DEPARTMENT OF PUBLIC WORKS

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COUNTY OF INYO

Clint Quilter, Director

February 2, 2017

SUBJECT: County submittal of a grant application to the California State Parks Off Highway Motor Vehicle Division.

State Parks Grant

County staff is proposing submitting a grant application where the monies would be used to fund the completion of a National Environmental Policy Act (NEPA) document evaluating potential environmental impacts resulting from jurisdictional agreement(s) between Inyo County and the Inyo National Forest for those County roads part of the Inyo County Maintained Mileage System that cross Inyo National Forest land and are proposed for combined use. The Board of Supervisors will consider approval of the submittal of this grant at a Board of Supervisors meeting tentatively slated for February 21, 2017.

The California Department of Parks and Recreation is offering the Off-Highway Vehicle (OHV) grant program, to provide for well-managed OHV recreation by providing financial assistance to eligible agencies that develop, maintain, operate, expand, support, or contribute to well-managed, high quality, OHV recreation areas, roads, and trails; and to responsibly maintain the wildlife, soils, and habitat of Project Areas in a manner that will sustain long-term OHV recreation.

This is a competitive grant, therefore the award amount is unknown until the Intent to Award is posted on the State Park's OHV Division website June 6, 2017. The OHV grant requires a minimum of a twenty-five percent (25%) in-kind match and an additional match provides extra points. The match for the grant will be provided by the Inyo County Road Department and the Inyo County Local Transportation Commission. The deadline for submitting a preliminary grant application is March 6, 2017. The public then has an opportunity to comment on the County application at the California Department of Parks and Recreation website at http://ohv.parks.ca.gov. The final application is due by May 1, 2017.

Combined Use Routes Background

AB 628, creating Vehicle Code section 38026.1, was passed by the State Legislature and signed into law in 2011 and then extended by SB 1345 in 2016. The bill authorizes Inyo County to establish a pilot project and designate specified combined-use highways to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land Management or United States Forest Service (USFS) lands, and to link off-highway motor vehicle recreational-use areas with necessary service and lodging facilities, in order to provide a unified linkage of trail systems for off-highway motor vehicles. The law will sunset on January 1, 2020 unless enacted or extended by the Legislature.

The County of Inyo adopted Implementing Procedures for AB 628 (Implementing Procedures) consistent with the requirements of Vehicle Code sections 38026.1(b)(1) & (2) in 2012. On October 12, 2012, the Adventure Trails System of the Eastern Sierra, LLC. (Applicant) submitted 38 separate applications to Inyo County. Each application sought County designation of a combined-use route project permitting Off Highway Vehicles (OHV) to share the road with regular vehicular traffic as allowed by Vehicle Code section 38026.1. Each

application was for an individual project, collectively referred to as the ATV Adventure Trails of the Eastern Sierra Project. Each application was filed in accordance with both AB 628 and the Implementing Procedures.

Before the Board of Supervisors considered the 38 combined-use applications, the project proponents requested that the Board limit its consideration to just 8 combined-use routes, with one of the routes being revised. On January 22, 2015, the Board of Supervisors approved seven combined-use routes. Three routes were opened in the summer of 2015 and then the last four were opened in January 2017 after the City of Los Angeles approved a letter of permission to allow routes to operate that have a start point on LADWP-owned land leased by the County. The County applied for the same grant last year. The County only received a partial grant award and decided not to proceed with the grant due to the high costs to the County. Staff indicated they would bring forward a proposal this year to try and receive the entire grant amount.

Inyo National Forest

The County was limited in its ability to designate combined use routes by the position of the Inyo National Forest. The Inyo National Forest has repeatedly expressed general support for the project, although the Forest Service has specific concerns with the project. In particular, the Forest Service is concerned that no right of way agreements or easements have been identified which grant the County authority to maintain the roads on Forest Service lands proposed to be designated as combined use routes. The Forest Service believes that in order for the County to proceed with the portion of the Pilot Project located on USFS land, an agreement between the Forest Service and the County must be in place that clearly describes an easement or right of way for the road that is being used for combined use. Before the Forest Service can consider entering into such an agreement or granting an easement for the roads, there would have to be compliance with the NEPA.

No clear jurisdictional agreements have been located for the subject roads. If appropriate road right of way agreements cannot be located, then the County could either 1) reach an agreement with the Forest Service or 2) demonstrate that the County has rights to use the roadway based on Revised Statute (RS) 2477. To establish rights under RS 2477, the County would need to prove to a federal court that the road has been maintained since before the initial forest reserve (which later became the Inyo National Forest) was created in 1905. It should be noted that records for many individual roads go back earlier than the early 1900s; although, such records are difficult and time consuming to locate.

As part of its approval of combined-use routes, the County did not approve any routes that have a start or an end point on a road part of the USFS system.

The NEPA review of County roads will require environmental surveys along the entire portion of the road that crosses Inyo National Forest land. Once the field information has been completed, it is estimated that it would take 12-24 months to complete NEPA. County staff proposes to hire a consultant to complete the NEPA process. The County has three years to complete this type of OHV grant application.

If the Board opts to move forward with this grant application, County staff will bring forward an MOU between the County and the Forest Service clearly stating the roles of each agency. The NEPA document will require approval by the Inyo National Forest Superintendent.

Perpetual Easements

For each project the County has pursued on Forest Service land in the last five years or so (Sabrina Bridge, Whitney Portal Road, Rock Creek Road, South Lake Road), it revisited the jurisdictional issue with the Forest Service. Initially the Forest Service had some reluctance to reach an agreement that would grant the County a perpetual easement to operate these roadways. However, the Forest Service appears to be open to an agreement at this time. So as to make future projects more agreeable to each party, staff proposes that the County pursue an agreement with the

Forest Service to provide the County with a perpetual easement to operate roads the County maintains on Forest Service land. This will make it such that the County is better prepared to undertake projects on these roads and to respond to emergency events that effect roadway operation.

Evaluation of the Entire System
The jurisdictional and right of way issues are a concern to the Road Department not just for the designation of combine use routes but for the long term operation and maintenance of these facilities. Staff proposes that the easement negotiation apply to all County roads that cross Inyo National Forest land. This is a significant and costly task. The State Park's grant that pays for a portion of this cost would be helpful.

General Plan Consistency and Neighboring Agency Plan Consistency
The proposed project is consistent with the Inyo County General Plan Policy which states that the County supports and encourages varied use of public recreation opportunities, including: "Off road vehicle use is a significant recreational activity in the County. Existing off-road vehicles use areas should be continued and additional off-road vehicle areas should be developed." The completion of this project will give the County the ability to approve additional combined-use routes that cross USFS land.

Financing
If the County chooses to apply for this grant and is successful in receiving funding, this matter will be brought back before the Board to finalize the budgeting for this project. The County will find out whether it received the grant July 6, 2017. The total estimated cost to complete the NEPA document is $629,176. The project scope includes:

- Archaeological & Biological Surveys by a consultant of approximately 48.6 miles of County roads
- Completion of an Environmental Assessment (EA) by a consultant
- Reimbursement to Planning Department and County Counsel for their time reviewing / working on the environmental document
- Reimbursement to Inyo National Forest staff for their time reviewing the environmental document

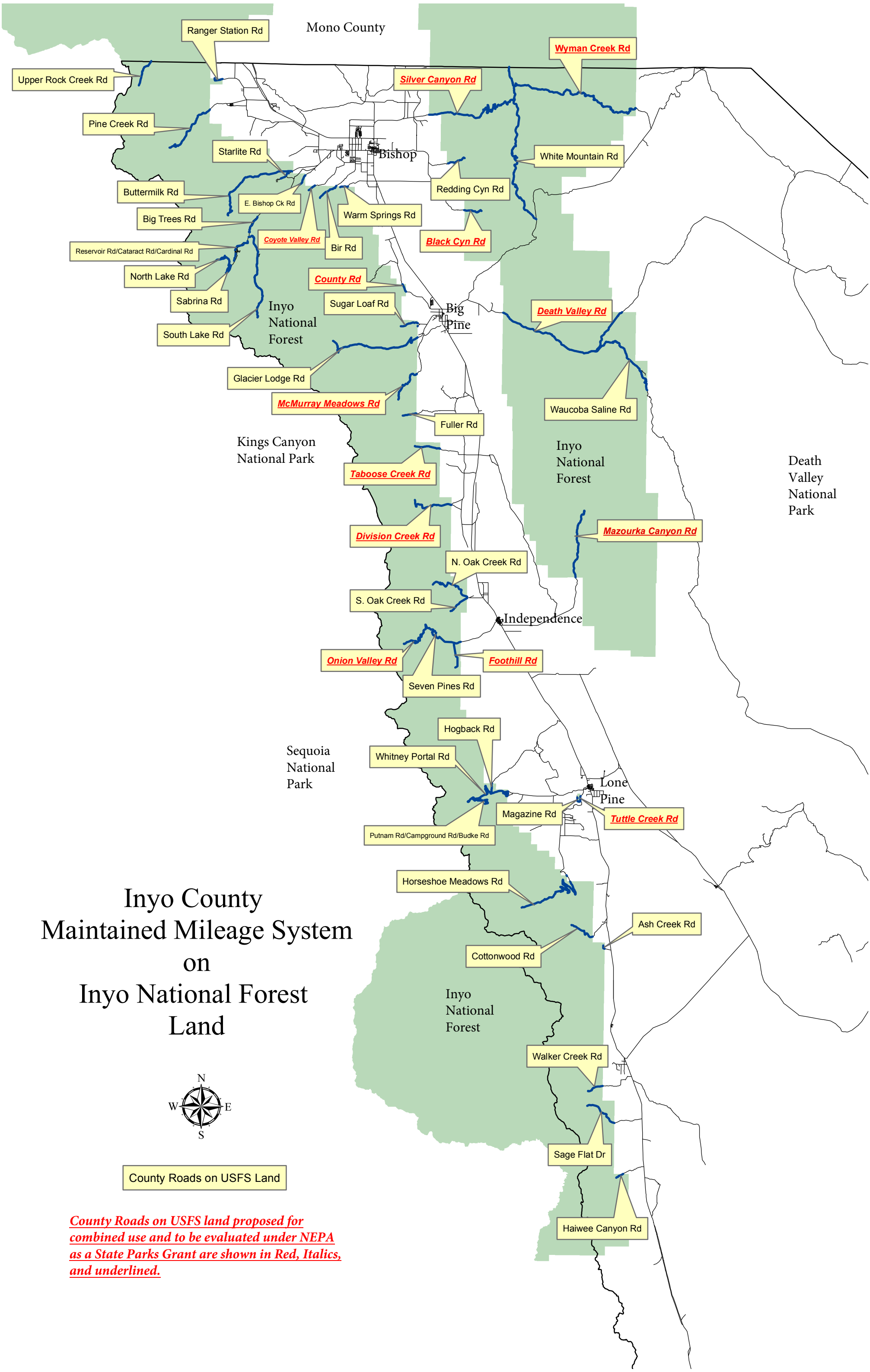
Potential Expense to County (County Cost in Bold)			
Project Component	**Length (Miles)**	**Cost for Archaeological and Biological Survey**	**Cost per Mile**
All Roads Total Cost	130.8	$808,605	$6,182 / Mile
Combined Use Routes Total Cost	48.6	$300,445	$6,182 / Mile
State Parks Contribution (75%)		$225,333	
County Contribution (25%)		**$75,112**	
County Maintained Roads on USFS land not proposed for combined use	82.2	**$508,160**	$6,182 / Mile
	Cost	**Notes**	
Estimated Cost for Combined Use Portion of EA	$187,500	The cost of the EA, not including the environmental studies, should not be that different whether the project measures 48.6 mile or 130.8 miles. Therefore the combined use stand alone cost for the EA is estimated to be 75% of the total cost of $250,000 or $187,500	
State Parks Contribution (75%)	$140,625		
County Contribution (25%)	**$46,875**		
County Separate Contribution	**$62,500**		

Staff Cost			
County Staff	$73,846		
State Parks Contribution (75%)	$55,384		
County Contribution (25%)	**$18,462**		
USFS Staff	$33,692	Due to the nature of the USFS review of the EA, it is estimated that the grant eligible portion will be 50% of the total estimate of $67,385 or $33,692	
State Parks Contribution (75%)	$25,269		
County Contribution (25%)	**$8,423**		
Total Grant Cost	$629,176		
State Parks (75%)	$455,034		
County Match (25%)	**$148,872**		
County Cost (outside of grant)	$604,353 plus USFS cost for easement review still to be determined. Funds for this in upcoming fiscal years will come from Road Department and Local Transportation Commission budgets.		

The estimated cost for the matching funds of the State Parks grant is $148,872. The matching funds would be taken from the Road Department and the Transportation and Planning Trust budgets in Fiscal Years 2017-2018, 2018-2019, and 2019-2020. There will be an estimated additional cost to the County of approximately $604,353 to complete the environmental review of the remaining County roads not proposed for combined use and also to cover the USFS cost for environmental review not part of the grant application.

Attachments: Map of Inyo County Roads that cross Inyo National Forest land
Status Report of proposed combined-use routes

Inyo County Maintained Mileage System on Inyo National Forest Land



County Roads on USFS land proposed for combined use and to be evaluated under NEPA as a State Parks Grant are shown in Red, Italics, and underlined.

Project Status Report - Routes Linking to USFS Land

Route Name	Start Point	End Point	Roads Included in Route	Links to Inyo NF	Through Residential Areas	Links to LADWP	OHV trail segments	OHV Recreational Use Area & Necessary Service Facilities	Lodging Facilities & OHV Recreational Facility	Comments
Bishop #1	Golden State Cycles	Poleta OHV Recreation Area	Short St, Sneden St, E Line St, Poleta Rd, Redding Canyon Rd		Yes			X		City has joint authority with this route, 5.3 miles paved and 0.6 miles dirt
Bishop #2	Tri County Fairgrounds	Poleta OHV Recreation Area	Coats Street, Yaney St, Spruce St, Wye Rd, Haul Rd, Airport Rd, Poleta Rd, Redding Canyon Rd		Yes	Lease			X	City has joint authority, CHP denies Hanby alternatives; routes 2-4 require placement of fencing to prevent OHV access into Airport operating area; project proponents have agreed to install required fencing; route crosses US 395 at Yaney Street traffic signal; 5.9 miles paved and 1.8 miles dirt
Bishop #3	Bishop Chamber of Commerce	Poleta OHV Recreation Area	Park St, Bruce St, Spruce St, Wye Rd, Haul Rd, Airport Rd, Poleta Rd, Redding Canyon Rd		Yes	Lease		X		City has joint authority, CHP denied Hanby alternatives; 5.6 miles paved and 1.8 miles dirt
Bishop #4	Pizza Factory	Poleta OHV Recreation Area	MacIver St, Spruce St, Wye Rd, Haul Rd, Airport Rd, Poleta Rd, Redding Canyon Rd		Yes	Lease		X		City has joint authority, CHP denied Hanby alternatives; 5.5 miles paved and 1.8 miles dirt
Bishop #5	Brown's Town	Poleta OHV Recreation Area	Schober Ln, Sunland Dr, Warm Springs Rd, Eastside Rd, Redding Canyon Rd		No	Lease		X		Includes crossing of US 395 at Warm Springs Road; 9.0 miles paved and 0.6 miles dirt
Bishop #6	Pleasant Valley Campground	Horton Creek Campground	Pleasant Valley Dam Rd, Sawmill Rd, Round Valley Rd, Horton Creek Rd		No	Lease			X	Route crosses US 395 at Pleasant Valley Dam Road to Sawmill Road; 6.2 miles paved.
Bishop #7	Pleasant Valley Campground	Tungsten City	Pleasant Valley Dam Rd, Sawmill Rd, Ed Powers Rd, Tungsten City Rd		No	Lease			X	Route crosses US 395 at Pleasant Valley Dam Road to Sawmill Road; 3.7 miles paved and 2.7 miles dirt.
Bishop #8	Pleasant Valley Campground	Casa Diablo Rd turn	Pleasant Valley Dam Rd, Chalk Bluffs Rd, Casa Diablo Rd		No	Lease			X	BLM does not consider road being linked to as OHV Recreational Facility. 0.8 miles pavedand 7.3 miles dirt
Bishop #9	Brown's Town	Bir Road turn	Schober Ln, Barlow Ln, Bir Rd		No	Lease		X		3.7 miles paved
Bishop #10	Coyote Valley Road turn	Coyote Valley Rd	Coyote Valley Rd	Yes	No		X			2.1 miles dirt
Bishop #11	Silver Canyon Rd midway	Silver Cyn Rd top	Silver Cyn Rd	Yes	No		X			7.1 miles dirt
Bishop #12	Silver Canyon Rd top	Wyman Canyon Rd midway	Silver Cyn Rd, Wyman Canyon Rd	Yes	No		X			1.9 miles paved and 7.4 miles dirt
Bishop #14	Britt's Diesel	Casa Diablo Rd turn	Joe Smith Rd, Jean Blanc Rd, Five Bridges Rd, Casa Diablo Rd		No			X		BLM does not consider road being linde to as an "OHV Recreational Facility." 1.1 paved + 5.0 dirt.
Bishop #15	Britt's Diesel	Poleta OHV Recreation Area	Joe Smit Rd, Silver Cyn Rd, Laws Poleta Rd, Poleta Rd, Redding Cyn Rd		No			X		Route currently Open. 5.4 miles paved and 0.6 miles dirt
Bishop #16	Britt's Diesel	Silver Canyon Rd midway	Joe Smith Rd, Silver Cyn Rd	Yes	No			X		0.7 miles paved and 5.9 miles dirt
Bishop #17 - Revised 6/21/13	Wyman Canyon Rd	Wyman Canyon Rd	Wyman Cyn	Yes	No		X			3.2 miles dirt
Bishop #18	Redding Canyon Rd	Black Canyon Rd	Redding Cyn Rd, Eastside Rd, Black Cyn Rd	Yes	No		X			County Road ends at section line on USFS land. The road continues for a short distance on USFS land and then enters a private parcel before re-entering USFS land. 1.7 miles paved and 6.2 miles dirt
Independence #1	Independence Inn	Betty Jumbo Mine Rd turn	Park St, Clay St, Mazourka Cyn Rd		Yes				X	6.7 miles paved and 1.8 miles dirt
Independence #2	Betty Jumbo Mine Rd turn	Santa Rita Flat Rd turn	Mazourka Cyn Rd	Yes	Yes		X			USFS would like to see combined-use route continued further along Mazouka Cyn Rd to Badger Flat; 4.0 miles dirt
Independence #3 - **Revised 5/28/13**	Independence Inn	Foothill Rd end	Park St, Jackson St, Kearsarge St, Washington St, Marke St/Onion Valley Rd, Foothill Rd	Yes	Yes				X	Includes crossing of US 395 at Kearsarge Street; 4.9 miles paved and 2.8 miles dirt
Independence #4	Ray's Den Motel	Foothill Rd end	N/A	Yes	N/A		N/A	N/A	N/A	CHP Safety Determination denies route
Independence #6	Still Life Café	Foothill Rd end	Kearsarge St, Washington St, Market St/Onion Valley Rd, Foothill Rd	Yes	Yes			X		Staff tentatively recommends denial because there is no onsite parking at this business, parking effectively in front of other businesses on Kearsarge Street; 4.6 miles paved and 2.8 miles dirt
Aberdeen #1	Aberdeen Store	Division Ck rd end	Tinemaha Rd, Division Creek Rd	Yes	No	Lease			X	LADWP concerned about OHV trespass, existing cluster of OHV routes in this area; 3.7 miles paved and 2.1 miles dirt
Aberdeen #2	Aberdeen Store	Taboose Ck rd end	Tinemaha Rd, Taboose Creek Rd	Yes	No	Lease			X	OHV trail segment travels behind Little Taboose Volcanic Field; 1.6 miles paved and 2.6 miles dirt
Aberdeen #3 - **Revised 1/19/2015**	Aberdeen Store	Tinemaha Campground	Tinemaha Rd		No	Lease			X	Tinemaha Campground not considered OHV Recreational Facility; 2.8 miles paved and approximately 4.4 miles dirt; proponents may revise application

Project Status Report - Routes Linking to USFS Land

Route Name	Start Point	End Point	Roads Included in Route	Links to Inyo NF	Through Residential Areas	Links to LADWP	OHV trail segments	OHV Recreational Use Area & Necessary Service Facilities	Lodging Facilities & OHV Recreational Facility	Comments
Big Pine #1	Hi Country Market / Bristlecone Motel	Keough's Hot Springs	Crocker St, School St, County Rd, Keough's Hot Springs Rd	Crosses INF land	Yes	Lease			X	Route doesn't link to Federal land - Keough's Hot Springs Resort required to be considered as "OHV recreational facility"; 8.0 miles paved and 1.0 miles dirt
Big Pine #2	Big Pine Shell Station	McMurray Meadows Rd turn		Yes			N/A	N/A	N/A	Combined Use Route Application Status Report
Big Pine #3 - **Revised 6/21/13**	Big Pine Chevron Station	McMurray Meadows Rd turn	Pine St, Poplar St, Baker Creek Rd, School St, Crocker St / Glacier Lodge Rd, McMurray Meadows Rd	Yes	Yes			X		Big Pine Chevron closed though may re-open; route contingent upon business being open; includes crossing of US 395 at Poplar Street and Baker Creek Road; 2.9 miles paved and 5.9 miles dirt
Northern Inyo Range #1	Harkless Flat turnoff	Papoose Flat turn	Death Valley Rd	Yes	No		X			DVNP concerned about original name of these routes in DEIR. Name changed from DV Rd area to Northern Inyo Range Area; 2.1 miles paved
Northern Inyo Range #2	Harkless Flat turnoff	Turn to Inyo NF No. 09S103	Death Valley Rd	Yes	No		X			5.8 miles paved
Northern Inyo Range #3	Papoose Flat turnoff	Little Cowhorn Valley turn	Death Valley Rd	Yes	No		X			DVNP concerned about illegal use by OHVs inside of National Park, special signage placed as mitigation on Waucoba Saline Rd and on continuation of Death Valley Road to the east; 3.8 miles paved
Lone Pine #1 - Revised 6/21/13	Boulder Creek RV Park	N. Fork Lubken Canyon BLM Rd	Lubkin Cyn Rd, Horseshoe Meadows Rd,		Rural Residential				X	Relatively short OHV opportunity, includes crossing of US 395 from Boulder Creek RV Park to Foothill Rd; 4.3 miles paved
Lone Pine #2	McDonalds'	Movie Rd	Gene Autry Ln, Washington St, Whitney Portal Rd, Tuttle Ck Rd, Sunset Dr, Horseshoe Meadows Rd, Whitney Portal Rd, Movie Rd	Crosses INF land	Yes			X		7.7 miles paved
Lone Pine #3	Lone Pine Propane	Dolomite Road junction to BLM Rd	Lone Pine Narrow Gauge Rd, Owenyo - Lone Pine Rd, Dolomite Loop Rd		No	Lease		X		Staff tentatively recommends denial because ATVs could only access business through a service entrance - regular entrance requires turning on US 395. End point of route at closed road on BLM property leading to aggregate pit. BLM concerned about limited nature of road being line to off Owenyo Rd, Lone Pine Propane primary access requires turn onto US 395. Route appears to not meet AB 628 criteria. 3.3 miles paved and 5.3 miles dirt
Lone Pine #4	Carl's Jr	Movie Rd	Statham Way, Washington St, Whitney Portal Rd	Crosses INF land	Yes			X		7.7 miles paved
Lone Pine #5	Dave's Auto Parts	Movie Rd	E Begole St, Jackson St, Whitney Portal	Crosses INF land	Yes			X		Route crosses US 395 at Whitney Portal Road traffic signal; 7.8 miles paved
Lone Pine #6 - Revised 6/21/13	Dow Villa Motel	N. Fork Lubken Canyon BLM Rd	Lone Pine Ave, Whitney Portal Rd	Crosses INF land	Yes				X	Route crosses US 395 at Whitney Portal Road traffic signal; 7.2 miles paved
Lone Pine #7	Movie Road	Hogback Canyon Rd at INF Road #15S01	Movie Rd, Hogback Rd	Yes	No		X			Links to relatively short OHV route, multiple legal OHV trails along route; 9.2 miles dirt

Key:

= Routes currently open for combined-use

= Proposed combined use routes that cross USFS land or have a start/end point on USFS land

= Routes that have been denied by the California Highway Patrol

= Routes that require subsequent approval by LADWP