the project's potential implications to the Pacific Crest National Scenic Trail (PCT) which traverses the northern and western project areas.

The U.S. Forest Service is designated as the lead agency for management of the PCT and the collaborative management with California Department of Parks and Recreation and the Bureau of Land Management, and the Kern County Sherriff's Office has been a critical to our success in protecting the trail corridor in that area. As you are likely aware, there has been significant interagency and stakeholder effort in Kern County to address illegal motorized trail use on the PCT.

The nature and purpose of the PCT is to provide high-quality, scenic, primitive hiking and horseback-riding experiences, and to conserve natural, scenic, historic, and cultural resources along the PCT corridor. Motorized use is prohibited on the PCT in the National Trails System Act (P.L. 90-543) and under 36 CFR 261.20. While the project proposal does not specifically address motorized or mechanized trail development, be advised that approximately 4,500 acres of this 28,500 acre proposal are within 1 mile of the PCT and would be of concern if motorized trails were created within them.

The EIR references collaboration with the BLM regarding future management of lands. The BLM Manual Policy Direction 6250 for National Scenic and Historic Trails directs to safeguard the nature and purposes of National Trails to provide for maximum compatible outdoor recreation potential, and protection, conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the areas *and associated settings* through which such trails may pass, as well as the primary use or uses of the trail. There are approximately 4,000 acres of BLM lands that would be of similar concern since they could provide access within 1 mile of the PCT.



If you have additional questions regarding these concerns or management of the Pacific Crest National Scenic Trail, please contact Beth Boyst @bboyst@fs.fed.us or 707-562-8881.

Sincerely,

*/s/BETH BOYST*

BETH BOYST  
Pacific Crest National Scenic Trail Manager

cc: mconley@blm.gov



FACSIMILIE LEADER PAGE

California Department of Fish and Game  
Central Region  
Region 4  
1234 East Shaw Avenue  
Fresno, California 93710

INFO (559) 243-4017

FAX (559) 243-3004

DATE: 11/13/12 PAGE 1 OF 11

TO: Dan Canfield

California Department of Parks & Recreation, OHMVR DIVISION

FAX: (916) 324-1610 PHONE: (916) 324-1574

FROM: RODGER O'LEARY

INSTRUCTIONS: Original to follow by mail.

**DEPARTMENT OF FISH AND GAME**

Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.dfg.ca.gov](http://www.dfg.ca.gov)

**CHARLTON H. BONHAM, Director**

November 13, 2012

Dan Canfield  
California Department of Parks and Recreation  
OHMVR Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, California 958116

**Subject: Notice of Preparation  
Eastern Kern County Acquisition  
SCH No. 2012091066**

Dear Mr. Canfield:

The California Department of Fish and Game (Department) has reviewed the Notice of Preparation submitted by the Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation (OHMVR) Division for the above Project. Approval of the Project would allow for the OHMVR Division to acquire up to 60 privately-owned parcels (approximately 28,500 acres) from Renewable Resources Group for use and management for ongoing off highway motor vehicle recreation and resource protection. The parcels are within an area frequently referred to as the Onyx or Rudnick Ranch. The parcels are largely interspersed with lands owned by the United States Bureau of Land Management west of Red Rock Canyon State Park and 20 miles south of the town of Onyx, in Kern County. The majority of the parcels to be purchased are located within the Jawbone-Butterbredt Area of Critical Environmental Concern located in the western Mojave Desert. The Project area is within a transition zone between the West Mojave Desert bioregion and the Sierra Nevada. A few parcels in the northwest of the Project area are within the Sequoia National Forest.

This letter is to provide formal Department recommended avoidance, minimization, and mitigation measures for special-status species for Lead Agency guidance in preparation of the Environmental Impact Report (EIR). The Department is aware that the Lead Agency has contracted with TRA Environmental Sciences, Inc., to conduct biological studies within the Project area and for preparation of the EIR for the Project. Staff from TRA Environmental Sciences informally consulted with Department staff (Reagen O'Leary, Environmental Scientist) multiple times since November 2011 requesting guidance on species surveys and the Department's concerns relative to biological resources with implementing the proposed Project. The Department appreciates early consultation initiation, especially for projects that could impact biological resources and land use over such a large scale as is proposed for this Project.

Dan Canfield  
November 13, 2012  
Page 2

Specifically, the Department is concerned that Project-related activities such as described above could result in impacts to special-status species known to occur in the Project area including, but not limited to, nesting birds; the State and federally threatened desert tortoise (*Gopherus agassizii*); the State endangered Mojave tarplant (*Deinandra arida*); the State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*); the federal candidate species and State Species of Special Concern Pacific fisher (*Martes pennanti (pacifica)*); the State Species of Special Concern tricolored blackbird (*Agelaius tricolor*), pallid bat (*Antrozous pallidus*), long-eared owl (*Asio otus*), burrowing owl (*Athene cunicularia*), Townsend's big-eared bat (*Corynorhinus townsendii*), yellow-blotched salamander (*Ensatina eschscholtzii croceator*), spotted bat (*Euderma maculatum*), American badger (*Taxidea taxus*), Bendire's thrasher (*Toxostoma bendirei*), and Le Conte's thrasher (*Toxostoma lecontei*); the State fully protected golden eagle (*Aquila chrysaetos*); the State protected furbearing mammal desert kit fox (*Vulpes macrotis ssp. macrotis*); the State Rare and California Rare Plant Rank 1B.2 listed Red Rock tarplant (*Deinandra arida*) and Tracy's eriastrum (*Eriastrum tracyi*); the California Rare Plant Rank 1B.1 listed round-leaved filaree (*California macrophylla*); Piute Mountains navarretia (*Navarretia setiloba*), and Kern buckwheat (*Eriogonum kennedyi var. pinicola*); the California Rare Plant Rank 1B.2 Palmer's mariposa-lily (*Calochortus palmeri var. palmeri*), alkali mariposa-lily (*Calochortus striatus*), Breedlove's buckwheat (*Eriogonum breedlovei var. breedlovei*), Red Rock poppy (*Eschscholzia minutiflora ssp. twisselmannii*), Piute cypress (*Hesperocyparis nevadensis*), Kelso Creek monkeyflower (*Mimulus shevockii*), Charlotte's phacelia (*Phacelia nashiana*), and San Bernardino aster (*Symphotrichum defoliatum*); the California Rare Plant Rank 1B.3 Spanish needle onion (*Allium shevockii*), Kern River evening-primrose (*Camissonia integrifolia*), rose-flowered larkspur (*Delphinium purpusii*), and Tehachapi monardella (*Monardella linoides ssp. oblonga*); and the California Rare Plant Rank 4.2 white pygmy-poppy (*Canbya candida*), and Kern Canyon clarkia (*Clarkia xantiana ssp. parviflora*), all of which are known to occur in the vicinity of the Project site and could be present on or adjacent to the Project site.

The Project site has appropriate habitat for nesting, denning, foraging, or colonization opportunities for the above species. The Department believes that with careful Project planning, there is the potential for a benefit through conservation to biological resources overall. This would require limiting OHMV recreation to discrete areas of the 28,500-acre Project site identified through a combination of habitat evaluation and focused surveys to be unlikely to potentially impact biological resources; restricting grazing; employing large buffers from riparian areas and other areas where wildlife corridors are known to exist; and routing trails in such a manner that impacts from noise and vibration would not impact species ability to den, forage, or reproduce adjacent to active and dynamic multiuse recreation areas. While the Department understands

Dan Canfield  
November 13, 2012  
Page 3

additional and specific Project planning is expected to occur when the General Plan is to be developed, the Department is also aware the California Environmental Quality Act (CEQA) document being prepared for the acquisition of the 28,500 acres would be examining the feasibility of continuing and managing current OHMV recreation in the absence of an adopted General Plan.

In the absence of combining appropriate biological resource density and distribution information with potential impact analysis, the Department has concerns the Project could create isolated patches of habitat within the 28,500-acre proposed Project site and that movement corridors between patches could be compromised or cut off through heavy recreational use. In addition, the OHMV recreational use could increase the potential for vehicular strikes; trash and dumping which attracts predators into areas adjacent to and within species habitat leaving them more vulnerable to predation; creates noise and vibration which may impact ground dwelling species to the extent the ability to forage, reproduce, or den is impacted. Therefore, a reconnaissance-level assessment of the Project site should be conducted by a qualified wildlife biologist and a qualified botanist. In the event that burrows, dens, and/or vegetation that could support special status species are present within or immediately adjacent to the Project site, focused biological surveys should then be conducted by qualified biologists during the appropriate survey period(s) and prior to Project implementation to determine if these species are present and if they could be impacted by the proposed Project. The Department recommends all of the potential impacts to the above species be fully discussed in the EIR prepared for this Project and that the survey results conducted by TRA Environmental Sciences be used to identify any mitigation, minimization, and avoidance measures that should be included in the EIR prepared for this Project, the succeeding General Plan, and any potential permitting needs. Our recommendations should be included in the EIR prepared for this Project as enforceable mitigation measures as appropriate. Our comments follow.

### **Department Jurisdiction**

**Trustee Agency Authority:** The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

Dan Canfield  
November 13, 2012  
Page 4

**Responsible Agency Authority:** The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001(c), 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080. The Project has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA).

**Fully Protected Species:** The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited and the Department cannot authorize their "take".

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project.

**Protected Furbearing Mammals:** The Department has jurisdiction over furbearing mammals pursuant to Title 14, California Code of Regulations, Section 460. This Section states, "Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time"; therefore, the Department cannot authorize their "take".

**State Rare Plant Species:** The Department has jurisdiction over plants protected under the Native Plant Protection Act. Authorization to "take" plants designated as Rare pursuant to Fish and Game Code Section 1901 cannot be authorized by the Department.

**Bird Protection:** The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code sections that protect birds, their eggs, and nests include sections 3503 (regarding unlawful "take," possession or needless destruction of the nest

Dan Canfield  
November 13, 2012  
Page 5

or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

**Stream Alteration Agreement (SAA):** The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq.* It appears that there could be multiple drainages within the Project area. The Project proponent should consult with the Department if the Project would result in impacts to potentially jurisdictional features. As well, the Project proponent should consult with the Department before potential ground-breaking activities or submit a Stream Alteration Notification to determine if the features are within the Department's jurisdiction and an SAA is required for the proposed activities. The Department is required to comply with CEQA in the issuance or the renewal of an SAA. For additional information on notification requirements, please contact our staff in the Stream Alteration Program at (559) 243-4593.

#### **Potential Project Impacts and Recommendations**

**Mohave Ground Squirrel (MGS):** The Project site is within the range of suitable habitat for MGS. In order to determine if MGS occupy the Project site, focused protocol-level surveys should be conducted by a qualified wildlife biologist. The Department recommends that survey methods described in the "Mohave Ground Squirrel Survey Guidelines" (DFG 2003) should be followed, and the results of the surveys should be submitted to the Department for review. It is important to note that a single negative survey does not indicate absence; MGS populations are known to fluctuate over years and they are difficult to detect even when present. These surveys should be conducted well in advance of any ground-disturbing activities or allowing existing OHMV recreation use in order to determine if impacts to MGS could occur. In order to implement full avoidance for MGS, the Department recommends a minimum 50-foot no-disturbance buffer be employed around all burrows that could potentially be used by MGS. If avoidance is not feasible and "take" could occur as a result of Project implementation, acquisition of a State ITP may be warranted prior to initiating Project related activities. Alternatively, based on the known historical occurrences documenting presence of MGS adjacent to and within portions of the 28,500-acre Project area, the applicant has the option of assuming presence of these species and securing a State ITP. Avoidance, minimization, and mitigation measures for MGS should be fully addressed in the EIR for the Project.

**Desert Tortoise:** The Project site is within the range of suitable habitat for desert tortoise. The Department recommends that surveys following the protocol contained in

Dan Canfield  
November 13, 2012  
Page 6

"Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*)" (USFWS 2010) should be conducted during the appropriate survey period to determine the potential for desert tortoise to use the Project site and surrounding area. Survey results should be submitted to both the Department and the United States Fish and Wildlife Service (USFWS). If surveys indicate the presence or potential presence of desert tortoise, consultation with the Department and the USFWS to develop avoidance, minimization, and mitigation measures should occur. These measures should be incorporated into the subsequent CEQA document prepared for this Project. If "take" could occur as a result of Project implementation, acquisition of a State ITP would be warranted.

**Burrowing Owl:** Based on the habitat type present it is likely that burrowing owl occur within the Project site. To avoid impacts to the species, focused surveys should be conducted following the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). If any ground-disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) (Staff Report) recommends that impacts to occupied burrows be avoided by implementation of no-disturbance buffer zones, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement the recommended buffer zones could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure, in violation of Fish and Game Code and the Migratory Bird Treaty Act.

If the Project proposes to evict burrowing owls that may be present, the Department recommends passive relocation during the non-breeding season. The CEQA document should describe all avoidance measures that would be employed in the event that owls are found on the Project site, as well as methods that would be used to evict owls from burrows. The CEQA document should specify how the impact of evicting owls would be mitigated to a less than significant level. The Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat. The Department also recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting a burrowing owl.

Dan Canfield  
November 13, 2012  
Page 7

**Other Nesting Birds:** Nesting birds have the potential to exist on the Project site. If Project-related activities must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to commencing Project-related activities. A minimum no-disturbance buffer of 500 feet should be maintained around non-listed raptor nests, and a buffer of 250 feet should be maintained around other non-listed avian nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Avoidance, minimization, and mitigation measures for nesting birds should be fully addressed in the EIR prepared for the Project.

**Desert Kit Fox:** The Project site is within the range of suitable habitat for desert kit fox. The Department recommends that the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) be followed and that surveys be conducted accordingly and prior to commencing any Project-related activities, including existing OHMV recreation use. If any active or potential dens are found on the Project site during these surveys, consultation with the Department would be warranted for guidance on "take" avoidance measures for the desert kit fox. Avoidance measures for desert kit fox should be fully addressed in the EIR prepared for the Project.

**Special-Status Plant Species:** There is the potential for multiple special-status plant species to occur on or adjacent to the Project site. The Project site should be surveyed for special-status plants by a qualified botanist. The Department recommends following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (November 24, 2009). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary. Further, special-status plant species should be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with the Department should occur to determine appropriate minimization and mitigation measures for impacts to special-status plant species. Should a State- or federally listed plant species be identified during botanical surveys then consultation with the Department and/or the USFWS should occur and "take" authorization may be warranted prior to commencing Project related activities. Avoidance, minimization, and mitigation measures for special status plant species should be fully addressed in the EIR prepared for the Project.

Dan Canfield  
November 13, 2012  
Page 8

In addition there is the potential for two State Rare plant species to occur in the Project site; Red Rock tarplant and Tracy's eriastrum. Because these species are designated as Rare under the Native Plant Protection Act, the Department cannot authorize "take" of this species and full avoidance of this species is recommended when executing the Project.

**State Species of Special Concern:** Pacific fisher, tricolored blackbird, pallid bat, long-eared owl, Townsend's big-eared bat, yellow-blotched salamander, spotted bat, American badger, Bendire's thrasher, and Le Conte's thrasher could occur in the Project area. Focused surveys should be conducted for these species well in advance of any Project related activities. The surveys should be done by qualified biologists familiar with the species during the appropriate survey period(s) and prior to Project implementation to determine if these species are present and if they could be impacted by the proposed Project. Survey results can then be used to identify any mitigation, minimization, and avoidance measures to minimize significant impacts to State Species of Special Concern. Such measures should be included in the EIR prepared for this Project.

**Wildlife Conflicts:** Several wildlife species that often result in human/wildlife conflicts could be present in the Project area. These species include black bear, mountain lion, coyote, feral pig, deer, raccoon, and skunk. Direct and indirect human interactions with some of these species can result in human fatalities, injury, and loss of property, as well as, wildlife injuries, fatalities, and an increase in depredation permit requests.

The EIR should include measures to avoid and minimize human-wildlife conflicts, which should be developed in cooperation with the Department. State vehicular recreation area visitors should be educated about how to appropriately deal with wildlife encounters, and how to minimize impacts to wildlife and to protect themselves. One recommended approach is that these issues be incorporated into the on-site educational materials.

**Federally Listed Species:** The Department also recommends consulting with the USFWS on potential impacts to federally listed desert tortoise, Mojave tarplant, and Pacific fisher. "Take" under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; "take" under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation.

Dan Canfield  
November 13, 2012  
Page 9

More information on survey and monitoring protocols for sensitive species can be found at the Department's website ([www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)). If you have any questions on these issues, please contact Reagen O'Leary, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 244, or by electronic mail at [roleary@dfg.ca.gov](mailto:roleary@dfg.ca.gov).

Sincerely,



Jeffrey R. Single, Ph.D.  
Regional Manager

cc: United States Fish and  
Wildlife Service  
Ventura Office  
2493 Portola Road, Suite B  
Ventura, California 93003

Lahontan Regional Water Quality Control Board  
14440 Civic Drive, Suite 200  
Victorville, California 92392

United States Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard, Suite 1101  
Los Angeles, California 90017

Dan Canfield  
November 13, 2012  
Page 10

### Literature Cited

CDFG, 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. California Department of Fish and Game, November 2009.

DFG, 2003. Mohave Ground Squirrel Survey Guidelines. California Department of Fish and Game, January 2003.

DFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

USFWS, 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*).

USFWS, 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service.

## FW: Eastern Kern County Acquisition

**From:** Lorelei H. Oviatt [<mailto:LORELEIO@co.kern.ca.us>]

**Sent:** Wednesday, October 24, 2012 3:10 PM

**To:** OHVINFO

**Subject:** Eastern Kern County Acquisition

Please put the Kern County Planning and Community Development Department on the all CEQA and planning notifications at the address below. To date we have received no notifications including the NOP or an invitation to the focus group decisions. As the entire project is within Kern County we would appreciate being included in the process.

Sincerely,

Lorelei H.Oviatt, AICP

Director

Kern County Planning and Community Development Department

2700 "M" Street Bakersfield, Ca 93301

(661)862-8866 Fax (661) 862-8601

**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](mailto:planning@co.kern.ca.us)  
Web Address: [www.co.kern.ca.us/planning](http://www.co.kern.ca.us/planning)



**DEVELOPMENT SERVICES AGENCY**

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

November 9, 2012

FILE: Eastern Kern County  
Acquisition EIR

California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
Attn: Dan Canfield  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, California 95816

**RE: Comments on Notice of Preparation of the Eastern Kern County  
Acquisition Environmental Impact Report ( EIR)**

Dear Mr. Canfield,

The Kern County Planning and Community Development Department appreciates the opportunity to provide comments on the Notice of Preparation of the Eastern Kern County Acquisition Environmental Impact Report. 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.

1. The Notice of Preparation does not provide any details on how much of the acquisition will be managed for OHV use and how the remainder of the land will be managed. The EIR must include a clear project description that details the conceptual areas and proposed uses to provide for informed comment. While a general plan is not part of the CEQA process, under CEQA, all members of the public hold a "privileged position" in the process and certainly users of the area and the county have a fundamental right to know if and how the project will impact them, what are the impacts on the surrounding environment and how can they participate in the formulation of feasible alternatives and appropriate mitigation. "[A] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." ( Environment Planning and Information Council v. County of El Dordo ( 3d Dist. 1982) 131 Cal App.3d) The foundation of the CEQA process is an accurate project description that provides for meaningful public participation.

2. This area has historically been used for grazing and mining exploration. These uses need to be discussed in the EIR and accommodations made to include grazing as a permitted and encouraged use in the management of the acquired lands. This project is the acquisition of private property which currently pays taxes to benefit Kern County residents. After acquisition, while a portion will be used for recreational use, it is unclear if the remainder will be set aside for conservation purposes which limit the benefits to Kern County.
3. A full discussion of the impacts on fire, sheriff, and county-wide protection ( emergency services and coroner) is required by CEQA for service levels, response times and possible fiscal impacts to the county.
4. Jawbone Canyon Road is a county maintained road and provides access for a number of existing wind projects as well as the entrance to already established recreational areas. Impacts to the county road system and possible fiscal impacts to the county need to be discussed in the EIR and appropriate mitigation proposed.

**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

# CALIFORNIA CATTLEMEN'S ASSOCIATION

1221 H STREET • SACRAMENTO, CALIFORNIA • 95814-1910

SERVING THE CATTLE  
INDUSTRY SINCE 1917



PHONE: (916) 444-0845  
FAX: (916) 444-2194  
www.calcattlemen.org

Mr. Dan Canfield  
Planning Manger  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, CA 95816

Dear Mr. Canfield,

The California Cattlemen's Association (CCA) is writing to comment on the Notice of Preparation (NOP) that was issued by the Off-Highway Motor Vehicle Recreation (OHMVR) Division regarding the Eastern Kern County Acquisition Environmental Impact Report. As a statewide association with over 2,000 members who graze over 32 million acres of both private and public lands, we are concerned that the NOP makes no mention of the grazing that is currently occurring on the parcels which OHMVR is in the process of acquiring.

While the Eastern Kern County Acquisition web page mentions that the OHMVR has been working with the Bureau of Land Management (BLM) and interested parties to ensure transparency through the acquisition process, it seems incongruent that the NOP has no mention of the grazing that has been taking place on the property for over 100 years.

The NOP lists 5 anticipated categories of activities; ongoing visitor activities, maintenance and operations, natural and cultural resource management, special projects, and special events, but grazing is not mentioned under any of these topics. The notable absence therefore begs the question of whether or not the EIR will reflect these current practices and explain if and how grazing will continue to be a compatible use on this property.

The current permittee has a ranching operation that depends not only upon the forage on his BLM permit, but on the Renewable Resources Group private land as well, which provides facilities and water and is slated to become OHMVR property. Should grazing be discontinued on this property, the permittee will be unable to continue his grazing on BLM ground; ending a century of history, tradition and livelihood.

CCA hopes that the OHMVR recognizes the importance of addressing grazing in the EIR and decides to continue to allow these sound management practices to occur. We look forward to reviewing the EIR and working with OHMVR as this process progresses.

Sincerely,

Margo Parks  
Director of Government Relations

KEVIN KESTER  
PRESIDENT  
PARKFIELD

JACK HANSON  
TREASURER  
SUSANVILLE

BILLY GATLIN  
EXECUTIVE VICE PRESIDENT  
HERALD

DARRELL WOOD  
SECOND VICE PRESIDENT  
VINA

JIM DAVIS  
SECOND VICE PRESIDENT  
SANTA YSABEL

TIM KOOPMANN  
FIRST VICE PRESIDENT  
SUNOL

PAUL CAMERON  
FEEDER COUNCIL CHAIR  
BRAWLEY

LAWRENCE DWIGHT  
SECOND VICE PRESIDENT  
MCKINLEYVILLE

BILL BRANDENBERG  
FEEDER COUNCIL VICE CHAIR  
EL CENTRO

# Eastern Kern County Acquisition

-----Original Message-----

From: Lucy Clark [<mailto:lucyg391@gmail.com>]

Sent: Sunday, November 11, 2012 5:14 PM

To: Canfield, Dan

Subject: Eastern Kern County Acquisition

Dan Canfield, Planning Manager  
California Dept. of Parks and Recreation Off-Highway Motor Vehicle Recreation Division  
1725 23rd Street, Suite 200  
Sacramento, CA 95816  
November 11, 2012

The Kern Chapter of the California Native Plant Society appreciates the opportunity, and herein submits its comments on the NOP for the EIR for the proposed "Eastern Kern County Acquisition" for an OHVRA.

First, this is a botanically understudied area, as evidenced by the North Sky River Project and the Jawbone Wind Energy Project DEIR. The surveys done there revealed rare plants not included in the CNDDDB, including one un-described species. Plant Surveys during all four seasons, and possibly for more than one year, must be completed on all 28,500 acres for all listed plants and plant species of concern, for which the area contains potential habitat(s).

As outdoor people, we are concerned about the invasion of the Pacific Crest National Scenic Trail by OHVs, currently and in the future. The Trail has been in the past a place of peaceful contemplation, enjoyment of nature (including the investigation of native plants), and personal testing. It's natural sounds; views, close and far; and air quality (including that smell of sage) should be thoroughly protected in the EIR.

The damage already done in our State Park, Red Rock Canyon, by OHV's intrusions, has not been prevented, nor have the damages been restored. The current destruction of native plants and habitats is irreparable within three lifetimes. The State Parks Department must complete and approve the General Plan for RRCSP, before an adjacent OHMVRA is considered. This is the only way to begin to protect RRCSP.

The RRCSP's peacefulness, plant communities, and air quality have been quite degraded since the opening of Jaw Bone Canyon to OHVs. The funding of the restoration and protection of Red Rock Canyon from OHVs should not be required of CA tax payers. This money should come from your budget, and be included in the General Plan.

The foundations of our concerns are:

1. The inherent destruction of the natural environment by OHVs, 2. The seeming enjoyment or entitlement taken by bike riders in going off trail, cutting fences, removal/changing locations of signs, i.e. destroying the environment,
3. The inability of the OHMVRD to enforce regulations to stay on trail, and to punish those who do not.

Your own two page NOP infers that riders are currently trespassing on private and BLM (our) lands. The fact that the Division has not carried out the study mandated by SB 742, for using large, viewable IDs for every vehicle, is documented failure to comply with existing state law and does not bode well, in our

minds, for strict enforcement of on trail only regulations in this huge area. The EIR should include specific and realistic methods of surveillance. Perhaps drones can be used to increase monitoring effectiveness, identification, arrest, and perhaps, as on state lakes, the confiscation of the transport of law-breakers. (If drones are being used to track migrating birds, they might be useful in tracking OHVs.) The OHMVRD should include plans for financial assistance for helping the BLM in defending their parcels. U.S. Taxpayers should not be required to do this.

Again, the protection and maintenance of the native plant habitats, whether desert, spring, riparian, etc. are our central concerns, as all of the resident critters of this huge area depend on the plants and their environment for their livelihood. We request that one of the land use Alternatives in the EIR be "no development."

Please add my name to all future announcements and mailings for this current, and future, OHV issues.

Lucy Clark  
Conservation Committee  
Kern Chapter of CNPS  
HC3 Box 88  
Bakersfield, CA  
93308-9124

NATIONAL PUBLIC LANDS. NEWS  
941 E. RIDGECREST BOULEVARD  
RIDGECREST, CALIFORNIA 93555

November 10, 2012  
dcanfield@parks.ca.gov

Mr. Dave Canfield,

We support the acquisition of the Renewable Resources (aka the Rudnick/Onyx Ranch) lands for sale within and near BLM's Jawbone facility, only if certain conditions are met.

1. There needs to be an Interim Memorandum of Understanding (MOU) for most of the acquisition. The Interim MOU should be between State Parks OHMVR Division, Bureau of Land Management (BLM), Friends of Jawbone (FOJ) and Kern County and should be made a part of the EIR/EIS, which evaluates the direct and indirect consequences. This Interim MOU should become a public document and then, with whatever modifications are made, should become a part of the General Plan EIR/EIS. (We suggest the County of Kern at some level be involved in this process; especially as the county has recently begun to develop a county wide road and trails plan.)
2. The Notice of Preparation, page 3, alludes to a continuation of activities and access, however it fails to mention a number of on-going activities. Assurances must be provided that all activities currently happening on the proposed acquisition lands must be allowed to continue. (Some missing from the list are: Ranching (historic and present families' livelihood) recreating, hunting, mining, rock hounding, ballooning, rock climbing, geo-caching, kite flying, photography, filming, and star gazing.)
3. The lease(s) for cattle grazing should be signed immediately after the acquisition takes place to insure historic cattle ranching.
4. Assurances need to be in writing and included within the EIR/EIS that no part of the acquisition lands will be granted or added to Red Rock Canyon State Park or gifted to Sequoia National Forest.
5. Red Rock Canyon State Park has not had the money to manage their area. FOJ has contributed immensely to the operation of Red Rock State Park and would like to continue with the acquisition lands, as they believe in the multi-use principle that governs the BLM lands and these private lands.
6. The acquisition is merely an exchange with no direct environmental consequences of itself. However, An EIR/EIS will be completed which covers the indirect and potential direct consequences of the acquisition. NPLNews believes that this should be an EIS because of the intermingling of BLM lands and the multiple-use concept as noted above.

7. There are two federally listed animal species (the Desert Tortoise and the California Condor, which make these acquisition lands their home and hunting grounds, as well as a number of migratory birds which are listed but only pass through.) and one state listed animal species (Mojave Ground Squirrel). Complete listings of animal and plant species, both federal and state, need to be included in the EIS.

8. Red Rock Canyon's General Plan has yet to be completed after a dozen years of non-compliance. It would make fiscal and environmental sense to give California OHMVR Division a role in assisting the General Plan to include the Acquisition Lands.

9. The Notice of Preparation, page 3, alludes to a number of activities that are expected to increase. The BLM, the FOJ and the Kern County Sheriff's Department and their Search and Rescue Group have been providing law enforcement and safety to the public and are expected to continue to do so. The OHMVR Division of State Parks will provide an extra endorsement.

10. It would be wise for the OHMVR Division of State Parks to continue to contract with the FOJ, as they already know many of the areas requiring protection for natural and cultural resource management activities.

11. The State Parks OHMVR Division proposes to issue permits for special activities "which are themselves potentially subject to separate CEQA review". The level of activities that trigger this special permit should be provided in this EIS/EIR and again in the General Plan. The responsible party for issuing the permit(s) should be included in the MOU's.

In conclusion, NPLNews.com supports this acquisition only if the eleven points are considered.

Sophia Anne Merk (Sam), Director  
[samnplnews@yahoo.com](mailto:samnplnews@yahoo.com)

cc: Kern County Planning Department  
Friends of Jawbone  
BLM, Carl Symons  
Ridgecrest City Council



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

November 9, 2012  
Dan Canfield  
Planning Manager  
OHMR Division

Subject: Comments on OHMVR Scoping process, Kern County land acquisition

Dear Mr. Canfield;

We attended OHMVR's Lancaster meeting on October 17, 2012 regarding the scoping process for acquisition of 28,000 acres in Kern County. Following our review of online maps and meeting comments, we are submitting additional comments.

Red Rock Canyon State Park will be directly affected by the OHMVR land acquisition. Completion of the Red Rock Canyon General Plan was suspended in 2009 due to budgetary issues. The Division must put first things first. The RRC General Plan must be addressed, assessed, and completed *prior* to expenditure of funds for procurement of proposed adjacent OHV Park lands.

The crown jewel in our National Park Trail System, the Pacific Crest Trail, has been under siege by illegal dirt bike riders. Even though legal OHV opportunities are located in Kern County within minutes of the PCT, lawless riders choose to destroy public and private lands.

Law enforcement officers from multiple disciplines have complained about insufficient funds and personnel for patrolling the impacted areas to date. What plan will the Division implement to fund and staff additional LEOs to mitigate ineluctable intrusion of additional rogue riders onto private and public lands in Kern County?

It needs to be pointed out once again, that the OHMVR Division has not complied with SB742 which mandated that a study be conducted regarding large, visible IDs for OHVs. It is imperative that this study be conducted *in advance* of expanding OHV opportunities in Kern County. Division personnel need to take an honest look at the direct association between OHV trespass and the lack of visible rider/vehicle identification. OHMVR Division needs to participate in an honest dialogue about conflict between quiet recreation and OHV use *before* additional off-road riding opportunities are developed.

Hikers and equestrians will feel the adverse effects of noise and dust, and inevitable trespass from parcels adjacent to the Pacific Crest Trail. That being said, the parcels in question could be developed to potentially conform and harmonize with quiet recreation *if* they are judiciously

utilized. For example these sections could accommodate primitive camping areas and/or rest sites for hikers and equestrians, replete with livestock pens and water for horses.

The following APNs represent sections which adversely impact the Pacific Crest Trail:

153-01-203  
153-01-207  
153-05-103  
153-08-008  
153-070-02  
153-070-03  
153-070-07  
153-070-05

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 17<sup>th</sup> OHMVR meeting in Lancaster, you stated, Mr. Canfield, 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.

OHMVR's mission statement indicates that quality recreational opportunities remain available for future generations by *providing for education, conservation, and enforcement efforts that balance OHV recreation impact with programs that conserve and protect cultural and natural resource.*" We bring to your attention, Mr. Canfield, the OHMVR's mission statement does not bring to mind images of dirt bike trails emanating from Jawbone Canyon and proliferating through the Piute Mountains, Caliente and beyond. Balance is needed here.

We are concerned about protection and preservation of the Butterbrecht ACEC lands.

In the September 23, 2012 issue of 'The Wall Street Journal Sunday', the lead article warns, "Valley Fever costs mount for patients, taxpayers". The Health Collaborative author goes on to say that Valley Fever cases are soaring in the southwest, causing taxpayers millions of dollars.

What plan does the OHMVR Division have in place to address the tremendous amount of dust that will be raised and spread as a direct result of heavy OHV use in the high desert?

All these issues need to be addressed before a genuine stakeholder process can begin.

Sincerely,

Mesonika Piecuch  
Executive Director  
ORV WATCH KERN COUNTY



November 2, 2012

Mr. Dan Canfield  
Planning Manager  
California Department of Parks and Recreation (OHMVR)  
1725 23rd Street  
Suite 200  
Sacramento, CA 95816

Dear Mr. Canfield,

This letter is reference to the Notice of Preparation of the Eastern Kern County Acquisition Environmental Impact Report and is in reference to the project's potential implications to the Pacific Crest National Scenic Trail (PCT) which traverses the northern and western project areas.

I am writing on behalf of the Pacific Crest Trail Association (PCTA). Our 9,000-member organization is the primary private partner with the United States Forest Service, Bureau of Land Management, National Park Service, and California State Parks in the management and protection of the Pacific Crest National Scenic Trail (PCNST) from Mexico to Canada. Last year alone, programs organized under PCTA's leadership provided 115,000 hours of volunteer labor to manage the PCNST on the ground and we have participated in dozens of planning processes from the national to the local level.

PCTA has partnered with the U.S. Forest Service, BLM, California State Parks, Kern County Sheriff's Office and local stakeholders to protect the PCT from illegal motorized trail use in the Tehachapi area of Kern County. This collaborative effort has been critical to our success in protecting the trail corridor in that area.

It is important to reflect upon the nature and purpose of the PCT when it was designated a National Scenic Trail by Congress in 1968. The nature and purpose of the PCT is to provide high-quality, scenic, primitive hiking and equestrian experiences, and to conserve natural, scenic, historic, and cultural resources along the PCT corridor. Further, in the National Trails System Act (P.L. 90-543) and under 36 CFR 261.20, motorized use is prohibited on the PCT. I understand that the project proposal does not specifically address motorized or mechanized trail development, however I would be remiss if I didn't specifically address this issue, as motorized trails are not compatible with the nature and purpose of the PCT and approximately 4,500 acres of the proposed project area are within 1 mile of the PCT.

The EIR references a collaborative effort with the BLM regarding the future management of lands. It is important to note that the BLM Manual Policy Direction 6250 for National Scenic and Historic Trails directs the Bureau to safeguard the nature and purposes of National Trails to provide for maximum compatible outdoor recreation potential, and protection, conservation and



**Pacific Crest Trail Association**  
1331 Garden Highway · Sacramento, CA 95833  
(916) 285-1846 (Phone) · (916) 285-1865 (Fax) · [www.pcta.org](http://www.pcta.org)



enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the areas and associated settings through which such trails may pass, as well as the primary use or uses of the trail. Similarly, there are about 4,000 acres of BLM lands that prove concerning since they could provide motorized access within 1 mile of the PCT.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Anitra I. Kass". The signature is fluid and cursive, with a long horizontal line extending to the right.

Anitra I. Kass  
Southern California Regional Representative  
Pacific Crest Trail Association  
[akass@pcta.org](mailto:akass@pcta.org)  
951-257-4100



**Pacific Crest Trail Association**  
1331 Garden Highway · Sacramento, CA 95833  
(916) 285-1846 (Phone) · (916) 285-1865 (Fax) · [www.pcta.org](http://www.pcta.org)



November 13, 2012

Dan Canfield  
Planning Manager  
OHMR Division  
1725 23<sup>rd</sup> Street  
Sacramento, CA 95816

[dcanfield@parks.ca.gov](mailto:dcanfield@parks.ca.gov)

Subject: Comments on OHMVR Scoping process, Kern County land acquisition

Dear Mr. Canfield:

We submit the following comments in response to the Notice of Preparation (NOP) of the Eastern Kern County Acquisition EIR, dated September 26, 2012.

We know the OHMVR Division has wanted to acquire these lands for many years; and while this acquisition could indeed benefit recreation of all kinds and provide opportunities for better management of natural and cultural resources, we are skeptical of that actually happening. The OHMVR Division's past record of providing resource protection in lands within its SVRAs has not, in our experience, been a good one. Carnegie and Ocotillo Wells State Vehicular Recreation Areas (SVRAs) provide examples of where unique and extremely rare resources continue to suffer damage from OHV recreation.

Red Rock Canyon State Park – First and foremost among our concerns with this acquisition is our concern for the future management of Red Rock Canyon State Park (RRCSP). 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 DPR's own archaeologists.<sup>1</sup> In addition to

---

<sup>1</sup> 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.<sup>2</sup>

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 would be absolutely unacceptable. Existing OHV use in the park needs to be stopped, in order to protect the incredibly important natural and cultural resources therein. The OHV Division, through the interference by former Deputy Director Daphne Greene, succeeded in preventing both the General Plan process and interim protection for RRCSP resources.

Red Rock's "Last Chance Addition" lands were given to DPR by the Bureau of Land Management (BLM) in the Wilderness Act Of 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 OHV 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 OHV use, it should have the money to complete the General Plan for Red Rock.

Similarly, BLM lands adjacent to Ocotillo Wells SVRA are managed by the OHMVR Division under a Memorandum of Understanding, wherein vehicle travel on the lands 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.

The proposed acquisition lands must be surveyed and assessed for natural, cultural and paleological resources such as those in RRCSP and fully evaluated in the EIR.

With DPR's history of big promises but dismal record with regard to resource protection, the EIR must 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 EIR must spell out in detail how DPR will succeed in its lofty management goals.

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.

---

<sup>2</sup> Schoenherr, Allan A., A Natural History of California. University of California Press. 1992. P. 55

For decades 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 has maintained a robust and environmentally intact landscape that any acquisition should maintain. Opening up the areas to new OHV activities will quickly and irrevocably deteriorate the environment due to direct and indirect impacts from OHV recreation, including fragmentation of habitat, spread of non-native plants, degradation of soils and cryptobiotic crusts and other impacts associated with off-road vehicle recreation. Because of the current recognition of the wildlife habitat and Native American values for which the JBACEC was established, the acquisition and use of the area for off-road activities appears to immediately set up a conflict between conservation values and off-road vehicle access. The EIR must fully explore the impacts to the acquisition areas.

The acquisition parcels include a world-renowned migratory bird stopover spring – Butterbrecht Springs.<sup>3</sup> This unique location has been recognized and managed specifically for conservation purposes for decades cooperatively between the private land owner and the Bureau of Land Management. 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. This issue needs to be clearly addressed in the EIR

The proposed acquisition parcels also harbor numerous springs and wells that are of great value to wildlife, including Measles Spring, Green Spring, Quail Spring, Whitney Well, Butterbrecht Well, Schoolhouse Well, Gold Peak Well, a well near San Antonio Mine, In addition, the acquisitions could give access to Road Well which is currently located on BLM lands but is inaccessible to the public because it is in the closed area. The acquisition lands also include Landers Meadow, which is a higher elevation southern Sierra meadow and has great wildlife habitat value. These areas should be identified as being off-limits to any off road access in the EIR. While springs/seeps/wells can often be a desirable destination point for vehicles, they disrupt the habitat and impact the species that rely on these critical water resources.

The proposed acquisition parcels also include many ephemeral and perennial streams and creeks that are likely “waters of the state” and could be highly impacted by off-road vehicle activities. The EIR must comprehensively evaluate these issues.

Numerous rare, threatened and endangered species have potential to occur in the acquisition lands. We request that thorough, seasonal surveys be performed for sensitive plant species and vegetation communities, and animal species under the direction and supervision of the US Fish and Wildlife Service and the California

---

<sup>3</sup> [http://www.kern.audubon.org/Butterbrecht\\_birding.htm](http://www.kern.audubon.org/Butterbrecht_birding.htm)

Department of Fish and Wildlife. Full disclosure of survey methods and results to the public and other agencies without limitations imposed by the agency must be implemented to assure full CESA/CEQA compliance.

Surveys for the plants and plant communities should follow California Native Plant Society (CNPS) and California Department of Fish and Wildlife (CDFW) floristic survey guidelines<sup>4</sup> and should be documented as recommended by CNPS<sup>5</sup> and California Botanical Society policy guidelines. A full floral inventory of all species encountered needs to be documented and included in the environmental review. Surveys for animals should include an evaluation of the California Wildlife Habitat Relationship System's (CWHR) Habitat Classification Scheme. All rare species (plants or animals) need to be documented with a California Natural Diversity Data Base form and submitted to the California Department of Fish and Wildlife using the CNDDDB Form<sup>6</sup> as per the State's instructions<sup>7</sup>.

We request that the vegetation maps be at a large enough scale to be useful for evaluating the landscape and any potential impacts. Vegetation/riparian/wash habitat mapping should be at such a scale to provide an accurate accounting of riparian or wash areas and adjacent habitat types that will be directly or indirectly affected by the proposed activities. A half-acre minimum mapping unit size is recommended, such as has been used for other development projects. Habitat classification should follow CNPS' Manual of California Vegetation (Sawyer et. al. 2009).

Adequate surveys must be implemented, not just a single season of surveys, in order to evaluate the existing on-site conditions. Due to unpredictable precipitation, arid-adapted organisms have evolved to survive in harsh conditions and if surveys are performed at inappropriate times or year or in particularly dry years many plants that are in fact on-site may not be apparent during surveys (ex. annual and herbaceous perennial plants).

Because the project site is located within an identified California Essential Habitat Connectivity corridor<sup>8</sup>, a thorough and independent evaluation of the acquisition lands and how they currently function for wildlife movement is essential. The environmental review must evaluate all the wildlife movement corridors, both terrestrial and aerial. The analysis should cover movement of large mammals, as well as other taxonomic groups, including small mammals, birds, reptiles, amphibians, invertebrates, and

---

<sup>4</sup> <http://www.cnps.org/cnps/rareplants/inventory/guidelines.php> and [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols\\_for\\_Surveying\\_and\\_Evaluating\\_Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf)

<sup>5</sup> <http://www.cnps.org/cnps/archive/collecting.php>

<sup>6</sup> [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf)

<sup>7</sup> [http://www.dfg.ca.gov/biogeodata/cnddb/submitting\\_data\\_to\\_cnddb.asp](http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp)

<sup>8</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18366>

vegetation communities. The review should first evaluate habitat suitability within the analysis window for multiple species, including all listed and sensitive species. The habitat suitability maps generated for each species should then be used to evaluate the size of suitable habitat patches in relation to the species average territory size to determine the appropriate size and location of linkages and that they provide both live-in and move-through habitat. The analyses should also evaluate if suitable habitat patches are within the dispersal distance of each species. The environmental review should address both individual and intergenerational movement (i.e., will the linkages support metapopulations of smaller, less vagile species). In addition, the environmental review should consider how wildlife movement will be affected by other planned approved, and proposed development in the region as part of a cumulative analysis of the environmental threats in the area.

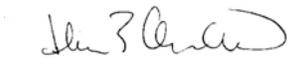
Clearly the two and one quarter sections in T30S R34E (Sections 9, 15 and the southern quarter of 10) are inappropriate for any off-road vehicle activity because they are surrounded by private lands and include key headwaters of Caliente Creek through Hugh Mann Canyon.

Please add 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](mailto:capeer@peer.org)  
530-333-2545



Ilene Anderson  
Biologist/Public Lands Desert Director  
Center for Biological Diversity  
8033 Sunset Blvd., #447  
Los Angeles, CA 90046  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)  
323-654-5943

SIERRA CLUB



KERN-KAWEAH CHAPTER

November 8, 2012

Mr. Dan Canfield, Planning Manager  
California Department of Parks and Recreation,  
Off-Highway Motor Vehicle Recreation Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, CA 95816

Dear Mr. Canfield,

The following are the scoping comments of the Kern-Kaweah Chapter for the Notice of Preparation of the EIR for the “Eastern Kern County Acquisition,” as conducted by the lead agency, the California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division (OHMVR).

We understand that the OHMVR is proposing to acquire up to 60 privately owned parcels (approximately 28,500 acres) in eastern Kern County, from the Renewable Resources Group.

This vast open space is a biologically rich transition zone between the Western Mojave Desert and the Southern Sierra Nevada Range. Located within this large area are: the Jawbone-Butterbredt Area of Environmental Concern, parcels of land within the Sequoia National Forest boundary, and the well-known Butterbredt Springs, a designated “Important Birding Area.” In short, these acquisition lands contain large tracts of native vegetation, important springs, sensitive riparian areas, cultural sites and wildlife resources, which deserve the highest levels of protection.

I. BIOLOGICAL RESOURCES -The EIR must include a thorough and detailed analysis, during all four seasons of the year, for potential impacts to all biological resources located within the acquisition lands:

A. Native Wildlife – The EIR must consider baseline studies of existing populations, migration corridors, and foraging areas of wildlife species.

B. Avian Species – Many of the canyons provide migration corridors for passerine bird species in the fall and spring. In addition, there must be a baseline study for local raptor populations. This information must document known raptor nesting, foraging, and migration patterns.

C. Bats – Many species of bats live in the Western Mojave Desert Canyon and Southern Sierra Nevada Range. A baseline study of bat populations living in the proposed acquisition area must be conducted.

D. Soils and Hydrology – Fragile and erodible soils and drainages are vulnerable to development pressures such as road building and new trails. The potential for fugitive dust impacts must be thoroughly addressed.

E. Habitat Fragmentation – The NOP states that anticipated activities would fall into five broad categories of visitor use. The EIR must adequately address the impacts these proposed activities would incur on further fragmenting wildlife habitat in this region. Consideration must include wildlife habitat that has already been impacted by fragmentation in adjacent lands, both private and public.

II. RED ROCK CANYON STATE PARK – The EIR must adequately address any impacts to adjacent Red Rock Canyon State Park. Currently, there is no Red Rock Canyon General Plan in place. This important guidance document *must be completed* prior to the expenditure of funds for procurement of proposed OHV Park lands, so that Red Rock Canyon SP is afforded the protection that is necessary.

III. PACIFIC CREST NATIONAL SCENIC TRAIL - The Pacific Crest Trail (PCT) stretching for over 2600 miles from our borders with Mexico and Canada, is an internationally known hiking/equestrian path. Impacts to trail resources from illegal OHV trespass must be considered in the EIR.

IV. ADJACENT BLM PARCELS - The proposed acquisition area is checkerboarded with BLM lands. The EIR must consider the natural resources of adjacent BLM parcels, and the potential impacts of any proposed development.

V. LAW ENFORCEMENT and MONITORING – 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. What permanent and reliable funding will be allocated for an appropriate law enforcement staff to monitor the acquisition lands?

VI. COMPLETE SET OF ALTERNATIVES – The EIR must include a complete set of alternatives that thoroughly discuss all possible development scenarios, including “no development,” for land use in the acquisition area.

Protection of the natural resources in the remaining open space of Eastern Kern County must be a priority. The combination of wind energy development and unauthorized OHV trails have already impacted the lands north of Highway 58 and east of Highway 14 in Eastern Kern County. We believe there must be a balance between development and protecting valuable open space for the health of both wildlife and future generations.

Please add my name to future mailings and announcements for this issue.

Sincerely,

Georgette Theotig, Chair ([gtheotig@sbcglobal.net](mailto:gtheotig@sbcglobal.net))  
Kern-Kaweah Chapter, Sierra Club  
P.O. Box 38  
Tehachapi, CA 93581

Western Rockhound Association  
941 East Ridgecrest Blvd.  
Ridgecrest, CA 93555

November 10, 2012

ATT: Mr. Dan Canfield, Planning Manager

1. We support the acquisition of the Renewable Resources (aka the Rudnick/Onyx Ranch) lands for sale within and near BLM's Jawbone facility, if certain conditions are met.
2. Assurances that NOT one square inch of the acquisition lands will be granted or added to Red Rock Canyon State Park or gifted to Sequoia National Forest. (We understand that the legislature can do whatever it wishes. These assurances should be in writing; possibly included within the EIR, and come from State Parks.)
3. Assurances that neither environmental NGOs nor some park management business will be contracted to manage/operate the acquisition lands, as has happened with a significant number of State Parks.
4. We recognize the acquisition is merely an exchange of paper having no direct environmental consequences in and of itself. However, from that point on there may be environmental consequences and as all the lands are private an EIR must be completed which covers the indirect and potential direct consequences of the acquisition. However, WRA believes that a very good case can be made that there should also be an EIS because of the intermingling of Bureau of Land Management lands, as well.

Additionally, there are two listed animal species (the Desert Tortoise and the California Condor, which make these acquisition lands their home (tortoise) and hunting grounds (California Condor), as well as a number of migratory birds which are on some list or another, but only pass through. And one state listed animal species, which the federal government refuses to list. The Mojave Ground Squirrel is that specie. We are unsure of the total number of listed plant species. This list changes often.

5. There will have to be **an Interim MOU** for most of the acquisition and that Interim MOU should be between State Parks OHMVR Division, Bureau of Land Management (BLM) and Friends of Jawboned and possibly the County of Kern and should be part of the EIR which evaluates the direct and indirect consequences. There should be a second MOU between State Parks OHMR Division, the National Forest and the Friends of Jawbone and possibly the County of Kern, The Interim MOUs should be public documents and then with whatever modifications are made, should become a part of the General Plan EIR/EIS. (We suggest the County of Kern at some level be involved in this process; especially as the county has recently begun to develop a county wide road and trails plan. This is the justification for including them as possible participants in the MOUs.
6. It makes really good sense for State Parks to give Red Rock Canyon State Park to the OHMVR Division to include its management in a MOU with BLM and the Friends of Jawbone and in the General Plan and EIR/EIS. (And possibly the County of Kern.)

BLM, Friends of Jawbone, and some SVRAs have been providing maintenance and other help for Red Rock Canyon State Park for years. WRA does not believe Red Rock Canyon's General Plan has been completed and if given to the OHMVR Division a General Plan could be completed at the same time as the one for the acquisition. Again, it just makes good sense. (Should State Parks conclude this would be to controversial they could enter into a MOU with the County of Kern which could then contract through a MOU with the OHMVR Division of State Parks, the Bureau of Land Management and Friends of Jawbone for its operation. Or the State of California could give up the state park and the lands would revert back to BLM which could then enter into a MOU with all parties. Then the Friends of Jawbone could go in to the area and do its usual great job of rehabilitation. Environmentally, it makes sense.

7. Page 3, the first bullet point of the Notice of Preparation speaks to continuation of activities and access however it fails to mention a number of on-going activities. Assurances must be provided that all activities currently happening on the proposed acquisition lands must continue. (To name just a few of those missing from the list: Ranching (this is these families livelihood; we are recreating), hunting, shooting, mining, rockhounding , ballooning, rock climbing, geocaching, Grand Prix's , kite flying, radio controlled automobiles and or aircraft, photography, filming, star gazing, and others we are not aware off)

8) The lease(s) for the cattle grazing should be signed 1 minute after the sale is completed or acknowledged in some way.

9) Page 3, the second bullet point of the Notice of Preparation speaks to a number of activities which are expected to increase. They probably will. It must be pointed out that the BLM, the Friends of Jawbone and the Kern County Sheriff's Department and their Search and Rescue Group have been providing all of the named categories of maintenance and operations and are expected to continue to do so. The OHMVR Division of State Parks will provide an extra needed presence.

10) Natural and cultural resource management activities are being provided to approximately 28,500 acres of private land; receiving care and protection from the land owners through a MOU with the Friends of Jawbone. It would be wise for the OHMVR Division of State Parks to continue to contract with the Friends of Jawbone as they already know many of the areas requiring protection.

11) The State Parks OHMVR Division proposes to issue permits for special activities "which are themselves potentially subject to separate CEQA review". The level of activities which trigger this special permit should be provided in this EIR and again in the General Plan. The responsible party for issuing the permit(s) should be included in the MOUs.

The EIR and the General Plan should address how it will handle those activities which have already been through a BLM review (EA or EIS). Will it be necessary to review them again?

12) The EIR should evaluate the potential for several single track loops which would be signed only for use by motorcycles and bicycles.

Thank you for the opportunity to comment,

Sincerely,

Marie Brashear. Land Use Coordinator

# Eastern Kern County Acquisition Comments

**From:** Beze, Norman L [<mailto:norman.l.beze@boeing.com>]

**Sent:** Sunday, November 11, 2012 4:57 PM

**To:** Canfield, Dan

**Subject:** Eastern Kern County Acquisition Comments

Dear Mr. Dan Canfield,

My simple comments to the proposal I witnessed from the OHMVR on Tuesday, 10/16/12 are as follows:

I would only support the acquisition of land by the state if there existed substantial evidence that the intention of the OHMVR was to support significant development of OHV access to the areas over and above existing dirt road system. There needs to be increased single-track two-wheeled recreation to satisfy the majority of dirt riders that frequent the area.

Norman L. Beze  
2205 N. Dora Ct.  
Simi Valley, CA 93063

Comments upon the Notice of Preparation and Scoping of the EIR for the SP/OHMVR in Eastern Kern County of 28,500 acres.

First – this is a huge document and difficult to get through. I do request an extension for at least one month of the comment period.

Here is a quick summary of my concerns which either are not addressed, or inadequately addressed in my opinion.

1. The direct effect on the land by the destruction of land and vegetation. The many vehicles tearing up the soil will cause erosion, loss of water retaining ability, and destruction of air quality because of the dust.
2. Direct biological impacts destroying the habitat for many creatures, mice, lizards, bats, skunks, raccoons, deer, coyotes, bears, and all kinds of birds, including those protected by the Migratory bird act.
3. Impacts upon surrounding areas. Already the ORVs that enter through Jawbone Canyon BLM off-road area are causing damage to all areas surrounding this riding area. This includes:

Private landowners – who have already had to post their land with signs like “Trespassers will shot”

The Pacific Crest Trail – which passes through this proposed development and near Jawbone Canyon and is blatantly used by OHV riders, causing trail damage and disturbance to hikers.

Surrounding wilderness areas, BLM and National Forest –rogue riders are already cutting tracks into designated wilderness, destroying the wilderness values and creating headaches for the governing agencies.

Red Rock Canyon State Park seems to be treated as an OHV area by that community. It is not. It needs a Specific Plan stating that it is a state park, not an OHV area.

4. Direct impact upon the major migratory bird corridor down from Lake Isabella to Butterbrecht Springs, and including Butterbrecht Springs in this sacrifice area. This spring is a major source of water for migrants on this dry area of the migratory corridor, and is vital for their survival.
5. There is an existent Jawbone Canyon ACEC. How is an OHV area compatible with it?
6. How will the State agency enforce limits and regulations upon the users of an open area, given the already proven record of non-compliance by many within that community? Where will it get the millions of dollars necessary for enforcement, as well as the determination to do so? Where is any protection for those affected by the noise, dust, erosion, trash, toxic products, intrusiveness, and other impacts dumped indiscriminately upon local plant, animal, and human lives already utilizing this area?

7. Cumulative impacts are an important part of any EIR. Already a huge impact has hit this area with the development of miles of wind farms. The cumulative impacts of wind farms and OHVers must be considered for this southeastern part of the Sierra Nevada range, from Hwy 179 to the Tejon Ranch Conservancy.

Please include my input in your scoping comments received, and addresses these concerns.

Sincerely,

Louise M. French  
14140 Chimney Rock Road  
Paso Robles, California 93446  
805-239-7338

[lettyfrench@gmail.com](mailto:lettyfrench@gmail.com)

November 11, 2012, 4:00pm

**HAFENFELD RANCH LLC**

**P.O. BOX 58**

**WELDON, CA. 93283**

**760-378-2747**

**10-30-12**

**Mr. Dan Canfield, Planning Manager**

**CDPR OHMVR Division,**

**1725 23rd St., Suite 200**

**Sacramento, Ca. 95816**

**Ref: NOP Eastern Kern County**

**Acquisition EIR**

Dear Mr. Canfield;

We are the livestock operator that utilizes the checkerboard of lands that are both BLM and fee title that is part of your proposed acquisition. We currently lease all the fee title lands that are in the acquisition proposal and hold the BLM grazing allotment within the checkerboard and additional 230,000 acres of BLM and 30,000 acres of USFS lands. The parcels proposed for acquisition provide stock water facilities for cattle, the only receiving, holding, gathering and shipping facilities, meadows and employee camp for the whole grazing operation. These facilities and land base are vital to the operation and if restricted or withdrawn from the "system" so to speak, will make it impossible for us to continue our operation on the federal grazing lands. We run both stocker cattle and cows and calves utilizing over 6000 animal unit month preference AUM's. We produce enough beef to feed thousands of people and are a certified organic producer.

As we have stated in your public meetings, we need assurance that we will have continued uninterrupted use as well as access if the acquisition is completed. The checkerboard is integrated into a federal grazing allotment and managed through the BLM under terms and conditions of that allotment. Three parcels are absolutely essential to our overall operation - Kelso Camp, where we maintain a cabin, corrals, barn and hay lot, School House Meadow and Landers Meadow. We do question why OHV would even want to purchase these parcels or how OHV would even use them? The

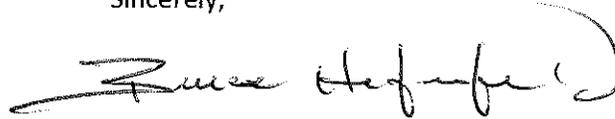
appraisal that OHV has done is beyond our affordable capacity for agricultural value and has prevented us from making a viable offer to purchase the parcels from ReNU. The livestock use is certainly a very historic and cultural use that has been ongoing for over 100 years.

Your NOP (public notice) summaries of activities that would occur if purchased did not include grazing. My fear is that if grazing is not part of the acquisition scoping for CEQA, the day you do acquire, grazing on state purchased parcels may not be a legitimate use, and we have a conflict and problem! We therefore request that you include grazing in the scoping and in the CEQA document for purchase. We also request assurance that the grazing operation continue and then included in the general plan CEQA for the operation of the lands acquired.

Under CEQA guidelines appendix G (Environmental checklist form, Item 2, Agricultural Resources) ...(i) in determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the LESA model prepared by the California Department of Conservation in use in assessing impacts on agriculture. (CCR, 2006 a.)

To this point, we have not opposed the acquisition for we have been told by staff that the grazing would continue and included in the management plans. We look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Hafenfeld", with a large, sweeping flourish at the end.

Bruce Hafenfeld

Cc: California Cattlemen's Association

U.S. Rep. Kevin McCarthy, House Majority Whip

State Senator Jean Fuller

State Assembly Member Shannon Grove

1<sup>st</sup> District Supervisor John McQuiston-Kern County

## FW: Scoping Comments-East Kern County Acquisition

**From:** Brendan Hughes [<mailto:hugajoshuatree@gmail.com>]

**Sent:** Thursday, October 11, 2012 3:26 AM

**To:** Canfield, Dan

**Subject:** Scoping Comments-East Kern County Acquisition

Hello. My name is Brendan Hughes and I would like to provide scoping comments for CA State Parks' East Kern County Acquisition. I fully support this acquisition, which will consolidate management and protect resources.

If CA State Parks acquires this land, they should observe a few restrictions on the land. First, OHV routes should not be expanded on the properties intermixed with BLM limited use lands. There are currently many miles of OHV routes and opportunities on this land, and in the adjacent OHV open areas, so State Parks should be focused on repairing impacts to these lands that go off of the BLM designated routes. Also, State Parks should not allow renewable energy development on ANY of these parcels. This is a scenic recreation area, an ACEC, and a national treasure for its unique transition zone qualities. This land should be left as is for human recreation and wildlife protection. Also, renewable energy development in the area has proven disastrous for the golden eagle. Additionally, State Parks should work with BLM to retire grazing allotments in this area. Cattle are very hard on the land in this area, and proper management for ecosystem health would require cattle to be removed. Finally, State Parks should protect the precious water resources in this area from development or degradation. The water resources in this area are critical for migratory and resident birds, as well as other wildlife, and should be fully and energetically protected.

Thank you for your consideration.

Brendan Hughes  
61093 Prescott Trail  
Joshua Tree, CA 92252

## FW: Eastern Kern County Acquisition

From: Mark McGuire [<mailto:mamcgu@hughes.net>]

Sent: Friday, September 28, 2012 9:33 AM

To: Canfield, Dan

Subject: Eastern Kern County Acquisition

Mr. Canfield:

I wish to inform you of my opposition to any more lands set aside or purchased for the purpose of motorized vehicle recreation. This form of diversion is already responsible for extreme environmental degradation in Kern and other Southern California Counties. We do not need more land devoted to this, but less.

This form of recreation should be restricted to perhaps 20 acre parcels near landfills and other high traffic areas so as not to degrade further the little open land left.

Sincerely,  
Mark McGuire  
POB 53  
20543 Cap Canyon Road  
Onyx CA 93255  
760-378-4800

# EKCA Scoping Comment

**From:** Pam Nelson [<mailto:pamela05n@yahoo.com>]  
**Sent:** Wednesday, November 07, 2012 9:24 AM  
**To:** Canfield, Dan  
**Subject:** Comments on OHMVR Scoping process, Kern County land acquisition

Dear Mr. Canfield;

I have many concerns about this acquisition. There are ongoing vehicular impacts to adjacent areas that have not been addressed. Acquiring more land for OHV use will only cause more destruction and illegal use to this region. Air and water quality and habitat degradation is already at stake. Making larger areas susceptible to vehicles will only make these problems increase on a larger scale.

Law Enforcement officers have complained about insufficient funds and personnel for patrolling the impacted areas to date. What plan will the Division implement to fund and staff additional LEOs to mitigate the existing and additional intrusions onto private and public lands in Kern County? The OHMVR Division has not complied with SB742 which mandated that a study be conducted regarding large, visible IDs for OHVs. It is imperative that this study be conducted in advance of expanding OHV opportunities in Kern County. OHMVR Division needs to participate in a dialogue about conflict between quiet recreation and OHV use before more off-road riding opportunities are developed.

Red Rock Canyon State Park will be directly affected by the OHMVR land acquisition. Completion of the Red Rock Canyon General Plan was suspended in 2009 due to budgetary issues. The Division must put first things first. The RRC General Plan must be addressed, assessed, and completed *prior* to expenditure of funds for procurement of proposed adjacent OHV Park lands.

The Pacific Crest Trail, has been under siege by illegal dirt bike riders. Even though legal OHV opportunities are located in Kern County within minutes of the PCT, lawless riders choose to destroy public and private lands. Hikers and equestrians will feel the adverse effects of noise and dust, and inevitable trespass from parcels adjacent to the Pacific Crest Trail. These parcels should not be considered for acquisition. A large buffer of parcels is needed to protect this important trail.

Many of the existing communities, such as the Caliente community, find OHV use in direct conflict with rural residents' lifestyle, horse and cattle ranching, and cattle grazing. Again, large buffering parcels are needed to protect their quality of life.

The only valid use of off-road vehicles on public lands is for the enjoyment and appreciation of our lands, not to destroy them. This means that using vehicles for touring and access to trails, campgrounds and non-grading activities are a priority. Allowing destruction of the land, air and water quality, habitat and human quality of life by a high impact activity is not valid.

So, if acquisition of more lands for OHV use is to be considered, a detailed plan for more law enforcement, buffers around the PCT and local residents and use of the designated roads for valid activities (touring and access) must be well prescribed. If OHV play and racing is part of this plan it should be on contained private parcels with mitigations in place.

Sincerely,  
Pam Nelson  
38723 Hwy 79  
Warner Springs, CA 92086

# FW: Eastern Kern County Land Acquisition

**From:** George Stavaris [<mailto:george.stavaris@trinitipartners.com>]

**Sent:** Wednesday, October 24, 2012 8:33 AM

**To:** Canfield, Dan

**Subject:** Eastern Kern County Land Acquisition

Dear Dan:

As the past President of the City of Los Angeles North Valley Area Planning Commission for over 6 years, I know the difficult decisions you are faced. This one is rather simple. As an avid off-road motorcycle rider finding safe open area to ride is becoming more and more scarce. Your agency's decision to acquire more land to increase the trail system is a sound decision.

The current trail system is dangerously inadequate for the ever-increasing number of users. Now that many of the trails in the limited use area have been graded flat and widened to accommodate trucks, the likelihood of head on accidents with vehicles that take up the majority of the trail's width has increased dramatically. By increasing the trail system by adding low speed trails (difficult), this added capacity will reduce head on accidents.

OHV monies should always and as promised be spent on OHV areas, to increase the land and to protect the tax payers whom pay into the fund. I hope you can see this point of view and make the right decision.

Should you have any questions for me, please feel free to call or email.

George Stavaris

Partner

**Triniti Partners, Inc.**

15260 Ventura Boulevard | Suite 1200

Sherman Oaks | California 91403

T 818.788.3800 | F 818.302.2320 | C 818.429.9412

[george.stavaris@trinitipartners.com](mailto:george.stavaris@trinitipartners.com) | [www.trinitipartners.com](http://www.trinitipartners.com) | Lic. 01267454

Connect with me on [LinkedIn](#) | Follow Us on [Twitter](#) | Friend Us on [Facebook](#)

## FW: Eastern Kern County Acquisition Response



**From:** Craig Weisman [<mailto:craigw@told.com>]  
**Sent:** Monday, October 22, 2012 5:34 PM  
**To:** Canfield, Dan  
**Subject:** Eastern Kern County Acquisition Response

Mr Dan Canfield,

As an avid off-road motorcycle rider, I am all for your agency acquiring this land to increase the trail system for motorized use. The current trail system is dangerously inadequate for the ever-increasing number of users. Now that many of the trails in the limited use area have been graded flat and widened to accommodate trucks, the likelihood of head on accidents with vehicles that take up the majority of the trail's width has increased dramatically. By increasing the trail system by adding low speed trails (difficult), this added capacity will reduce head on accidents.

Should your agency uses funds earmarked for OHV recreation, I hope that they act in the best interests of the group, instead of giving in to the unrealistic demands of the city dwelling environmentalists.

Please see the attached article.

**Craig Weisman**

Senior Partner

D.R.E. #01104478



TOLD CA DRE #01132455

5940 Variel Avenue

Woodland Hills, CA 91367

Office (818) 466-0258

Fax: (818) 593-3850

g  
n  
p

Angeles.  
a space  
for that  
said test  
only way  
ment, she  
s are not  
and that  
measure  
role in

rompted  
ne teach-  
ad others  
ported by  
ustration  
l other in-  
country,  
ns are re-  
evalua-  
nure and

ea, Gates  
illion to a  
charter-  
ew teach-  
ne grants  
s totaled

h County  
uses will  
who raise  
flow-per-  
In Mem-  
time, stu-  
t on test  
35% of a  
on. Pitts-  
sch mea-

ame the  
of Com-  
ingExcel-  
requently  
tenure on  
ducation.  
ntly criti-  
ers union  
ter-school  
A. Mayor  
sa, among  
initiatives  
to allow  
nd other  
control of  
performing



JAY L. CLENDENIN Los Angeles Times

**HIKERS USE** the Hastain Trail in Franklin Canyon Park in Los Angeles. The pathway continues onto adjacent land, whose owner talked last year about plans to build six or seven houses on the ridgeline.

# L.A. developer is ordered to let hikers use trail on his land

A judge tells the owner to remove all items, including fences, from the path.

BY ANN M. SIMMONS

A Los Angeles real estate developer must allow hikers to use the popular Hastain Trail across his private property in Franklin Canyon, a judge has tentatively ruled.

Mohamed Hadid, who has designed and built more than a dozen Ritz-Carlton hotels and many Beverly Hills mega-mansions, has been ordered to stop "interfering with the public recreational use" of the trail, which runs across nearly half of the 97 acres he owns next to Franklin Canyon Park between the San Fernando Valley and Beverly Hills.

Tuesday's tentative decision by Los Angeles County Superior Court Judge Yvette M. Palazuelos directed Hadid and his companies Coldwater Development LLC and Lydda Lud LLC to "remove all items," including fences and equipment, from the portion of the trail that traverses Hadid's land and leads to a peak with sought-after views.

"All of us just felt that it was the right thing that this land should be saved," said Ellen Scott, whose grassroots group, Friends of Hastain Trail, sued Hadid's companies.

Hadid did not return calls to his cellphone seeking comment. One of his attorneys, Matthew Pahl, said Thursday that he was not ready to comment in detail. "We're naturally disappointed by what it appears the tentative judgment is," Pahl said. "We need to review it a

little more before we decide what our next step will be, if there will be one."

In an interview last year, Hadid told The Times that he wanted to build six or seven houses on the ridgeline and envisioned a mix of luxury Mediterranean and contemporary-style homes, structured to blend into the mountainside. He brought in bulldozers, erected barriers and essentially blocked hikers from walking the complete 2.3-mile loop that climbs on a fire road through lush shrub-land to the ridge.

Environmentalists, hikers and mountain bikers argued that the section of trail that crossed Hadid's land had been used by the public for decades. Eric Edmunds, attorney for the Mountains Recreation and Conservation Authority, which joined Scott's group in the lawsuit, said private property could be presumed to be for public use if members of the public

had been using it unimpeded for five consecutive years before 1972, when a state law changed the rule.

During the trial, several so-called legacy hikers testified about how their use of the trail went back decades, and, critical to the plaintiffs' argument, preceded the 1972 legal change. James Goller, 55, testified that he had used the trail since he was about 7 years old, hiking with fellow Cub Scouts and having time with his father. Today, he mountain bikes there each morning.

Judge Palazuelos also toured the trail at the request of the plaintiffs' lawyers. Edmunds said he believed the outing was pivotal.

"Once she actually saw the trail, once she saw the panoramas and views, she knew right away what was at stake here," Edmunds said.

ann.simmons@latimes.com

Dear Dan,

Thanks for the opportunity to comment on the proposed EKCA. I and many others look forward to the possibility of this area being opened for public use in the Jawbone Canyon region. As you know, off road recreational opportunities in the Mojave Desert have been greatly reduced in the last few years for a variety of reasons. Yet, even with a weak economy, families go in search of places to go that are within reasonable driving distance from Los Angeles. The Jawbone Canyon area has been a favorite destination for many of these folks, but with the closing of hundreds of "illegal" trails, many of these campers have quit coming. I have owned and operated the Jawbone Canyon Store for 10 years, and although we work very hard at getting and keeping our customers, the current system of high speed roads with a few scattered trails does not appeal to many families. It is not safe for little ones, and offers few challenges for experienced off roaders. I believe the acquisition of the proposed additional property to Jawbone could create a much needed trail system, possibly graded the way ski areas are. I have many ideas to carefully develop this property with minimal impact to the land [and animals]. I would encourage study of other off road riding areas that use more cost effective volunteer groups for trail maintenance, instead of heavy machinery. I believe the heavy use of fencing and excessive signing greatly detracts from any off road experience. The economic impact of adding this area to what exists must also be considered. The trail closures of the past few years have hurt the many small businesses that depend on tourist dollars. Some have closed, others are barely hanging on. The adding of a well planned area to what exists could make this what I have always thought it could be a world class off road area, unlike any other.

Sincerely,

Scott Spencer