



BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373 • FAX (760) 878-2241
e-mail: pgunsolley@inyocounty.us

MEMBERS OF THE BOARD
DAN TOTTEROH
JEFF GRIFFITHS
RICK PUCCI
MARK TILLEMANS
MATT KINGSLEY

KEVIN D. CARUNCHIO
Clerk of the Board

PATRICIA GUNSOLLEY
Assistant Clerk of the Board

December 15, 2015

Secretary of the Senate
State Capitol, Room 3044
Sacramento, CA 95814

Summary Letter - Report Submitted Pursuant to Vehicle Code Section 38026.1(f)

To Whom It May Concern,

This is a summary of the Legislative Report submitted by Inyo County pursuant to Vehicle Code section 38026.1(f). The Report satisfies Inyo County's requirement to report on a Pilot Program regarding County roads designated by the Inyo County Board of Supervisors for combined-use. . The report includes: 1) a description of the designated combined-use routes, 2) an evaluation of the overall safety and effectiveness of the Pilot Program, and 3) summarizes public comments received at an approval hearing, comments received during the Pilot Program, and comments received at a public hearing on the Pilot Program.

The Report additionally analyzes the requirements set forth in the Implementing Procedures adopted by Inyo County in 2012 pursuant to AB 628 and then amended in January 2015. The Report further provides an overview of the project setting, describes factors that limited the implementation of the Pilot Program, and includes a list of attachments.

The County notes that the combined-use routes have only been open for a short period (about four to five months) and as a result usage of the route by eligible OHVs has been relatively light. This has resulted in minimal data being available for analysis. An expansion or extension of the pilot project would allow for the collection of a more complete data set.

Please don't hesitate to contact me if you have any questions regarding this report.

Sincerely,

Supervisor Matt Kingsley, Chairperson
Inyo County Board of Supervisors

cc: Chief Clerk of the Assembly
Legislative Counsel

COUNTY OF INYO
REPORT TO LEGISLATURE



Report submitted pursuant to Vehicle Code § 38026.1(f)

December 15, 2015

County of Inyo
Public Works Department
P.O. Drawer Q, 168 N. Edwards St.
Independence, California 93526

TABLE OF CONTENTS

	Page #
Introduction	1
Legislative Requirements	2
• Route Description	2
• Evaluation of Overall Safety and Effectiveness of the Pilot Program	3
• Public Comments	4
○ Approval Hearing	4
○ Comments during Pilot Program	5
○ Pilot Program Hearing	5
AB 628 Implementing Procedures	5
Project Setting	7
Limiting Factors	7
Attachments	9

COMBINED USE ROUTES DESIGNATED PER ASSEMBLY BILL 628

INTRODUCTION

AB 628, creating Vehicle Code section 38026.1, was passed by the Legislature and signed into Law in 2011. The bill authorized 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 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 pilot project will end on January 1, 2017 unless extended by the Legislature.

Vehicle Code section 38026.1(f) requires that no later than January 1, 2016

“ [t]he County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing both of the following:

- (1) A description of the road segments designated to allow combined use for over three miles, as approved or adopted by a majority vote of the members of the Inyo County Board of Supervisors.
- (2) An evaluation of the overall safety and effectiveness of the pilot project, including its impact on traffic flows, safety, off-highway vehicle usage on existing trails, incursions into areas not designated for off-highway vehicle usage, and nonmotorized recreation.
- (3) A description of the public comments received at a public hearing held by the county in regards to an evaluation of the pilot project.

The prescribed Report follows. The County notes that the empirical data available for the Report was limited due to unanticipated delays, which impacted the start of the approved projects.

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. Several applications were revised in response to County and public agency comments on June 21, 2013. The application packets requested either the County of Inyo designate, , proposed combined-use routes measuring up to 10 miles long on certain unincorporated County roads; or the City of Bishop to designate combined-use routes of up to 3 miles long on certain roads maintained by the City of Bishop.

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, one of the routes being revised. On January 22, 2015, the Board of Supervisors approved seven combined-use routes. Of those seven routes, only three have been opened because of issues related to the underlying ownership of the start point for four of the approved routes (see *Limiting Factors* discussion below).

Just prior to the 3 combined-use routes being opened, County staff sent out a letter via e-mail to: the Sheriff’s Department, California Highway Patrol, Bureau of Land Management, Inyo National Forest, City of Los Angeles Department of Water and Power, California Department of State Parks, and California Department of State Parks. Staff sent additional correspondence to each of these parties in late September to satisfy the Implementing Procedures notification requirement to advise those agencies of the Board of Supervisors consideration of the Report to the Legislature within 60 days.

As guidance for the development of this report, Inyo County has used 1) requirements set forth in Assembly Bill 628 and 2) the Implementing Procedures.

LEGISLATIVE REQUIREMENTS FOR SUBMITTAL OF REPORT TO CALIFORNIA LEGISLATURE

1. ROUTE DESCRIPTION

The tables below identify each of the designated combined use routes, describes the start and end points, states the portion of Government Code the route was designated under, states the opening date when non-street legal vehicles were able to start using the route, and provides a description of the combined-use route.

Bishop Area Route		
#	Start & End Point	Opening Date
15	Britt’s Diesel to Poleta OHV Open area	August 5, 2015
Route designated provides a link between a necessary service facility and an OHV trail segment		
<p>Route Description: Bishop No. 15 combined use segment provides a link between Britt’s Diesel in Laws and the Poleta Canyon OHV Open Area. The combined-use route starts by traveling south on Joe Smith Road, turns left or east onto Silver Canyon Road, turns south onto the Laws – Poleta Road, turns left or east onto Poleta Road, angles right onto Eastside Road, turns left onto Redding Canyon Road, and then turns left into the Bureau of Land Management managed Poleta Canyon OHV Open Area. The total length of this segment is 6.0 miles.</p> <p>The route starts adjacent to an area zoned and designated Industrial and the remainder of the route travels across Open Space land zoned for a 40-acre minimum parcel size and land designated State and Federal Lands (Bureau of Land Management or Inyo National Forest) and Natural Resources (Los Angeles Department of Water and Power). This route traverses lightly traveled roads that have a speed limit of 55 mph for street-legal vehicles and 35 mph for non-street legal vehicles in compliance with Assembly Bill 628.</p>		

Independence Area Route		
#	Start & End Point	Opening Date
1	Independence Inn to Betty Jumbo Mine Road turn	July 14, 2015

Route designated provides a link between a necessary service facility and an OHV trail segment

Route Description: Independence No. 1 combined use segment provides a link between the Independence Inn in Independence to Inyo National Forest Road number 36E401 (Betty Jumbo Mine Road) located in the Inyo Mountains east of the community of Independence. The combined-use segment starts at the Independence Inn. The segment continues eastward on Park Street to its intersection with Clay Street. At Clay Street, the segment turns south to its intersection with Mazourka Canyon Road. The segment then turns eastward and follows Mazourka Canyon Road to its intersection with road number 36E401. Road number 36E401 starts on Bureau of Land Management land and is open to use by off-highway vehicles (OHVs) and is considered to be an OHV recreational facility. The total length of this segment is 8.5 miles.

The route starts at a motel part of the Central Business District and then travels past a mix of residentially zoned properties, industrially zoned properties and Public zoned properties before heading out toward the edge of town past Rural Residential parcels. Off of the map below to the east is one more Rural Residential parcel and then the remainder of property is zoned Open Space and designated Natural Resources or State and Federal Lands.

Lone Pine Area Route

#	Start & End Point	Opening Date
1	Boulder Creek RV Park to N. Fork Lubken Ck	July 24, 2015

Route designated provides a link between a necessary service facility and an OHV trail segment

Route Description: Lone Pine No. 1 combined use segment provides a link between the Boulder Creek RV Park in Lone Pine to a dirt road on Bureau of Land Management land that goes to the mouth of a canyon on the North Fork of Lubken Creek Canyon. The combined-use segment starts at the Boulder Creek RV Park and travels west across US Highway 395 and up Lubken Canyon Road to its intersection with Horseshoe Meadows Road. The segment turns south on Horseshoe Meadows Road to the end of the combined-use segment on a BLM road. The BLM road to the North Fork of Lubken Creek is open to use by off-highway vehicles (OHVs) and is considered to be an OHV recreational facility. The total length of this segment is 4.3 miles.

The route starts at an RV Park and Store that is zoned Multiple Residential. The route crosses US 395 and passes to the south of the Foothill Trailer Park before continuing up Lubken Canyon Road on land zoned Open Space. The route continues on Open Space land to its end where it is close to land zoned Rural Residential.

The route crosses US 395 and has signage specified by Caltrans.

2. EVALUATION – OVERALL SAFETY AND EFFICTIVENESS OF THE PILOT PROGRAM

Pilot Program Impact on Traffic Flows

Safety

The Inyo County Sheriff’s Department and California Highway Patrol maintained a record of 1) OHV accidents on combined-use routes, 2) citations issued to OHVs on combined-use routes, and 3) for complaints received. As of the date that this report was written, the County has received one complaint regarding a Side by Side or UTV driving on State Route 168 west of Bishop near Starlite Road. This area is not adjacent to, or close to, any roads that are designated for combined-use. The traffic flow on the designated combined-use routes is quite light.

Off-Highway Vehicle Usage on Existing Trails

The Bureau of Land Management (BLM) applied for and received a grant to count the number of OHVs on BLM maintained roads adjacent to County combined-use routes. They will not receive the grant funding until January 2016 and likely will not have usable data collected for a year after that.

Based on the feedback received so far, it appears that there has been no significant change in OHV trail usage. County staff has observed a small number of ATVs and UTVs using the combined-use routes.

Off-Highway Vehicle Incursions into area not designated for off-highway vehicle usage

One comment was received detailing OHV incursions into an area not designated for combined use. The Environmental Impact Report approved by the County for the project estimated a percentage of OHVs using County roads at that time. This was based on County staff observations. The same staff does not perceive there to have been a significant change in ridership since the combined-use routes have been open to the public.

Off-Highway Vehicle Impact on Nonmotorized Recreation

The County has received no indication that there has so far been any impact on nonmotorized recreation.

3. PUBLIC COMMENTS

Approval Hearing

The minutes from the January 22, 2015 public hearing are enclosed. In addition a large number of comment letters are included as a part of the agenda packet that was presented to the Board at the January 22nd public hearing and are available to view online. As a part of the environmental review of the projects, the County received 137 comment letters, one of which was a form letter received from 2,900 different parties.

Comments in support of the designation of the combined-use routes cited:

- Potential economic benefit for area communities
- Diversification of the touristic economy
- Implementation of a system that would make regulations easier to understand
- ATVs and UTVs are not much different than other vehicles allowed to use the road
- Mitigation (hours of operation, speed limit) will make the impacts less than other currently legal street vehicles
- Will provide recreation opportunities for handicapped and wounded warriors
- ATVs and UTVs are already using County and City roads
- Use already exists, designated routes will help define areas legal to ride

Comments opposed to the designation of the combined-use routes cited:

- Potential proliferation of OHV routes
- Vehicle behavior – these types of vehicles have a record of not obeying road closures and use restrictions in other areas
- Liability concerns
- Noise

- Traffic safety hazard
- The success of the program could hurt other forms of touristic recreation
- Law enforcement not adequate

General Comments

The County, per its Implementing Procedures, maintains a website at <http://www.inyoltc.org/ab628impl.html> where concerned parties can comment on the combined-use routes. As of November 13th, the County had received one e-mail regarding combined-use routes. This letter raised concerns about: 1) a UTV or Side by Sides with an out of state plate traveling on State Route 168 and 2) an ATV crossing US 395. Both of these sightings were not located adjacent to or close to a designated combined-use route.

Pilot Program Public Hearing Comments

The Draft Minutes from this meeting and the December 15, 2015 public hearing will be inserted into this portion of the document before this document is submitted to the California Legislature.

INYO COUNTY AB 628 IMPLEMENTING PROCEDURES

The AB 628 Implementing Procedures were initially approved early in 2012 and then revised at the January 22, 2015 route approval public hearing.

14. Each combined-use trail segment shall be monitored in the following ways.
 - a. The County shall be responsible to maintain a database describing any collisions involving an off-highway vehicle on any combined-use segment.
 - i. The Department of Public Works will request from the Inyo County Sheriff and the California Highway Patrol a report of all collisions involving off-highway vehicles on a combined-use segment on an annual basis. This information will be solicited from local land management agencies.
 - b. The Inyo County Sheriff's Department will maintain a file that includes any information regarding impact on traffic flows, safety, incursions into areas not designated for off-highway vehicle usage, to the extent such information is available.
 - c. The County shall yearly collect at least a three-day-long set of data collected including two weekend days detailing the number of off-highway vehicles using each combined-use segment.
 - d. The County shall twice yearly survey for new OHV routes originating off of a combined use in the field and in the office reviewing the latest aerial imagery so that it can adequately monitor for the proliferation of new routes.
 - e. The County shall send a letter encouraging land management agencies that have an off-highway motor vehicle trail segment that links to a combined-use segment to monitor the amount of off-highway vehicle use.
 - f. The Public Works Department shall maintain a website that is a central hub for collecting public and public agency comments and complaints on the combined-use routes which shall include all correspondence from the public and public agencies regarding all combined use segments.
 - g. At least 90 days prior to the development of the report described in Section 15, notice will be made to the public and local land management agencies requesting comments

and observations regarding roads in the pilot program, including any results from monitoring.

14a & 14b. Public Works Department staff has communicated with the Sheriff's Department and the California Highway Patrol (CHP). CHP created files to 1) monitor complaints, 2) record any tickets issued to OHVs on combined-use routes, and 3) to record any collisions. As of the date of this report the only report received by CHP was forwarded from the Public Works Department.

14c. The County retained a consultant to conduct a traffic count over a three-day period as prescribed. Traffic counts were conducted in two locations on each combined-use route. The traffic count is attached as Exhibit G.

14d. A Route Monitoring Report completed in late October is attached as Exhibit H. No evidence of new route creation or inappropriate behavior was cited. The report did suggest the placement of additional signage. Road Department staff installed additional signage.

14e. County staff sent e-mail correspondence to Bureau of Land Management, Inyo National Forest, and the City of Los Angeles Department of Water and Power on July 10, 2015.

14f. County Public Works Department staff maintained a website at <http://www.inyoltc.org/ab628impl.html>.

14g. The notification sent on July 10th as described in Section 14e above doubled as a 90 day notice that the County would be preparing a report to submit to the California Legislature. In addition, County staff sent a reminder e-mail on September 23rd requesting that the agencies send correspondence to the Public Works Department by November 19, 2015. Finally, an e-mail was sent on December 3rd notifying the California Highway Patrol, Inyo National Forest, Bureau of Land Management, City of Los Angeles Department of Water and Power, California Department of Transportation and the California State Parks Off Highway Motor Vehicle Recreation Division notifying these agencies of the County's consideration of the Legislative Report on December 8th and 15th.

Signage

The Implementing Procedures generally stated the following regarding signage.

10. If the funding for the purchase and installation of signage is not forthcoming as set forth in Section 38026.1, the County shall work with the applicant to identify funding to install signage identified in Section No. 6. The purchase and installation of this signage shall be revenue neutral to the County. That is, if the funding for the signage is not forthcoming from the State, the applicant shall be responsible for this expense.

The County entered into a contract with State Parks after the AB 628 legislation was passed. However the funds reverted before the County was actually able to install the signage. As a result the County Road Department was forced to fund \$28,616.83 for staff time and equipment for the installation of required combined-use signage.

PILOT PROJECT SETTING

All of the proposed and designated combined-use routes are on roads which are part of the Inyo County Maintained Mileage System. All of the proposed and designated combined-use routes rotate around communities in the Owens Valley and into adjacent mountain ranges. The land ownership pattern in the Owens Valley is very distinctive. The communities are primarily private property though land owned by the Los Angeles Department of Water and Power is interspersed with and adjacent to the communities. Surrounding the communities and in the lower part of the Valley are lands primarily owned by the City of Los Angeles Department of Water and Power. On the alluvial fans are lands owned by the Bureau of Land Management (BLM). BLM lands form a type of “bathtub ring” around the valley. The two exceptions are the southern Inyo Mountains and the Volcanic Tableland north of Bishop. Above the BLM land are properties owned and managed by the Inyo National Forest. A significant portion of Inyo County to the east of the Owens Valley is part of Death Valley National Park. ATVs and non-street legal vehicles are not allowed in any part of Death Valley National Park. An interlinked OHV road system needs to be implemented in cooperation with the City of Los Angeles Department of Water and Power and the Inyo National Forest.

In general, Inyo County does not own the land beneath the roads which are part of the Inyo County Maintained Mileage System. The ownership of the underlying land is typically with the adjoining property owner. It is assumed that the County has a right of way or easement to maintain the road. For the County to implement a combined-use network that truly interconnects and interlinks a combined-use roadway system, it needs to have agreement from the City of Los Angeles Department of Water and Power, the BLM, and the Inyo National Forest.

LIMITING FACTORS

The County was limited in its ability to designate combined use routes by the position of the City of Los Angeles Department of Water and Power and the Inyo National Forest. This is described in some depth below.

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 as a part of the Pilot Project. 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 National Environmental Policy Act (NEPA). The Forest Service has maintained this position since at least February 2012. County staff’s position has been that the roads are part of the County Maintained Mileage System and that the County has been controlling speeds and maintaining the roads since at least 1948, when the Inyo County Road Register was approved by the Board of Supervisors.

No clear jurisdictional agreements have been located for the subject roads. If appropriate road right of way agreements can’t 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.

If the County conditions the use of the combined-use routes on the reaching of a jurisdictional agreement with the USFS, it should be noted that the process to negotiate right of way agreements on specific routes may take an extended period of time. Further, NEPA may require cultural surveys along the entire length of certain combined-use routes. Once the cultural information has been completed, it is estimated that it would take 12-24 months to complete NEPA. NEPA would have to be completed at the County’s expense and the County would likely need to hire a consultant to complete the NEPA process. The NEPA evaluation will not be initiated until funding is identified to complete this process. The County intends to apply for a State Parks Off Highway Motor Vehicle Recreation Division (OHMVRD) grant to fund the NEPA review for those proposed combined-use routes that travel across USFS land. This will likely take two years before there is a resolution to this issue.

City of Los Angeles Department of Water and Power (LADWP)

LADWP has expressed reservations about the project from the start. LADWP has liability concerns and environmental concerns over the potential proliferation of illegal OHV use on Los Angeles-owned lands because of the designation of combined-use routes. In addition, LADWP is concerned over its ability and County’s ability to enforce trespass laws on its lands. The County passed an ordinance following consultation with LADWP concerning an ordinance to facilitate law enforcement of off-road vehicle use on Los Angeles-owned land and on lands owned by others. LADWP is also concerned that increased OHV use resulting from the project will interfere with the implementation of court-mandated environmental projects on Los Angeles-owned lands. LADWP has not been willing to designate any routes starting nor ending on Los Angeles-owned lands.

For the purposes of AB 628, LADWP is considered a private property landholder. The Project applicants are required to ensure that the proposed combined-use routes link to Federally-designated roads that are legal for OHV recreation. LADWP approval is required for some proposed routes that have a start or an endpoint on LADWP land.

Several routes have start and/or end points on lands leased to lessees by the City of Los Angeles. The Implementing Procedures specify that any combined-use applications that start and/or end on private property must have the approval of the owner of that Assessor’s Parcel Number. The table below shows a list of combined-use routes that have a start or end point on an LADWP lease. The lessees of the properties identified on the table have submitted letters to the County as a part of the combined use applications seeking permission to use the above facilities as combined-use start points or end points. LADWP must approve the start and/or end points described in the table above before any of these routes can be opened to combined use. The start and/or endpoints are described in the table below and are shown in **Bold**.

Route Name	Start Point	End Point
Bishop #5	Brown’s Town	Poleta Canyon OHV Recreation Area
Bishop #6	Pleasant Valley Campground	BLM maintained road off of Horton Creek Rd
Bishop #7	Pleasant Valley Campground	BLM maintained road off of Tungsten City Rd
Bishop # 9	Brown’s Town	BLM maintained road off of Bir Rod

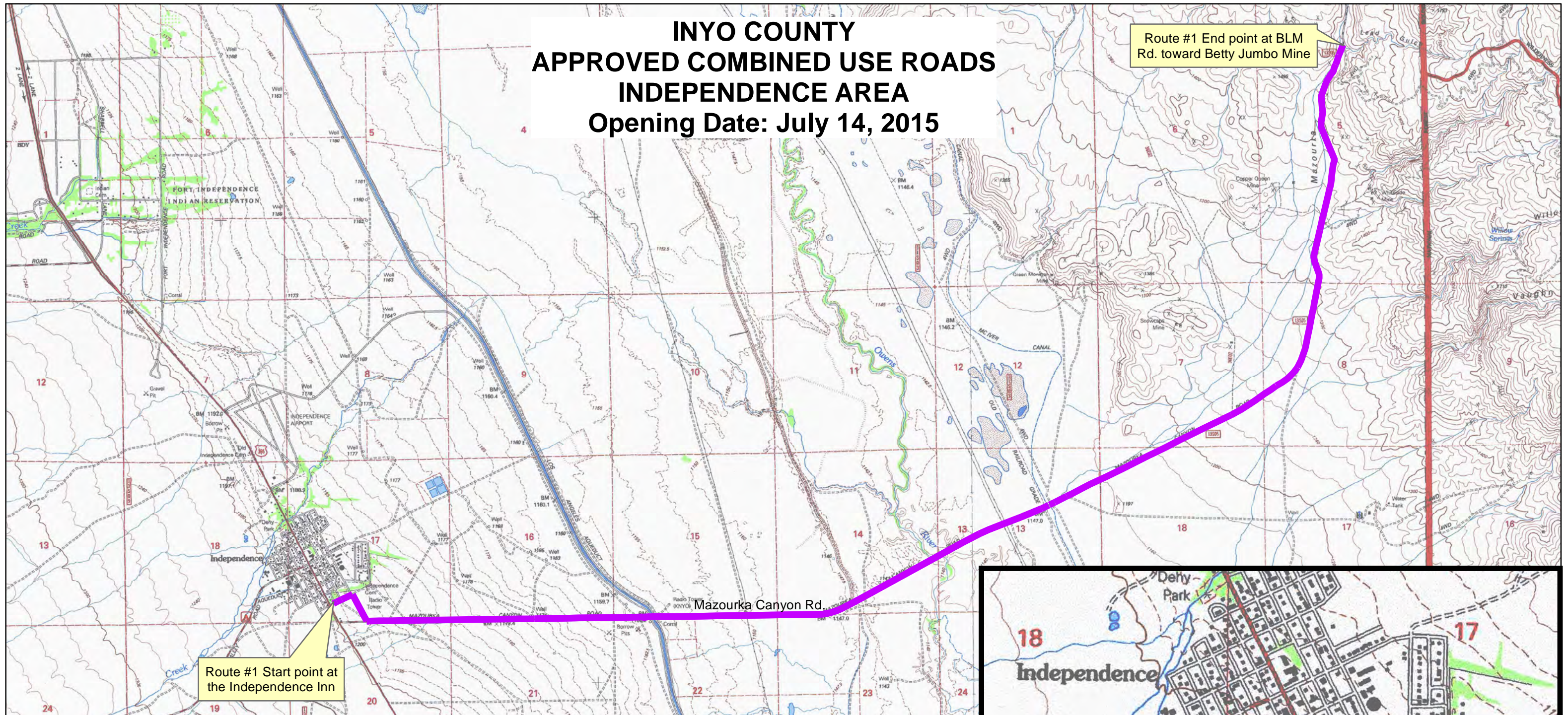
County and LADWP staff met several times regarding these starting points. LADWP agreed to the routes as starting points if the County agreed to financially assist LADWP for damage to their lands created by any OHVs regardless whether that damage was related to a combined use route. This proposal by LADWP was unacceptable to the County. The County agreed to some mitigation of impacts created by OHVs adjacent to the combined-use routes through its Implementing Procedures and Mitigation, Monitoring, and Reporting Program. The County has not been able to gain permission from LADWP to use County campgrounds leased from LADWP as combined-use route start points. Basically, LADWP has not been willing to designate any routes starting nor ending on Los Angeles-owned lands. As a result, these four routes have not been opened for combined use.

ATTACHMENTS

1. A Letter of the Board of Supervisors of the County of Inyo, State of California , addressed to the California Legislature that includes:
 - Exhibit A: Maps of Approved Combined Use Routes
 - Lone Pine No. 1
 - Independence No. 1
 - Bishop No. 15
 - Exhibit B: Assembly Bill 628
 - Exhibit C: Inyo County AB 628 Implementing Procedures
 - Exhibit D: Route Monitoring Report
 - Exhibit E: Minutes from January 22, 2015 Board of Supervisors hearing
 - Exhibit F: Assembly Bill 628 Implementation Timeline Spreadsheet
 - Exhibit G: Traffic Count Report
 - Exhibit H: Meeting Notes from December 8, 2015 Public Meeting
 - Exhibit I: Meeting Notes from December 15, 2015 Public Meeting

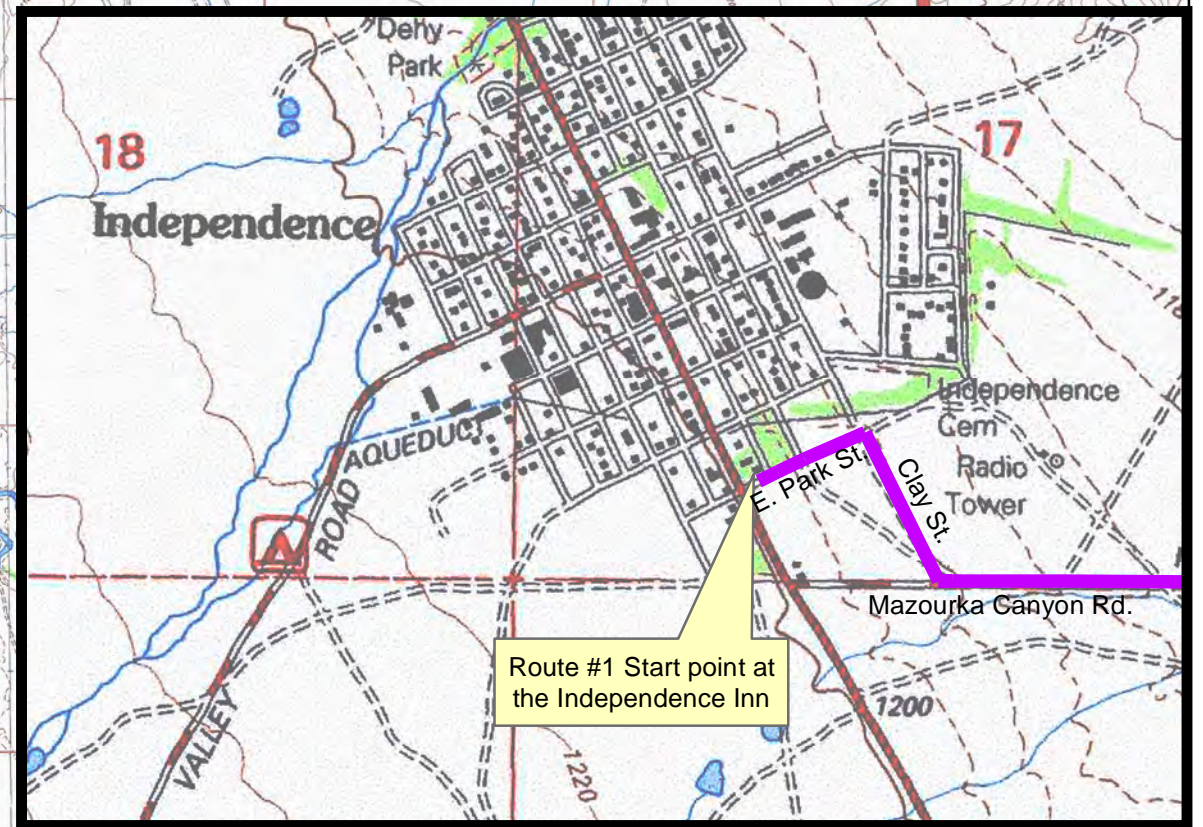
2. Reference Material Available on the worldwide web
 - a. Agenda Request Packet for January 22, 2015 approval hearing
[http://www.inyocounty.us/Board_of_Supervisors/AgendaSprt/2015-01-22_\(Special_Meeting\).pdf](http://www.inyocounty.us/Board_of_Supervisors/AgendaSprt/2015-01-22_(Special_Meeting).pdf)
 - b. Draft EIR (see <http://www.inyocounty.us/ab628/>)
 - c. Final EIR (see <http://www.inyocounty.us/ab628/>)
 - d. Combined-use applications, CHP Safety Determination submittals, and proposed route maps (see http://www.inyoplanning.org/projects/at/AdvTrails_ApplicationSummary.pdf)

INYO COUNTY APPROVED COMBINED USE ROADS INDEPENDENCE AREA Opening Date: July 14, 2015



Route #1 Start point at the Independence Inn

Route #1 End point at BLM Rd. toward Betty Jumbo Mine



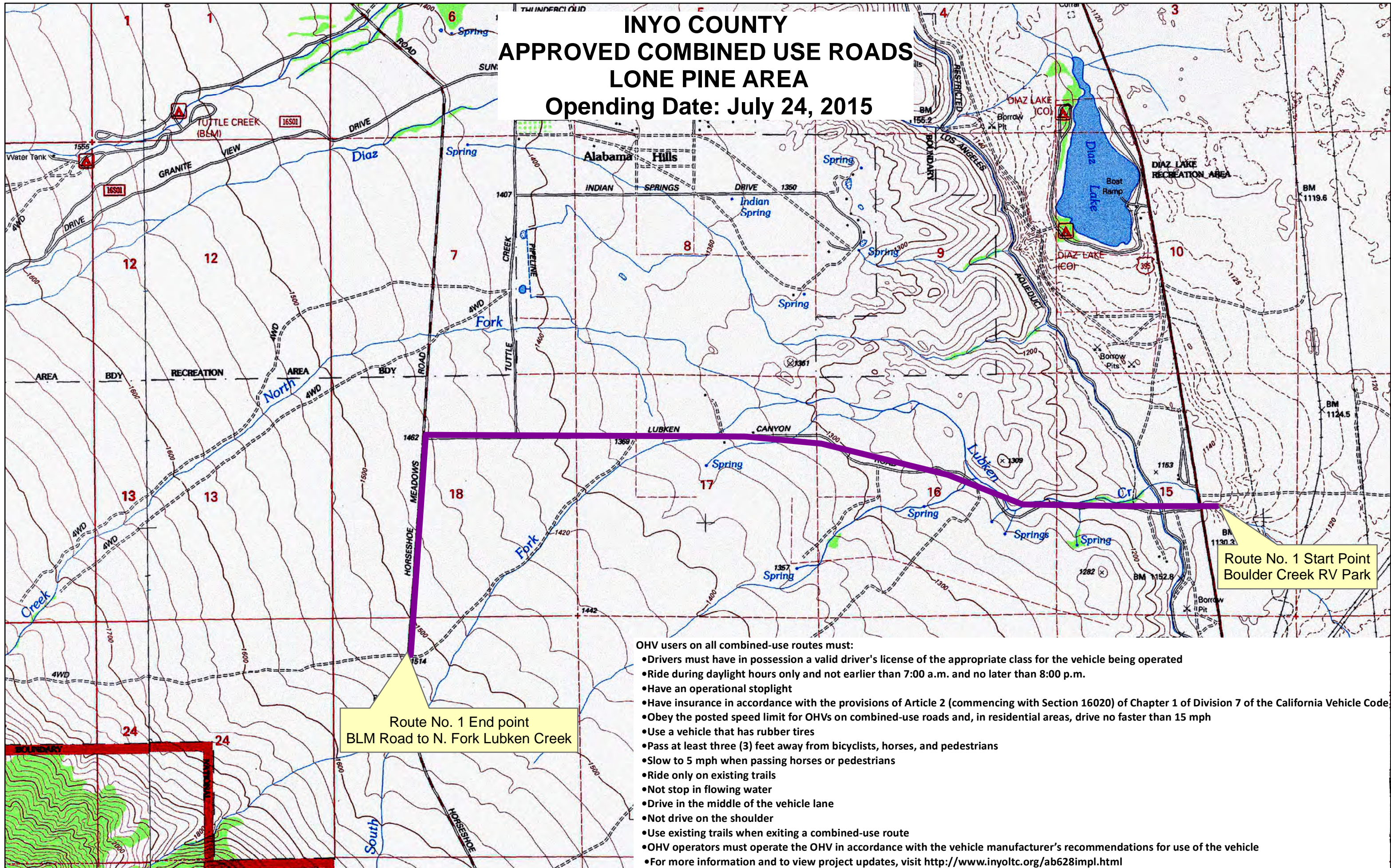
Route #1 Start point at the Independence Inn

OHV users on all combined-use routes must:

- Drivers must have in possession a valid driver's license of the appropriate class for the vehicle being operated
- Ride during daylight hours only and not earlier than 7:00 a.m. and no later than 8:00 p.m.
- Have an operational stoplight
- Have insurance in accordance with the provisions of Article 2 (commencing with Section 16020) of Chapter 1 of Division 7 of the California Vehicle Code
- Obey the posted speed limit for OHVs on combined-use roads and, in residential areas, drive no faster than 15 mph
- Use a vehicle that has rubber tires
- Pass at least three (3) feet away from bicyclists, horses, and pedestrians
- Slow to 5 mph when passing horses or pedestrians
- Ride only on existing trails
- Not stop in flowing water
- Drive in the middle of the vehicle lane
- Not drive on the shoulder
- Use existing trails when exiting a combined-use route
- OHV operators must operate the OHV in accordance with the vehicle manufacturer's recommendations for use of the vehicle
- For more information and to view project updates, visit <http://www.inyoltc.org/ab628impl.html>

INYO COUNTY APPROVED COMBINED USE ROADS LONE PINE AREA

Opening Date: July 24, 2015



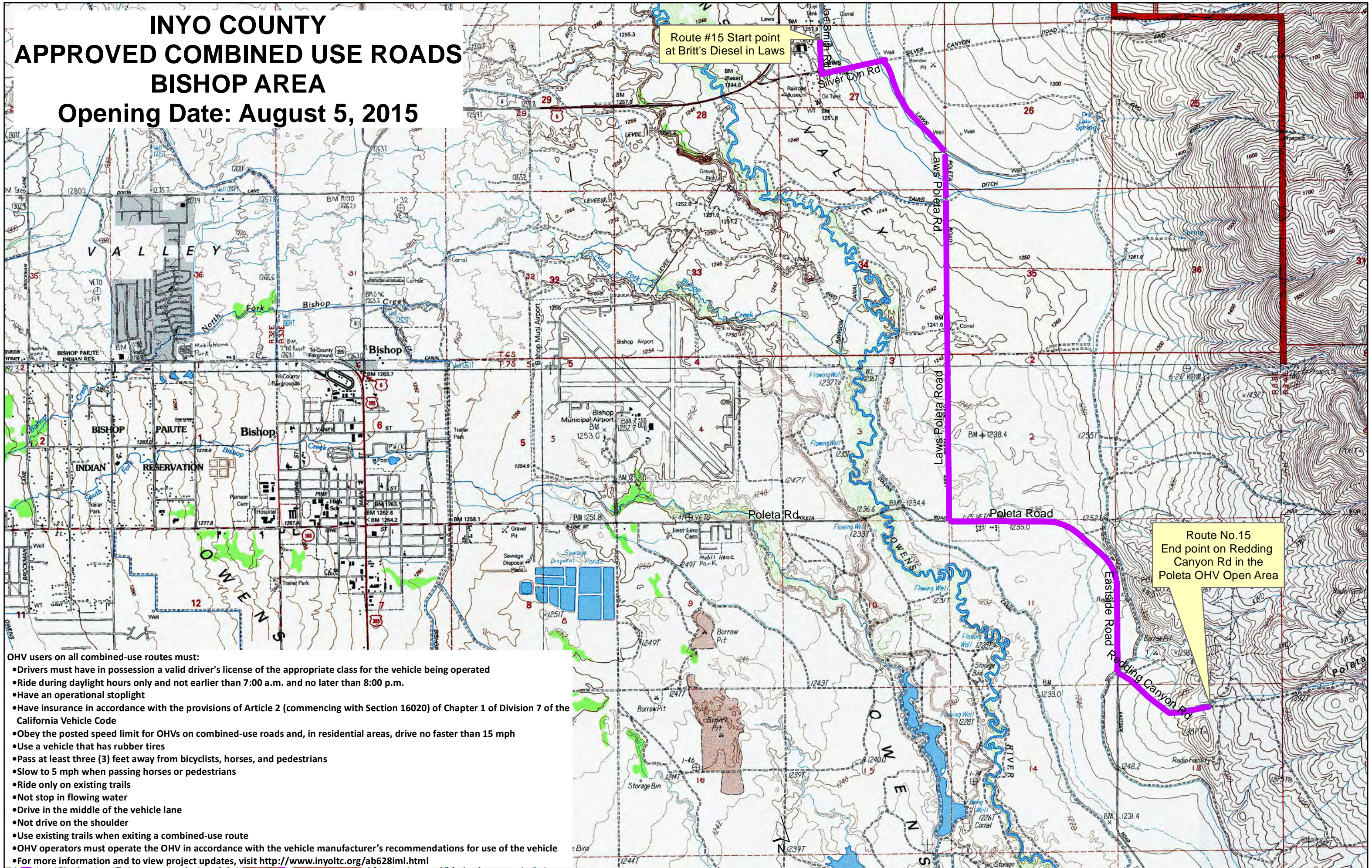
Route No. 1 Start Point
Boulder Creek RV Park

Route No. 1 End point
BLM Road to N. Fork Lubken Creek

OHV users on all combined-use routes must:

- Drivers must have in possession a valid driver's license of the appropriate class for the vehicle being operated
- Ride during daylight hours only and not earlier than 7:00 a.m. and no later than 8:00 p.m.
- Have an operational stoplight
- Have insurance in accordance with the provisions of Article 2 (commencing with Section 16020) of Chapter 1 of Division 7 of the California Vehicle Code
- Obey the posted speed limit for OHVs on combined-use roads and, in residential areas, drive no faster than 15 mph
- Use a vehicle that has rubber tires
- Pass at least three (3) feet away from bicyclists, horses, and pedestrians
- Slow to 5 mph when passing horses or pedestrians
- Ride only on existing trails
- Not stop in flowing water
- Drive in the middle of the vehicle lane
- Not drive on the shoulder
- Use existing trails when exiting a combined-use route
- OHV operators must operate the OHV in accordance with the vehicle manufacturer's recommendations for use of the vehicle
- For more information and to view project updates, visit <http://www.inyoltc.org/ab628impl.html>

INYO COUNTY APPROVED COMBINED USE ROADS BISHOP AREA Opening Date: August 5, 2015



- OHV users on all combined-use routes must:
- Drivers must have in possession a valid driver's license of the appropriate class for the vehicle being operated
 - Ride during daylight hours only and not earlier than 7:00 a.m. and no later than 8:00 p.m.
 - Have an operational stoplight
 - Have insurance in accordance with the provisions of Article 2 (commencing with Section 16020) of Chapter 1 of Division 7 of the California Vehicle Code
 - Obey the posted speed limit for OHVs on combined-use roads and, in residential areas, drive no faster than 15 mph
 - Use a vehicle that has rubber tires
 - Pass at least three (3) feet away from bicyclists, horses, and pedestrians
 - Slow to 5 mph when passing horses or pedestrians
 - Ride only on existing trails
 - Not stop in flowing water
 - Drive in the middle of the vehicle lane
 - Not drive on the shoulder
 - Use existing trails when exiting a combined-use route
 - OHV operators must operate the OHV in accordance with the vehicle manufacturer's recommendations for use of the vehicle
 - For more information and to view project updates, visit <http://www.inyoltc.org/ab628iml.html>

Exhibit B

CALIFORNIA 2011 LEGISLATIVE SERVICE
2011 Portion of 2011-2012 Regular Session

Additions are indicated by **Text**; deletions by
***.

Vetoed are indicated by ~~Text~~;
stricken material by ~~Text~~.

CHAPTER 532
A.B. No. 628
OFF ROAD VEHICLES--MOTORCYCLES--PILOT PROGRAMS

AN ACT to amend Sections 38026 and 38026.5 of, and to add and repeal Section 38026.1 of, the Vehicle Code, relating to vehicles.

[Filed with Secretary of State October 7, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 628, Conway. Vehicles: off-highway vehicle recreation: County of Inyo.

Existing law authorizes an off-highway motor vehicle that has been issued a plate or device to be operated or driven upon a highway under certain circumstances. Existing law authorizes various public entities, and the Director of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met. Existing law prohibits a highway from being designated for this combined use for a distance of more than 3 miles.

This bill would, until January 1, 2017, authorize the County of Inyo to establish a pilot project that would exempt from this prohibition specified combined-use highways, except as provided, in the unincorporated area in the County of Inyo so that the highways can be used to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land Management or United States Forest Service 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, among other things, as prescribed.

The bill would authorize the pilot project to include the use of a state highway, subject to the approval of the Department of Transportation, or the crossing of a highway, and would require the County of Inyo to indemnify the state, as specified. The bill would require the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, not later than January 1, 2016, to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project, and containing specified information.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Inyo County is a rural county with a population of 17,945 residents.
- (b) Inyo County is comprised of 10,140 square miles.
- (c) Inyo County is the second largest county in the United States in area, yet only 2 percent of this land is inhabited.
- (d) Ninety-two percent of land in Inyo County is federally administered public lands.
- (e) Inyo County has outstanding natural diversity, including Mount Whitney in the eastern Sierra, which is the highest peak in the contiguous United States, as well as Death Valley, which is the lowest point in the United States and the largest national park in the contiguous United States.
- (f) With six million acres of public land, Inyo County offers numerous opportunities to explore and recreate.

SEC. 2. It is the intent of the Legislature in enacting this act and designating combined-use highways on unincorporated county roads in the County of Inyo for more than three miles to link existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified system of trails for off-highway motor vehicles. It is further the intent of the Legislature that no General Fund moneys be expended for the pilot project established by this act, and the project will be revenue neutral to the state.

SEC. 3. Section 38026 of the Vehicle Code is amended to read:

<< CA VEHICLE § 38026 >>

38026. (a) In addition to Section 38025 and after complying with subdivision (c) of this section, if a local authority, an agency of the federal government, or the Director of Parks and Recreation finds that a highway, or a portion ***of a highway, under the jurisdiction of the authority, agency, or the director, as the case may be, is located in a manner that provides a connecting link between off-highway motor vehicle trail segments, between an off-highway motor vehicle recreational use area and necessary service facilities, or between lodging facilities and an off-highway motor vehicle recreational facility and if it is found that the highway is designed and constructed so as to safely permit the use of regular vehicular traffic and also the driving of off-highway motor vehicles on that highway, the local authority, by resolution or ordinance, agency of the federal government, or the Director of Parks and Recreation, as the case may be, may designate that highway, or a portion ***of a highway, for combined use and shall prescribe rules and regulations therefor. A highway, or portion ***of a highway, shall not be so designated for a distance of more than three miles, except as provided in Section 38026.1. A freeway shall not be designated under this section.

(b) The Off-Highway Motor Vehicle Recreation Commission may propose highway segments for consideration by local authorities, an agency of the federal government, or the Director of Parks and Recreation for combined use.

(c) Prior to designating a highway or portion ***of a highway on the motion of the local authority, an agency of the federal government, or the Director of Parks and Recreation, or as a recommendation of the Off-Highway Motor Vehicle Recreation Commission, a local authority, an agency of the federal government, or the Director of Parks and Recreation shall notify the Commissioner of the California Highway Patrol, and shall not designate any segment pursuant to subdivision (a) which, in the opinion of the commissioner, would create a potential traffic safety hazard.

(d) (1) A designation of a highway, or a portion ***of a highway, under subdivision (a) shall become effective upon the erection of appropriate signs of a type approved by the Department of Transportation on and along the highway, or

portion ***of the highway.

(2) The cost of the signs shall be reimbursed from the Off-Highway Vehicle Trust Fund, when appropriated by the Legislature, or by expenditure of funds from a grant or cooperative agreement made pursuant to Section 5090.50 of the Public Resources Code.

SEC. 4. Section 38026.1 is added to the Vehicle Code, to read:

<< CA VEHICLE § 38026.1 >>

38026.1. (a) Except as provided in subdivision (e), the County of Inyo may establish a pilot project to designate combined-use highways on unincorporated county roads in the county for no more than 10 miles so that the combined-use highways can be used to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land Management or United States Forest Service lands, and to link off-highway motor vehicle recreational-use areas with necessary service and lodging facilities, in order to provide a unified system of trails for off-highway motor vehicles, preserve traffic safety, improve natural resource protection, reduce off-highway vehicle trespass on private land, and minimize impacts on county residents.

(b) The pilot project shall do all of the following:

(1) Prescribe a procedure for highway, road, or route selection and designation. The procedure shall be approved by a vote of a majority of the Inyo County Board of Supervisors.

(2) Prescribe a procedure for the county to remove a combined-use designation, including a designation that is removed as a result of the conclusion of the pilot program.

(3) In cooperation with the Department of Transportation, establish uniform specifications and symbols for signs, markers, and traffic control devices to control off-highway motor vehicles, including, but not limited to, the following:

(A) Devices to warn of dangerous conditions, obstacles, or hazards.

(B) Designations of the right-of-way for regular vehicular traffic and off-highway motor vehicles.

(C) A description of the nature and destination of the off-highway motor vehicle trail.

(D) Warning signs for pedestrians and motorists of the presence of off-highway motor vehicle traffic.

(4) Require that off-highway motor vehicles subject to the pilot project meet the safety requirements of federal and state law regarding proper drivers' licensing, helmet usage, and the requirements pursuant to Section 38026.5.

(5) Prohibit off-highway motor vehicles from traveling faster than 35 miles per hour on highways designated under this section.

(6) Include an opportunity for public comment at a public hearing held by the county in order to evaluate the pilot project.

(c) The pilot project may include use of a state highway, subject to the approval of the Department of Transportation, or any crossing of a highway designated pursuant to Section 38025.

(d)(1) By selecting and designating a highway for combined use pursuant to this section, the County of Inyo agrees to defend and indemnify the state against any and all claims, including legal defense and liability arising from a claim, for any safety-related losses or injuries arising or resulting from use by off-highway motor vehicles of a highway designated as a combined-use highway by the Inyo County Board of Supervisors pursuant to this section.

(2) This subdivision does not alter the requirements of subdivision (e).

(e) The County of Inyo shall not designate a highway for combined use pursuant to this section unless the Commissioner of the Department of the California Highway Patrol finds that designating the highway for combined use would not create a potential traffic safety hazard.

(f) Not later than January 1, 2016, the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing both of the following:

(1) A description of the road segments designated to allow combined use for over three miles, as approved or adopted by a majority vote of the members of the Inyo County Board of Supervisors.

(2) An evaluation of the overall safety and effectiveness of the pilot project, including its impact on traffic flows, safety, off-highway vehicle usage on existing trails, incursions into areas not designated for off-highway vehicle usage, and nonmotorized recreation.

(3) A description of the public comments received at a public hearing held by the county in regards to an evaluation of the pilot project.

(g)(1) A report submitted pursuant to subdivision (f) shall be submitted in compliance with Section 9795 of the Government Code.

(2) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 5. Section 38026.5 of the Vehicle Code is amended to read:

<< CA VEHICLE § 38026.5 >>

38026.5. (a) In accordance with subdivision (c) of Section 4000, a motor vehicle issued a plate or device pursuant to Section 38160 may be operated or driven on a local highway, or a portion ~~***~~ **of the local highway, that** is designated pursuant to Section 38026 **or 38026.1** if the operation is in conformance with ~~***~~ **this** code and the vehicle complies with off-highway vehicle equipment requirements specified in this division.

(b) Notwithstanding subdivision (a), it is unlawful for **a** person using an off-highway vehicle on a combined-use highway to do any of the following:

(1) Operate an off-highway motor vehicle on the highway during the hours of darkness.

(2) Operate **a** vehicle on the highway **that** does not have an operational stoplight.

(3) Operate **a** vehicle on the highway **that** does not have rubber tires.

- (4) Operate **a** vehicle without a valid driver's license of the appropriate class for the vehicle operation in possession.
- (5) Operate **a** vehicle on the highway without complying with ~~***~~Article 2 (commencing with Section 16020) of Chapter 1 of Division 7.

CA LEGIS 532 (2011)

END OF DOCUMENT

Inyo County Assembly Bill 628 Implementing Procedures

January 22, 2015

1. The Adventure Trails Pilot Program is authorized by Section 38026.1 and other applicable portions of the California Vehicle Code.
2. The Adventure Trails Program project advocates (Applicant) shall submit a formal application to the Inyo County Public Works Department requesting the County consider the designation of specified roadways as combined-use highways.
 - a. The application shall include all of the following for each portion of proposed combined-use roadway:
 - i. Name of Highway
 - ii. Length of combined-use section
 - iii. A description of the portion of the right-of-way that is proposed to be used. That is will the off-highway vehicles be limited to: the entire lane, the edge of the lane, or some other specific area.
 - iv. The starting point of the combined-use segment. If this is an existing Bureau of Land Management or U.S. Forest Service road, provide the name and/or number of the off-highway motor vehicle trail or trailhead. If the starting point of the combined-use segment is a necessary service and/or lodging facility, specify the name and Assessor's Parcel Number of the facility.
 1. Include a letter of permission from the owner of the Assessor's Parcel Number that is the necessary service and/or lodging facility.
 - v. The ending point of the combined-use segment. If this is an existing Bureau of Land Management or U.S. Forest Service road, provide the name and/or number of the off-highway motor vehicle trail or trailhead. If the ending point of the combined-use segment is a necessary service and/or lodging facility, specify the name and Assessor's Parcel Number of the facility.
 1. Include a letter of permission from the owner of the Assessor's Parcel Number is the necessary service and/or lodging facility.
 - vi. A description of the nature and destination of any off-highway motor vehicle trail that is a starting or ending point to a combined-use segment.
 - vii. A description of the nature and purpose of the combined-use segment. To be considered, the combined-use segment must provide a connecting link between one of the following:
 1. A connecting link between off-highway motor vehicle trail segments,
 2. An off-highway motor vehicle recreational use area and necessary service facilities, or
 3. Lodging facilities and an off-highway motor vehicle recreational facility.

The applicant shall state which one of these three types of connecting link is being provided by each combined-use trail segment.

- viii. An eight and one-half inch map clearly displaying each combined use section.

The map should display:

1. The information described in subsections (i) through (v).
2. Major cross streets
3. Any controlled intersections (stop signs or signalized intersections)
4. If the combined-use segment starts and/or ends on an un-named roadway, a vicinity map should be included.

- ix. A list of property owners adjacent to any and all combined-use routes from the Inyo County Assessor's Department. If multiple properties are owned by one owner, that owner shall be notified of each of their properties adjacent to the proposed combined-use segment. Legal size envelopes with first class postage affixed addressed to each property owner with the return address left blank.

- b. The Applicant can submit the application in multiple sections if they choose. If so, a cover letter to the application should state this.
- c. Once the application is submitted, the contents of the application will be available for public review.
3. The Inyo County Department of Public Works shall be responsible for the evaluation and processing of any combined-use applications.
4. The County shall determine if the application packet is complete. The County shall notify the Applicant via e-mail or telephone within 30 days if the application is complete. If feasible, this determination should be made earlier.
5. Within 120 days of the date the County deems the application complete, the County shall accept or reject the application. This period may be extended by the County, upon written notification to the applicant, together with the reason necessitating the extension. During the 120 day period, the County will do the following:
- a. Submit copies of the application to responsible State and/or land management agencies for confirmation of the validity of any trail segment and/or general comments, requesting that the requested information be provided within 60 days. The County shall provide copies of the application to pertinent land management agencies or owners to ensure conformance with the land manager's Land Use Plan. "Pertinent agencies or owners" are defined as those which own, manage, or have jurisdiction for 1) road segments which connect to County roads identified in the application, 2) the land crossed by a County road identified in the application, or 3) the land adjacent to a combined use segment;
 - b. Submit the combined-use application to the Commissioner of the California Highway Patrol and ask for a determination if the proposed combined-use segment will create a potential traffic safety hazard. If the combined-use segment is determined by the Commissioner of the California Highway Patrol to have the potential to create a traffic hazard, that segment shall be dropped from consideration.

- c. Notice a public hearing on the application, providing notice to all land owners adjacent to the proposed combined-use roadway of the date, time and location of the public hearing, with notice mailed a minimum of twenty-one (21) days prior to the public hearing; and
 - d. Hold a public hearing and compile all comments received on the application.
6. The County shall work in cooperation with the California Department of Transportation to establish uniform specifications and symbols for signs, markers, and traffic control devices to control off-highway motor vehicles in accordance with Section 38026.1 of the Vehicle Code.
7. The County will first designate crossings of the State Highway using Section 38026 of the Vehicle Code. The Applicant is encouraged to design their requests to the County to use combined-use segments of three miles or less. Any such request would be undertaken separately from the Pilot Program and requires a separate application to the County in conformance with the existing Vehicle Code. If this is not possible and the combined-use segment is between three and ten miles, the County will consider the designation of crossings of the State Highway as part of the Pilot Program as set forth in Assembly Bill 628.
8. The application, together with comments received during the 120 day period, shall be presented to the Board of Supervisors for consideration and approval. The Agenda Request for such consideration shall also include a recommendation for each route from the Public Works Director, the Risk Manager, the Sheriff, and County Counsel on each combined-use segment. Their recommendation shall address:
 - a. Safety
 - b. Liability and Risk
 - c. Potential maintenance costs
9. The County shall hold a public hearing and adopt a resolution to approve combined-use segment(s). The adoption resolution may include multiple combined-use segments. The resolution shall include:
 - a. A determination that the proposed combined use segment does not have the potential to create a safety hazard.
 - b. A confirmation that the information contained in Section 2(A)(i) – (viii) was included in the application packet.
 - c. A statement that each combined-use trail segment is in compliance with the California Vehicle Code as amended by the inclusion of Section 38026.1.
10. If the funding for the purchase and installation of signage is not forthcoming as set forth in Section 38026.1, the County shall work with the applicant to identify funding to install signage identified in Section No. 6. The purchase and installation of this signage shall be revenue neutral to the County. That is, if the funding for the signage is not forthcoming from the State, the applicant shall be responsible for this expense.
11. The County Road Department shall be responsible for the installation of all required signage on each combined-use trail segment.

12. Using aerial or satellite imagery, Inyo County will create a baseline that encompasses the area adjacent to each designated route, including the end point in a manner adequate to identify and monitor route proliferation.
13. The County shall formally open the combined-use trail segment once all signage is in place.
14. Each combined-use trail segment shall be monitored in the following ways.
 - a. The County shall be responsible to maintain a database describing any collisions involving an off-highway vehicle on any combined-use segment.
 - i. The Department of Public Works will request from the Inyo County Sheriff and the California Highway Patrol a report of all collisions involving off-highway vehicles on a combined-use segment on an annual basis. This information will be solicited from local land management agencies.
 - b. The Inyo County Sheriff's Department will maintain a file that includes any information regarding impact on traffic flows, safety, incursions into areas not designated for off-highway vehicle usage, to the extent such information is available.
 - c. The County shall yearly collect at least a three-day-long set of data collected including two weekend days detailing the number of off-highway vehicles using each combined-use segment.
 - d. The County shall twice yearly survey for new OHV routes originating off of a combined use in the field and in the office reviewing the latest aerial imagery so that it can adequately monitor for the proliferation of new routes.
 - e. The County shall send a letter encouraging land management agencies that have an off-highway motor vehicle trail segment that links to a combined-use segment to monitor the amount of off-highway vehicle use.
 - f. The Public Works Department shall maintain a website that is a central hub for collecting public and public agency comments and complaints on the combined-use routes which shall include all correspondence from the public and public agencies regarding all combined use segments.
 - g. At least 90 days prior to the development of the report described in Section 15, notice will be made to the public and local land management agencies requesting comments and observations regarding roads in the pilot program, including any results from monitoring.
15. No later than January 1, 2016, the County, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project as described in Section 38026.1 of the Vehicle Code.
16. If Section 38026.1 of the Vehicle Code is repealed, on all designated routes, the County shall be responsible for the removal of all signage related to combined-use highway segments set forth under Section 38026.1. Further, upon repeal of section 38026.1, the designation of all combined use routes by the County shall be immediately rescinded.

17. If the property owner at a starting point or an ending point of a combined-use segment that is considered to be a necessary service or lodging facility decides at a future date that they do not wish their property to be linked to by a combined-use segment, they can submit a letter stating that the property owner does not wish to be linked to the combined-use route. Upon receipt of that letter, and assuming that the service facility is the endpoint of the combined-use segment, the designation on that road shall be changed within 90 days so that the combined-use of that roadway segment shall no longer be allowed. If a change to starting point or endpoint requires the submittal of a separate application, the 90-day period will be extended until the segment is acted upon by the Board of Supervisors.
18. If a necessary service facility that is a start or an end point of a combined-use route closes, the applicants shall be required to submit a revised application within 90 days from the date the business is closed. The County shall determine if an additional application is required.
19. If the County's monitoring of a combined-use route determines that undesirable impacts are being created by the route, the County shall have the authority by a vote of the Board of Supervisors to close a combined-use route. The County shall close the route by the removal of all signage within 90 days from the date of the Board action.
20. The Public Works Department may, at the discretion of the Public Works Director, temporarily close a combined-use route to green sticker vehicles by temporarily obscuring route signage.
21. The operation of combined use routes by off-highway vehicles in residential areas is restricted to between dawn and dark and no earlier than 7:00 a.m. and no later than 8:00 p.m.
22. The Mitigation and Monitoring Plan for the Eastern Sierra Adventure Trails System Environmental Impact Report (Appendix 1.0 to the Final EIR) is included as part of this Implementing Procedures by reference.
23. The County shall monitor for the creation of new OHV routes along the proposed combined-use routes. The County shall coordinate with the property owner/land management agency and determine if corrective action is required. If necessary, barriers will be place to prevent further use of the new routes.
24. The County shall consider the passage of an ordinance that will make it a misdemeanor offense if operators of OHV's cause damage to land, livestock, ranching and farming operations, wildlife, wildlife habitat or vegetative resources..
25. All OHVs utilizing a combined-use route must comply with the following requirements and any published written material (brochures, maps, pamphlets) produced by the applicants shall include the following educational language:

OHV users on all combined-use routes must:

- Drivers must have in possession a valid driver's license of the appropriate class for the vehicle being operated
- Ride during daylight hours only and not earlier than 7:00 a.m. and no later than 8:00 p.m.
- Have an operational stoplight

- Have insurance in accordance with the provisions of Article 2 (commencing with Section 16020) of Chapter 1 of Division 7 of the California Vehicle Code
- Obey the posted speed limit for OHVs on combined-use roads and, in residential areas, drive no faster than 15 mph
- Use a vehicle that has rubber tires
- Pass at least three (3) feet away from bicyclists, horses, and pedestrians
- Slow to 5 mph when passing horses or pedestrians
- Ride only on existing trails
- Not stop in flowing water
- Drive in the middle of the vehicle lane
- Not drive on the shoulder
- Use existing trails when exiting a combined-use route.
- OHV operators must operate the OHV in accordance with the vehicle manufacturer's recommendations for use of the vehicle.

Route Monitoring Report

October 2015

Bishop Route 15 Laws to Poleta

October 19, 2015

- No new roads created.
- No vandalism to mixed use signage or carsonites
- No evidence of ATV/UTV running on shoulder of road ways
- No evidence of increased trash along route
- Some wear of ATV logo painted on roadway in Laws area
- No clear start/stop signage on Joe Smith Rd.
- State of Calif. OHV Funds Used – Sticker added to all signage

Lone Pine Route 1 Boulder Creek RV Park to BLM road N. Fork Lubkin Canyon

October 22, 2015

- No new roads created
- No vandalism to mixed use signage or carsonites
- No evidence of increased trash along route
- No clear start/stop signage at Boulder Creek (Signage to be installed)
- Carsonites westbound on Lubkin Canyon exceed 1 mile spacing (Signage to be installed at intersection of Tuttle & Lubkin Canyon)
- No vandalism of Off highway crossing signage on 395

Independence Route 1 Independence Hotel to Betty Jumbo Mine Road

October 27, 2015

- No new roads created.
- No vandalism to mixed use signage or carsonites
- No evidence of ATV/UTV running on shoulder of road ways
- No evidence of increased trash along route
- Staging noted at existing campsite on BLM land
- State of Calif. OHV Funds Used – Sticker added to all signage

Exhibit E

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 22nd day of *January, 2015* an order was duly made and entered as follows:

P.W./Adventure Trails Pilot Project Public Hearing

The Chairperson opened the public hearing at 10:03 a.m. to take public comment on the Eastern Sierra ATV Adventure Trails System Project and to consider a draft Resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Certifying the Final Environmental Impact Report Concerning, and Making Certain Findings, Adopting Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Approving an Eastern Sierra ATV Adventure Trails System Project, and Adopting Rules and Regulations for the Use of the Adventure Trails System," or modifications thereto as directed by the Board, which does the following:

1. Certifies that the Final Environmental Impact Report was prepared in compliance with the California Environmental Quality Act (CEQA), was presented to and considered by the Board, and that the FEIR reflects the independent judgment of the Board;
2. Makes findings as required by CEQA;
3. Adopts the mitigation measures identified in the FEIR;
4. Adopts a Mitigation Monitoring and Reporting Program;
5. Approves the combined-use routes recommended by staff or as designated by the Board;
6. Provides that designation of a combined-use route shall not become effective until all required warning and informative signs on the route have been installed and, if necessary, approval of start point and/or end point located on City of Los Angeles-owned land has been obtained from the City of Los Angeles Department of Water and Power;
7. Adopts requirements and regulations for use of the designated combined-use routes; and
8. Approves Revised Inyo County Assembly Bill 628 Implementing Procedures; and
9. Provides that if California Vehicle Code section 38021.6 is repealed on January 1, 2017 as provided by AB 628, and if no legislation replacing Vehicle Code section 38021.6 has been adopted as of that date, any designation of a route as a combined-use route shall be deemed rescinded and all signage shall be removed from such a route.

CONTINUED ON FOLLOWING PAGES

WITNESS my hand and the seal of said Board this 22nd

Day of January 2015



KEVIN D. CARUNCHIO
Clerk of the Board of Supervisors

By: Patricia Gunsolley
Patricia Gunsolley, Assistant

Routing	
CC X	_____
Purchasing	_____
Personnel	_____
Auditor	_____
CAO	_____
Other P.W. - Planning	_____
DATE: February 5, 2015	

1. Certifies that the Final Environmental Impact Report was prepared in compliance with the California Environmental Quality Act (CEQA), was presented to and considered by the Board, and that the FEIR reflects the independent judgment of the Board;
2. Makes findings as required by CEQA;
3. Adopts the mitigation measures identified in the FEIR;
4. Adopts a Mitigation Monitoring and Reporting Program;
5. Approves the combined-use routes recommended by staff or as designated by the Board;
6. Provides that designation of a combined-use route shall not become effective until all required warning and informative signs on the route have been installed and, if necessary, approval of start point and/or end point located on City of Los Angeles-owned land has been obtained from the City of Los Angeles Department of Water and Power;
7. Adopts requirements and regulations for use of the designated combined-use routes; and
8. Approves Revised Inyo County Assembly Bill 628 Implementing Procedures; and
9. Provides that if California Vehicle Code section 38021.6 is repealed on January 1, 2017 as provided by AB 628, and if no legislation replacing Vehicle Code section 38021.6 has been adopted as of that date, any designation of a route as a combined-use route shall be deemed rescinded and all signage shall be removed from such a route.

The Chairperson reviewed the parameters on how today's meeting was going to be conducted. The individual Board Members made opening remarks regarding the project. Mr. Courtney Smith, Transportation Planner, reviewed the staff report and recommendations in detail and at length. He noted specifically that the Applicants have reduced the number of routes to be considered for approval from the 36 routes covered in the EIR to 8 routes, of which Staff is recommending the Board only consider 7. Mr. Josh Hart, Planning Director, explained the route in the Aberdeen area is being removed from consideration because staff believes that the change being requested in the route requires further environmental analysis. Ms. Marlena Baker, Risk Manager, reviewed the County's insurance coverage, providing statistical data accumulated by CSAC Excess Insurance concerning liability exposure, and confirming that the County has no increased exposure to liability as a result of the proposed routes. Sheriff Bill Lutze talked about the County's off-road patrol and enforcement activities and funding. California Highway Patrol (CHP) Captain Tim Noyes introduced Officer Brian Mackenzie who reviewed the CHP's Safety Report on the routes, explaining how he had arrived at the recommendations contained in the report. Mr. Randy Gillespie, representing the Applicants, addressed the Board to provide additional information and further clarification on the request to have 8 routes considered for approval. Mr. Gillespie identified the 8 routes as #5 #6, #7, #9 and #15 in the Bishop Area; #3 in the Aberdeen area; #1 in the Independence area; and #1 in the Lone Pine area. Mr. Steve Toomey also representing the Applicants provided some historical background on the project, explaining that it was the hope of the Applicants to provide some economic revival for the area by providing additional recreational opportunities for our visitors. Mr. Joe Gibson of Meridian Consultants, provided an in-depth review of the Environmental Impact Report and the CEQA requirements. Staff went on to provide the Board with a route by route review.

Recess/
Reconvene

The Chairperson recessed the special meeting and public hearing at 11:30 a.m., to reconvene in open session and the public hearing at 11:45 a.m., with all Board Members present.

The Chairperson reviewed the process whereby the Board would accept comment from the public, requesting that all those wishing to speak fill out a card during the lunch break. He explained that representatives of the various public agencies would be given the opportunity to address the Board first, and then members of the public would have the opportunity. He also informed the audience that the speakers would be provided 3-minutes in which to make their comments. Staff took the opportunity to enter the documents utilized during the presentations into the record, and they were marked and entered as follows:

Exhibit A - The Staff report and all attachments, including the Final Environmental Impact Report - ATV Adventure Trails of the Eastern Sierra and the handout noted "Frequently Asked Questions and its attachments identified as Additional Project

Information Handouts #1, #2, #3 and #4, and all verbal and electronic presentations.

- Exhibit B - Additional correspondence received by the Board of Supervisors after the Staff Report for the meeting was published on January 22, 2015 and provided to the Board and the public prior to the hearing.
- Exhibit C - Additional correspondence received which was not provided to the Board and the public prior to the hearing.
- Exhibit D - A copy of an article from the Journal of Park and Recreation Administration titled Managing Visitor Impacts in Parks: a Multi-Method Study of the Effectiveness of Alternative Management Practices submitted by Mr. Joe Gibson of Meridian Consultants.
- Exhibit E - A Copy of a Masters Paper by Carolyn Grace Widman titled Discouraging Off-Trail Hiking to Protect Park Resources: Evaluating Management Efficacy and Natural Recovery submitted by Mr. Joe Gibson of Meridian Consultants.
- Exhibit F - Revised Resolution certifying the Final EIR.
- Exhibit G - Revised Resolution designating the individual routes being approved, which will ultimately become 7 individual resolutions, one for each route approved.
- Exhibit H - A draft of the CEQA findings.

Recess/
Reconvene

The Chairperson recessed the special meeting and public hearing at 12:02 p.m., to reconvene in open session in the public hearing at 1:20 p.m., with all Board Members present.

The following people from agencies addressed the Board:

Jan Sudomier of the Great Basin Unified Air Pollution Control District cited an example of why she is disappointed in the County's response to a dust complaint.

Marty Hornick of the U.S. Forest Service addressed potential concerns with the proposed routes and proper monitoring and adequate law enforcement.

Staff responded to questions from the Board regarding the Aberdeen route, and the concern with law enforcement identified by USFS and DWP.

The following members of the public addressed the Board:

Andrew Schier of Bishop questioned the economic benefit associated with motorized recreation.

David Lee opposed the project.

Lynne Greer supported the project.

Dan Stone, representing Vets Helping Vets, supported the project saying this provides access to the disabled.

Roz Gorham opposed the project.

Steve Canter of Vets Helping Vets supported the project.

Denise Waterbury was opposed to the Cowboy Kiosk signs and the project.

Scott Knapp opposed the project because of dust and noise.

Todd Vogel opposed the project questioning the adequacy of the EIR.

Dan Conner opposed the project addressing concerns with local CHP enforcement.

Frank Stewart opposed the project, questioning the adequacy of the EIR and the fact that the EIR approves the routes originally requested and not just the 8 that are being considered.

David Tanksley supported the project and encouraged the Board to adopt the EIR and approve the 7 routes that staff is recommending be approved.

Bill Mitchel opposed the project saying that he did not believe there was sufficient data.

Greg Weirick supported the project and requested the Board certify the EIR.

County Counsel requested that the documentation that has been presented from those addressing the Board thus far be entered into the record and it was entered into the record as

- Exhibit - I
- 1 – letter from Sgt. Doug Schuster, Boating Safety Supervisor, Mojave County Arizona Sheriff's Department, saying there has been no impact as a result of ATV's operating on the roadway.
 - 2 – correspondence from Jan Sudomier regarding a dust emission complaint.
 - 3 – emails from individuals supporting the project.
 - 4 – David Lee letter opposing the project.
 - 5 – action Alert flyers signed by supporters of the project.
 - 6 – action alert flyers signed by supporters of the project.
 - 7 – a Honda TRX700XX, a Polaris Sportsman 550, and Yamaha YXR66FW Owners Manuals warning against operating ATV on paved surfaces.
 - 8 – letter from Adventure Trail System of the Eastern Sierra LLC, the Applicants, proposing the Board consider 8 routes, signed by Dick Noles.
 - 9 – letter from Frank Stewart identifying the reasons he is opposing the project.

Diana Cunningham opposed the project because of damage to the resource and concern with sufficient enforcement.

Michael Prather opposed the project expressing concern with trail propagation that was identified by DWP.

Jennifer Williams of the Mono County VFW, supported the project saying it is important to provide access to the handicapped.

John Harris supported the project saying he felt having a route go by his house would increase his property value. He presented action alert flyers signed by those supporting the project and they were marked and entered into the record as follows:

- Exhibit J Action alert flyers signed by supporters of the project which were presented by Mr. Harris and several of the following speakers and combined as Exhibit J.

Doug Brown supported the project saying that he thinks it will help promote recreation and the local economy.

Pam Vaughn opposed the project because of the damage it will do to the land and suggesting this go on the ballot.

Sam Dean supported the project because it promotes another aspect of recreational activities and it will help the local economy. He provided copies of the action alert flyers signed by supporters of the project. These documents were marked and entered into the record as follows:

Jeffrey Wenger supported the project saying he would like to see the project move into Mono County.

Nick Sprague opposed the project saying he does not believe it will be a benefit to the area.

Alex Yerkes supported the project saying it will help boost the areas failing economy and to support education for the users.

James Wilson opposed the project.

Recess/
Reconvene

The Chairperson recessed the special meeting and public hearing at 2:50 p.m. to reconvene in open session in the public hearing at 3:00 p.m., with all Board Members present.

The Board continued to hear from members of the public as follows:

Joe Todd supported the project

Randy Short supported the project on behalf of wounded warriors and veterans.

Daniel Pritchett supported the wounded warriors, but opposed the project.

Em Holland who lives in Paradise opposed the project saying she believes the EIR if flawed.

Susan Greenleaf opposed the project.

Steve McLaughlin opposed the project and talked about potential and indirect impacts of the project that have not been identified.

Adam Garcia supported the project saying he thinks it will be good for the communities.

April Zrelak representing the Lone Pine Paiute Shoshone Reservation expressed concern that any economic gain will be offset by impacts from increased dust.
Dave Patterson supported the project.

Tom Budlong opposed the project.

Charles Massieon opposed the project.

Marty Fortney supported the project and supported reinstating the Aberdeen Route, citing greater recreational opportunities for the visitors and a boost to the County's economy.

Linda Arcularius addressed the Board to support the project and provided additional information to provide context to the debate.

Nate Gratz, supported the project and explained that because he is a paraplegic the only way he has an opportunity to enjoy the backcountry is on an off-road vehicle.

Sydney Quinn opposed the project questioning whether the EIR addresses the CEQA requirements for cumulative impacts.

Gregg Smith opposed the project.

Jon Patzer supported the project explaining he has concern for the loss of local jobs and recreational opportunities for our visitors.

Bruce Cotton, a disabled veteran, supported the project because it provides more access for the disabled.

Ileene Anderson of the Center for Biological Diversity opposed the project, asking the Board to reject the EIR because it addresses more than just the 7 routes being proposed today.

Darla Heil opposed the project.

Sue Hutson opposed the project saying that the project will not help the economy if it damages the resource.

Kathy Heater opposed the project.

Caryn Todd supported the project because it will help the local economy.

Recess/
Reconvene

The Chairperson recessed the special meeting and the public hearing at 4:15 p.m., to reconvene in open session in the public hearing at 4:35 p.m., with all Board Members present.

The Board discussed the project with the individual Board Members responding to public comments and asking questions about certain aspects of the project including (a) the process for the Safety Determinations by the CHP on future applications; (b) local law enforcement; (c) citizen participation in the enforcement process; (d) the County's ability to assist with the law enforcement efforts on federal and City of LADWP lands; (e) the process whereby further routes are considered; (f) signage; (g) the Mitigation Monitoring and Reporting Plan; (h) air quality; (i) noise levels and monitoring; (j) economic analysis; (k) the adequacy of the EIR; (l) information that can be obtained as a result of a managed system; (m) how to reconcile OHV owners manual cautions regarding operations of off road vehicles on hard surfaces. Staff, the Consultant, and Special Council, responded to the Board Members questions and comments. The Chairperson closed the public hearing at 5:50 p.m. The Board went into its deliberations on the project.

Supervisor Griffiths said in looking at the assertions of the FEIR that the Program will reduce impacts because of education and signage and proper mitigation and monitoring, that he believes the implementing procedures can be strengthened in order to regulate and control the system so that actual reduction of impacts are accomplished. He suggested the following five changes to the implementing procedures:

1. The Board should consider passing an ordinance that would allow Inyo County law enforcement to enforce resource damage on City of Los Angeles Department of Water and Power and federal lands, which would need to go through the public process to adopt an ordinance.
2. In the development of the baseline data satellite and/or aerial photography will be used to determine exactly what is on the ground now and, as the Program proceeds, to help accurately determine whether there has been any proliferation or resource damage, and extending this information to the end point of the route so that if the end point is an off road vehicle area then the County can assess what sort of impacts are there on the ground.
3. With regard to strengthening the reporting system, some of which is already detailed in no. 13 of the Implementing Procedures, create a web site that the public and/or land management agencies could report damage or user conflicts that they see.
4. With regard to monitoring, there are currently three days dedicated for monitoring, there needs to be more time dedicated for this activity. Mr. Quilter explained that the type of equipment used to perform this monitoring is maxed at three days. The Board and staff discussed this and it was suggested that the monitoring could be performed multiple times in a year instead of just one three-day period per year.
5. There is process for route closures is expanded to include a process for temporary route closures, so that if a problem is identified, the route may be temporarily closed until the issue is resolved, then the route could be reopened.

The Board Members went on to talk about the project with Supervisor Tothoroh saying that his questions had been resolved during the previous discussion and saying that he supported Supervisor Griffith's suggestions for strengthening the Implementing Procedures. In responding to a question from the Board regarding the next step in the process should the Board wish to consider Supervisor Griffith's recommendations for strengthening the Implementing Procedures, Mr. Greg James, Special Counsel, explained that the Board will need to make a motion to certify

that the FEIR was prepared in compliance with CEQA, was presented to and considered by the Board of Supervisors, and certifying that the FEIR reflects the independent judgment of the Board of Supervisors. Mr. James went on to explain that if the Board takes that action, then the Board could proceed to evaluate and choose the routes to be approved. He also said the implementing procedures could be amended and brought back later this evening to be adopted with the changes suggested by Supervisor Griffiths based on the Board's direction. Supervisor Kingsley expressed his support for the project and asked for a motion. Supervisor Tillemans indicated that he wanted to make a motion to certify the FEIR but prior to doing that he wanted to make some comments to explain his motion and position. He cited a trip to Sedona, Arizona, where there is a large amount of off road vehicle use, as an example of a managed trail system that is very effective. He said that he believes a managed trail system could be beneficial to mitigating possible current impacts to the resources that may be occurring as a result of a non-managed system. He also explained that this Program, which is California law, is the result of a local grassroots effort, and he believes it is his job to support these types of efforts. He went on to remind everyone that this is a pilot project that has a sunset date and encouraged everyone to let the Project move forward, allow the baseline data to be accumulated to provide the information to make an informed decision on whether a managed trail system will work in our area. Supervisor Pucci said that with the applicant's modifications to the project to reduce the number of routes from 36 to 7, he believes this is now truly a pilot project. He noted that the residential and neighborhood routes which appeared to be the most controversial have been removed and that with the changes suggested by Supervisor Griffiths to strengthen the Implementing Procedures, there is a great opportunity to monitor the project for not only the negative impacts but also for the positive impacts.

Resol. #2015-07/
Certifying FEIR for
Adventure Trails
System Complies
with CEQA

On a motion by Supervisor Tillemans and a second by Supervisor Pucci, Resolution No. 2015-07 was adopted, certifying that the Final Environment Impact Report (FEIR) for the Eastern Sierra ATV Adventure Trails System Project was prepared in compliance with CEQA, was presented to and considered by the Board of Supervisors, and certifies that the FEIR reflects the independent judgment of the Board of Supervisors, and revises the County's Implementing Procedures concerning the Project as detailed in today's discussion: motion unanimously passed and adopted. (Exhibit A – Mitigation Monitoring and Reporting Plan was added after the break.) (Separate motion approving Exhibit B.)

The Board and staff went on to discuss the proposed routes to be approved for the project which were Routes #5, #6, #7, #9 and #15 in the Bishop Area, Route #1 in Independence, and Route #1 in Lone Pine. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to accept the applications for the 7 routes and direct staff to return with either one all encompassing resolution or seven individual resolutions accepting the routes. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the special meeting and the public hearing at 6:27 p.m. to reconvene in open session at 8:30 p.m., with all Board Members present.

County Counsel reviewed the Board's actions regarding the adoption of a Resolution that certifies the FEIR as required by CEQA. She also explained that there are two attachments to the resolution, one is the modifications to the Implementing Procedures identified by Supervisor Griffiths and the other is the Mitigation and Monitoring Plan which was approved by the Resolution. Ms. Kemp-Williams explained that there are two versions of the modifications to the Implementing Procedures for the Board to review and whichever one the Board approves as best reflecting the Board's directions concerning the modification will be included as Exhibit B to the Resolution.

The Board heard from Mr. Clint Quilter, Public Works Director, and Mr. Courtney Smith, Transportation Planner, who reviewed the differences in the documents, specifically Section 12. The Board and staff discussed the wording of Section 12 of Exhibit B in detail, as well as the section designations of 11, 19, and 23, changing the wording in Section 14d to include a 7 day survey, in Section 14F to include the website, adding Section 20 to address temporary route closures; and in Section 24 adding the word "consider" in front of pass.

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to accept Exhibit B to Resolution #2015-07 as amended to have Section 12 read "Using aerial or satellite imagery, Inyo County will create a baseline that encompasses the area adjacent to each designated route, including the end point in a manner adequate to identify and monitor route proliferation," and other changes discussed above. Motion carried unanimously.

County Counsel went on to explain and provide the Board with copies of individual resolutions approve each of the 7 routes, which were prepared per the Board's directions.

- Resol. #2015-08/
Approving Bishop
Rt. #05 of the
Adventure Trails
System
- On a motion by Supervisor Pucci and a second by Supervisor Griffiths, Resolution No. 2015-08 was adopted designating Bishop Route #5 as identified in the Eastern Sierra ATV Adventure Trails System Project Application as a combined route and adopting certain mitigation measures identified in the FEIR and adopting rules and regulations for the use of the route; motion unanimously passed and adopted.
- Resol #2015-09/
Approving Bishop
Rt. #6 of the
Adventure Trails
System
- On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Resolution No. 2015-09 was adopted designating Bishop Route #6 as identified in the Eastern Sierra ATV Adventure Trails System Project Application as a combined use route and adopting certain mitigation measures identified in the FEIR and adopting rules and regulations for the use of the route; motion unanimously passed and adopted.
- Resol. #2015-10/
Approving Bishop
Rt. #7 of the
Adventure Trails
System
- On a motion by Supervisor Totheroh and a second by Supervisor Pucci, Resolution No. 2015-10 was adopted designating Bishop Route #7 as identified in the Eastern Sierra ATV Adventure Trails System Project Application as a combined use route and adopting certain mitigation measures identified in the FEIR and adopting rules and regulations for the use of the route; motion unanimously passed and adopted.
- Resol. #2015-11/
Approving Bishop
Rt. #9 of the
Adventure Trails
System
- On a motion by Supervisor Tillemans and a second by Supervisor Griffiths, Resolution No. 2015-11 was adopted designating Bishop Route #9 as identified in the Eastern Sierra ATV Adventure Trails System Project Application as a combined use route and adopting certain mitigation measures identified in the FEIR and adopting rules and regulations for the use of the route; motion unanimously passed and adopted.
- Resol. #2015-12/
Approving Bishop
Rt. #15 of the
Adventure Trails
System
- On a motion by Supervisor Tillemans and a second by Supervisor Griffiths, Resolution No. 2015-12 was adopted designating Bishop Route #15 as identified in the Eastern Sierra ATV Adventure Trails System Project Application as a combined use route and adopting certain mitigation measures identified in the FEIR and adopting rules and regulations for the use of the route; motion unanimously passed and adopted.
- Resol. #2015-13/
Approving Indy Rt.
#1 of the Adventure
Trails System
- On a motion by Supervisor Tillemans and a second by Supervisor Pucci, Resolution No. 2015-13 was adopted designating Independence Route #1 as identified in the Eastern Sierra ATV Adventure Trails System Project Application as a combined use route and adopting certain mitigation measures identified in the FEIR and adopting rules and regulations for the use of the route; motion unanimously passed and adopted.

Resol. #2015-14/
Approving L.P. Rt.
#1 of the Adventure
Trails System

On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2015-14 was adopted designating Lone Pine Route #1 as identified in the Eastern Sierra ATV Adventure Trails System Project Application as a combined use route and adopting certain mitigation measures identified in the FEIR and adopting rules and regulations for the use of the route; motion unanimously passed and adopted.

County Counsel went on to provide the Board with a copy of a resolution that makes findings required by CEQA for the individual 7 designated combined use routes and adopting the Mitigation Monitoring and Reporting Program.

Resol. #2015-15/
CEQA Designate
Combined Routes
& MMP

On a motion by Supervisor Pucci and a second by Supervisor Tillemans, Resolution No. 2015-15 was adopted, making findings required by CEQA with regard to the 7 routes designated as combined use routes in the Adventure Trails System and adopting the Mitigation Monitoring and Reporting Program; motion unanimously passed and adopted.

Exhibit F
Inyo County Assembly Bill 628 Implementation Timeline

2011			2012												2013												2014												2015												2016											
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
AB 628 signed into law on October 7, 2011																																																														
AB 628 becomes State Law and amends the California Vehicle Code																																																														
Initial CEQA document - initially for future designation of routes, but restricted to just the County Implementing Procedures																																																														
Lawsuit on initial CEQA document																																																														
Initial application packet submitted by ATV Adventure Trails of the Eastern Sierra group - revisions made in response to County comments																																																														
County develops and submits Safety Determination requests to California Highway Patrol, sends notification to other agencies																																																														
County submits grant application to State Parks for 1) cost of CEQA document and 2) road equipment to maintain facilities																																																														
BLM, Caltrans, USFS, & CHP submit letters in response to notification																																																														
ATV Adventure Trails of the Eastern Sierra group submits revised application in response to agency comments																																																														
County submits revised Notifications to agencies																																																														
County receives State Parks Grant for time period from November 5, 2014 to November 4, 2015																																																														
CEQA review - creation of Environmental Impact Report																																																														
County submits revised Safety Determination request for Bishop area routes No. 1 to No. 4 - CHP responds																																																														
Board of Supervisors approves designation of combined-use applications																																																														
Staff negotiations with City of Los Angeles Department of Water and Power (LADWP) regarding starting point of four combined-use routes																																																														
Installation of signage required to open combined-use routes																																																														
Maximum extent of monitoring period for Pilot Program before submittal of report to Legislature																																																														
Notifications to land management agencies requesting feedback on designated combined-use routes																																																														
Deadline for submittal of report to California Legislature regarding designation of combined-use routes per AB 628																																																														
Combined-use routes designated pursuant to AB 628 sunset unless there is further legislative action by State																																																														



December 8, 2015

Courtney Smith
 Transportation Planner
 Inyo County LTC
 168 North Edwards Street
 Independence, CA 93526

Inyo County AB 628 Classification Survey

Introduction

This letter presents the results of a custom traffic classification survey conducted at six locations throughout Inyo County, California between November 5th, 2015 and November 8th, 2015. This custom traffic classification survey collected a total of 72 hours of data at each of the six study locations. The purpose was to collect usage data on combined-use routes within Inyo County.

Count Locations

The six count locations are shown in **Table 1**. Each of these locations are along a designated combined-use route. The locations are located near the communities of Bishop, Independence, and Lone Pine.

Road	Location	Nearest Community	Estimated Traffic Volume
Mazourka Canyon Road	On a dirt portion of the road about 7.2 miles from US 395	Independence (about 7.2 miles east of US 395)	<100 vehicles per day
Mazourka Canyon Road (dirt)	About 100 yards east of Clay Street	Independence (on the edge of town)	<100 vehicles per day
Lubken Canyon Road	100-200 yards west of US 395	Lone Pine (about a mile south of town)	<100 vehicles per day
Horseshoe Meadows Road	About 100 yards south of Lubken Canyon Rd	Lone Pine (about five miles SW of town)	~100-400 vehicles per day depending on the season
Poleta Road	About 100 yards east of Laws Poleta Road	Bishop (a few miles east of town)	~200-500 vehicles per day
Silver Canyon Road	Between Joe Smith Road and Laws Poleta Road	Bishop (a few miles east of town)	<100 vehicles per day

Table 1. Count Locations

Traffic Works, LLC
 6170 Ridgeview Court, Suite B
 Reno, NV 89519
 775.322.4300
 www.Traffic-Works.com

Methodology

Data was collected with video recording technology which was placed in the field for 72 hours at each site. The equipment was installed in the field during the afternoon and evening of Thursday, November 5th and was taken down during the afternoon and evening of Sunday, November 8th. The video files were reviewed and data compiled in the office after it was collected. All roadway user volumes shown in this report are the aggregate totals of all roadway users traveling in both directions along the study roadways.

Classifications

During data breakdown, roadway users were categorized into the following classifications:

- Quads/ATVs
- UTVs/Side by Sides
- Cars
- Pickups/Jeeps (4x4)
- Pickups w/ trailer
- Single-Unit Trucks
- Large Trucks
- Bicycles
- Pedestrians
- Equestrians
- Dirt Motorcycles
- Street Motorcycles

Results

Figure 1 shows the total volume of all users recorded at each site during the full 72 hour period. This graph shows that the Poleta Road location had the highest use followed by Silver Canyon Road.

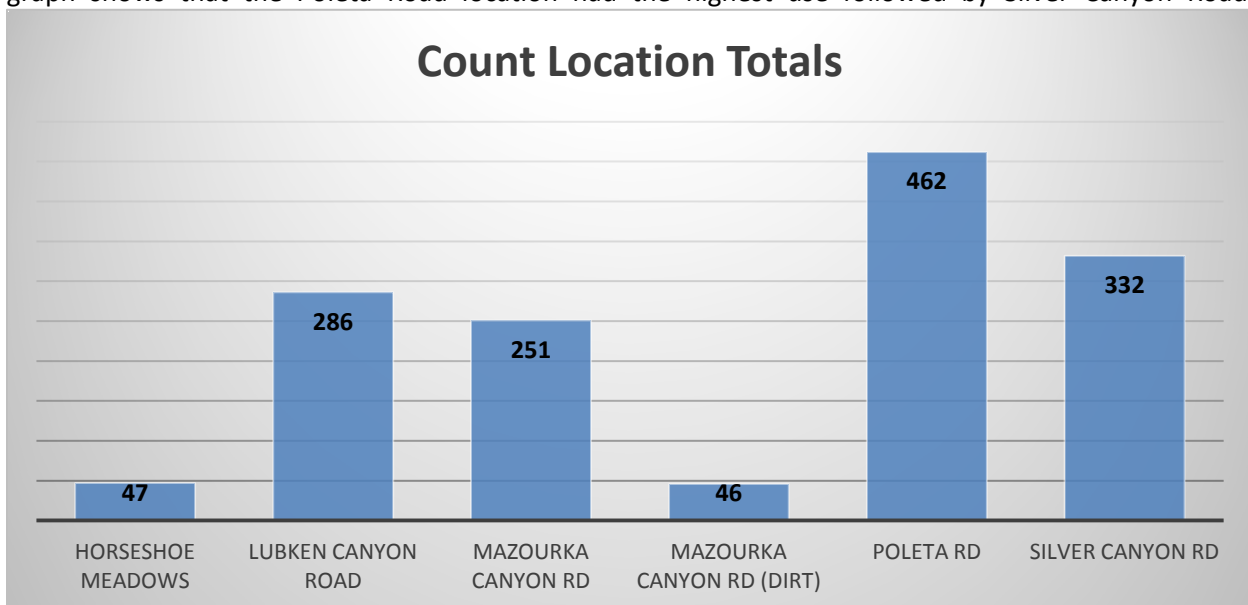


Figure 1. Count Location Totals

Mazourka Canyon Road (Dirt Road) recorded the lowest total volume, followed by the Horseshoe Meadows locations. A high percentage of the use on Mazourka Canyon Road was dirt motorcycles. Quads, ATVs, Side-by-Sides and other Off Highway Vehicles were observed throughout the study locations.

A graph for each location detailing the total volume recorded under each classification category is included in **Appendix A**. Additional information regarding the hourly classification totals for each location can be found in the attached data sheets.

Thank you for this opportunity to assist the Inyo County Local Transportation Commission with this matter.

Please do not hesitate to contact us at 775.322.4300 with any questions or concerns.

Sincerely,
TRAFFIC WORKS, LLC

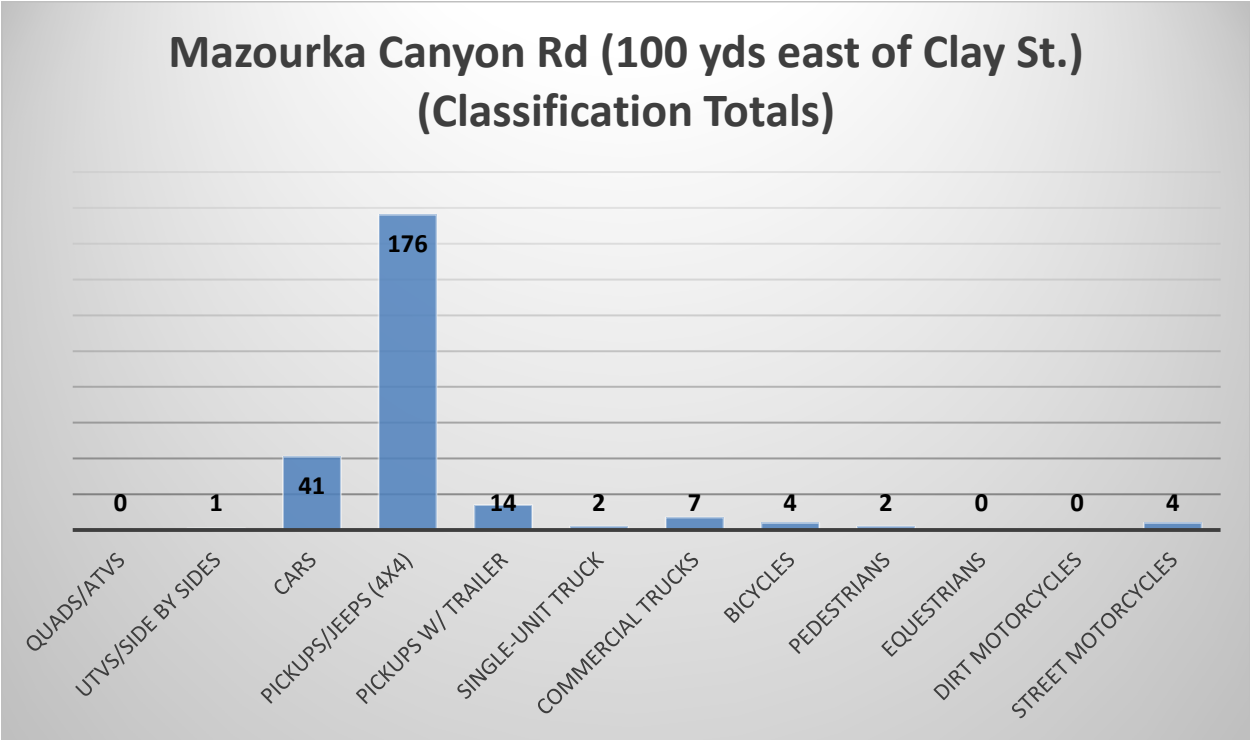
Loren E. Chilson, PE

Principal

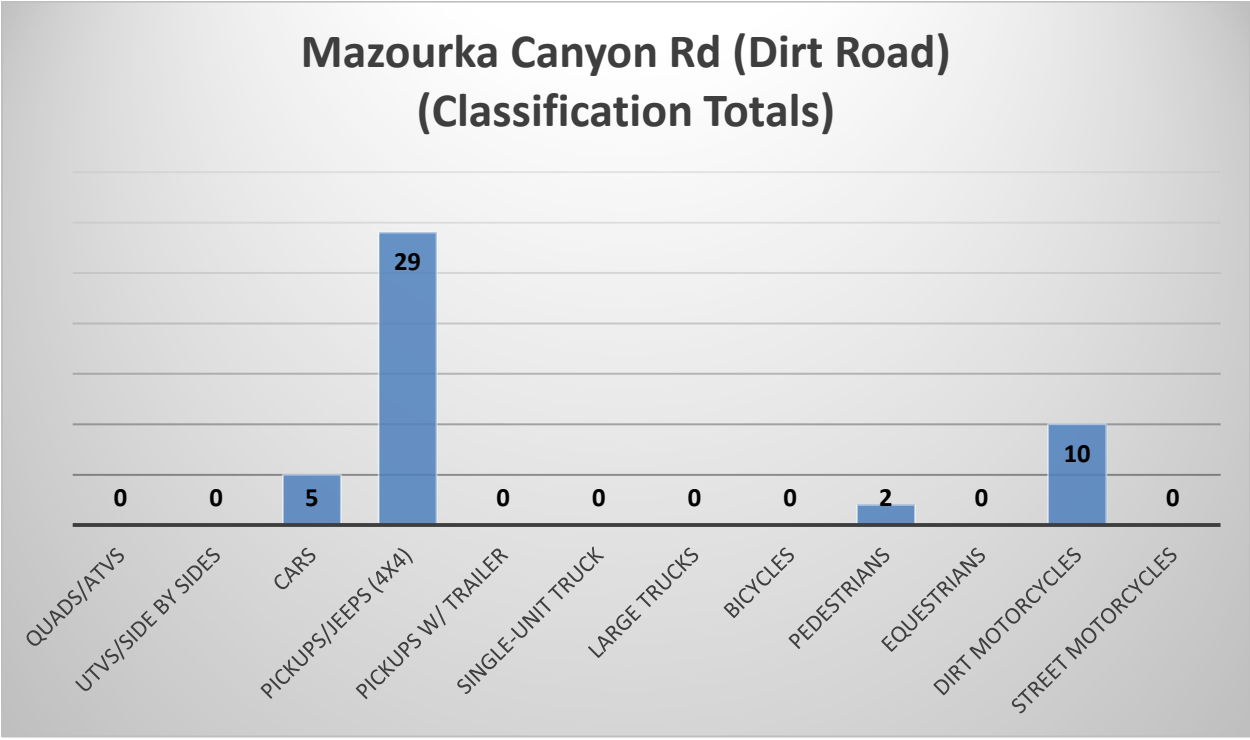
Attachments: 1) Traffic Classification Data Summary Sheets (6)

APPENDIX A

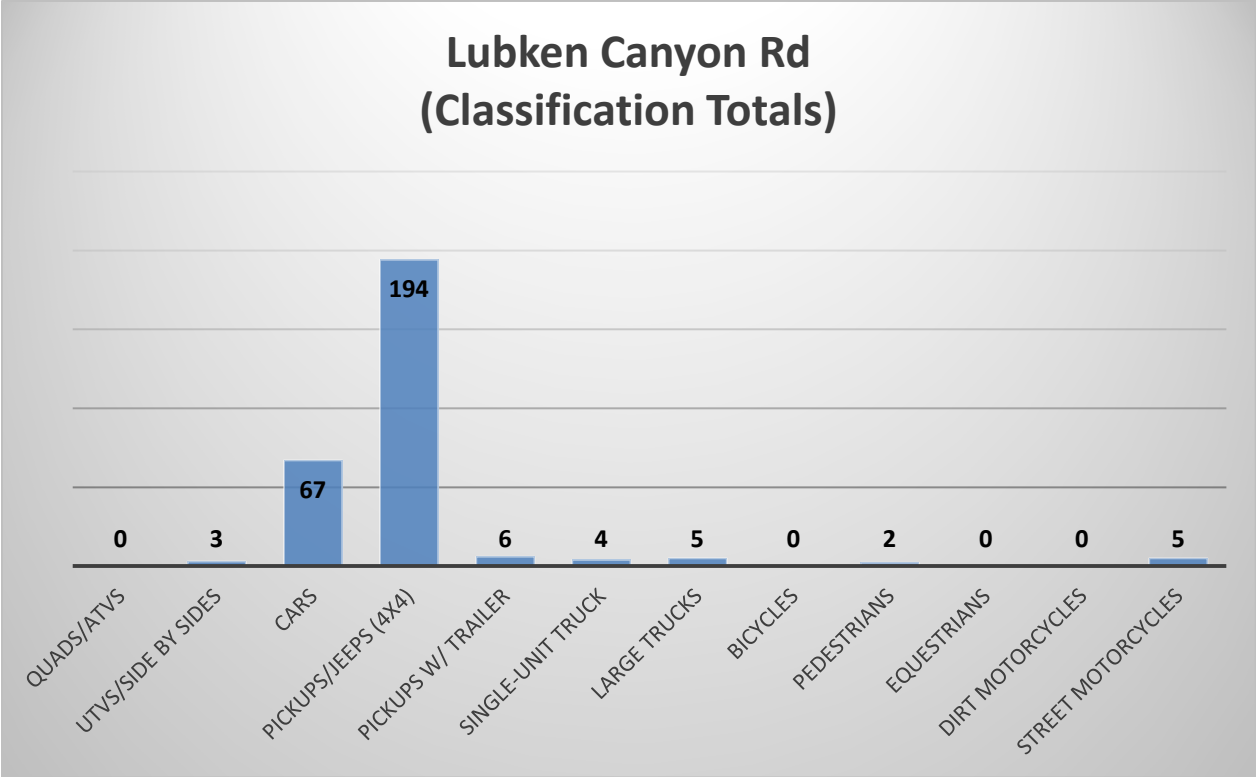
Mazourka Canyon Road (100 Yards East of Clay)



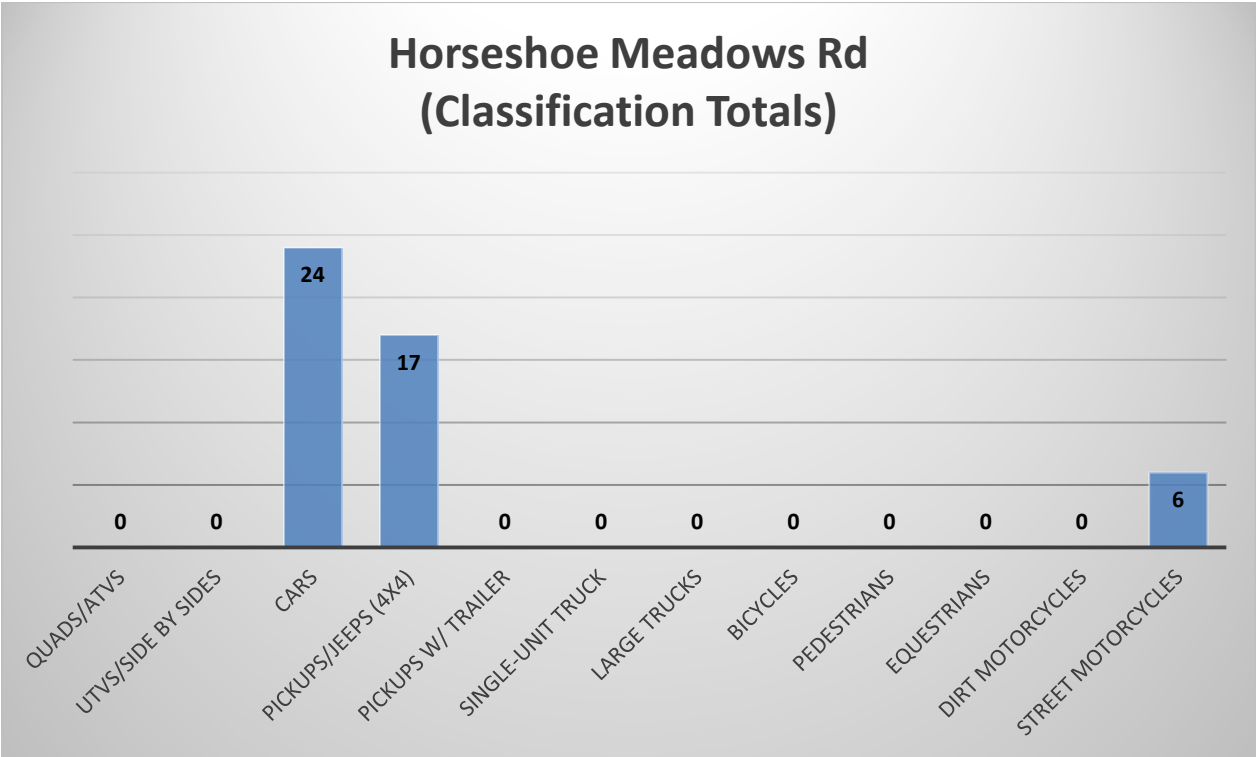
Mazourka Canyon Road (Dirt Road)



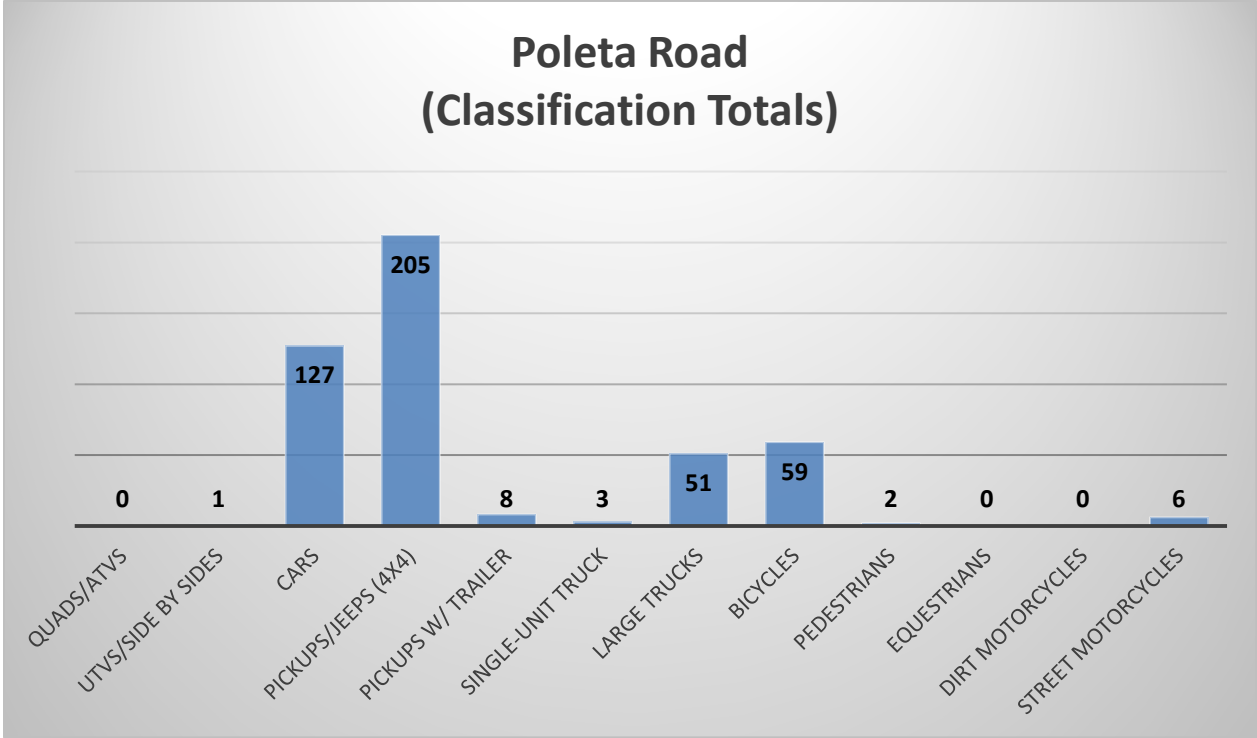
Lubken Canyon Road



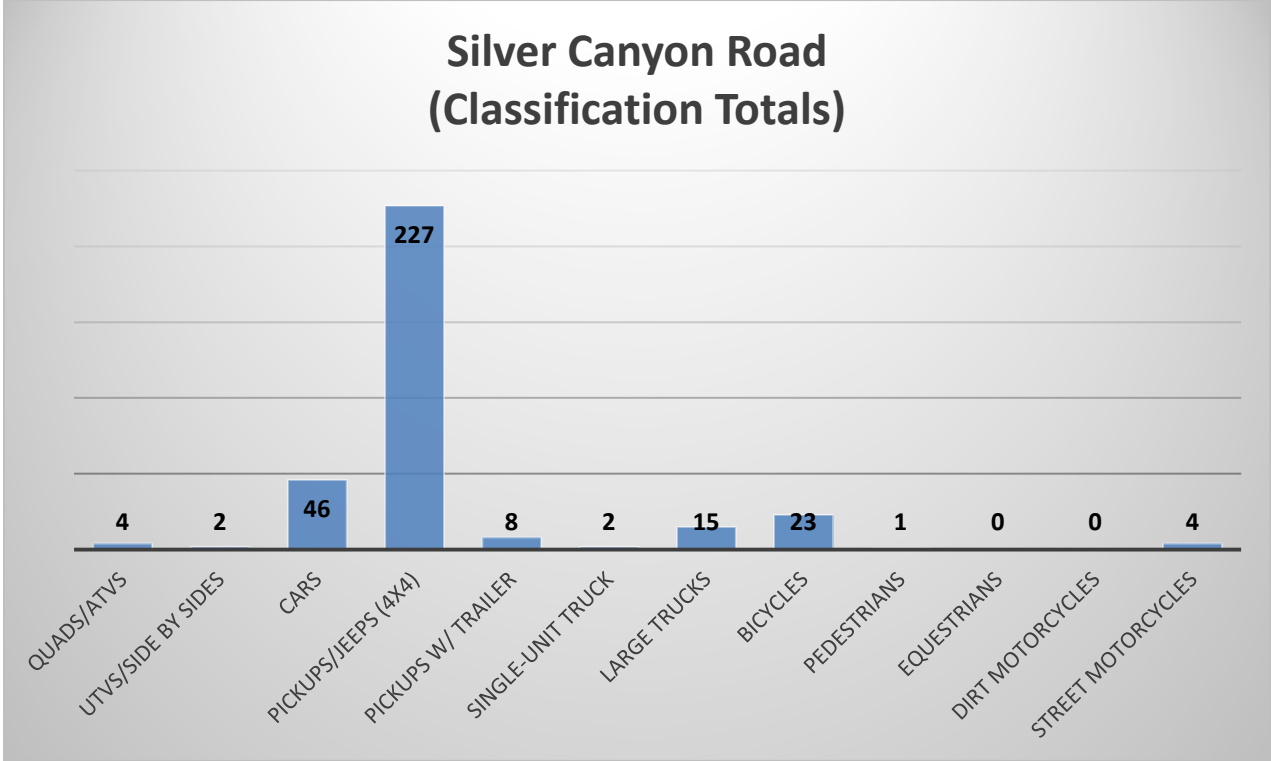
Horseshoe Meadows Road



Poleta Road



Silver Canyon Road



COUNTY OF INYO

Eastern Sierra Adventure Trails Draft Report

MEETING NOTES OF December 8th, 2015 MEETING

BOARD OF SUPERVISORS:

DAN TOTHEROH	FIRST DISTRICT
RICK PUCCI	SECOND DISTRICT (VICE-CHAIR)
JEFF GRIFFITHS	THIRD DISTRICT
MATT TILLEMANS	FOURTH DISTRICT
MATT KINGSLEY	FIFTH DISTRICT (CHAIR)

STAFF:

CLINT QUILTER	PUBLIC WORKS DIRECTOR
COURTNEY SMITH	SENIOR TRANSPORTATION PLANNER

The Public Works Department presented Eastern Sierra Adventure Trails Draft Report to the Legislature and requested the Board A) accept public comment on the Eastern Sierra ATV Adventure Trails System Pilot Project; B) conduct an initial review of a draft report to the California Legislature summarizing the Assembly Bill 628 combined use Pilot Project; and C) provide direction to staff regarding the draft report.

Mr. Courtney Smith, Senior Transportation Planner, presented the draft Eastern Sierra Adventure Trails Combined Use Pilot Project Report to the California Legislature as required by AB 628 and summarized the reporting requirements of the legislation. The Chairperson asked for public comment on the Project.

Earl Wilson, Lone Pine Resident, asked when and where the public hearing to consider the report would be held.

Randy Gillespie, project proponent, thanked County staff for compiling the report, and recommended the Board approve the report and direct staff to send it to the legislature. Mr. Gillespie noted that many people have commented on their enjoyment of the project so far, and expressed his hope that the program can be expanded in the future.

Supervisor Totheroh requested clarification of the traffic count study, asking whether the count was for one-way traffic, or included traffic in both directions. Mr. Smith clarified that the traffic count represented traffic in both directions. Supervisor Totheroh commented that the short time period the Adventure Trails has been operational has limited the ability to make conclusions on the impacts and successes of the project.

The Chairperson, Supervisors Kingsley, echoed Supervisor Totheroh's comments saying that he believes there is insufficient data to properly analyze the routes that have been open at this time. He suggested the County request the legislature extend the Project to allow the County to continue working with agencies like the Los Angeles Department of Water and Power (LADWP) and the U.S. Forest Service (USFS) to gain access to lands in order to open the remaining approved routes, which would give the County the opportunity to collect additional data on the Project and suggested the report be amended to include the request for an extension.

Supervisor Pucci commented that the County needs to continue working with other agencies so that the remaining four approved routes may be opened, and agreed that an extension on the Project would increase data to assess the viability of the Project.

Sam Dean, Bishop Resident, asked when the report was due, and suggested that the Board not ask for an extension unless it becomes evident that the Legislature is considering letting the legislation sunset. He went on to discuss the work the proponents are doing with agency landowners to allow the remaining approved routes to be opened.

Supervisors Tillemans commented that LADWP has expressed support for economic development in the Owens Valley, and he believes the Adventure Trails Program would be a Project they should support because of the economic benefit it brings to the County. He went on to request staff clarify whether the Adventure Trails program had any impact of road-legal motorcycles. Mr. Clint Quilter, Public Works Director, clarified that the Pilot Project Legislation did not impact motorcycles. Supervisor Tillemans noted that the Pilot Project allows for the beneficial regulation of ATVs and UTVs impact on the environment by providing defined routes for their use.

Supervisor Totheroh pointed out that the grant allowing for implementation of the Adventure Trails Program had been beneficial to the County; and supported the request for an extension in order to provide more time to gather additional information regarding usage and the economic benefits associated with the Program.

The Public Works Director asked for clarification on the suggestion to modify the draft report to explain the paucity (lack) of data available on the project so far, and to request an extension of the Project in order to gather additional information. The Chairperson, Supervisor Kingsley, clarified that he did not think the report should include a request for an extension at this time, but should include identification of the factors that have limited the implementation timeline including the hurdles associate with the environmental review and the obstacles presented in gaining access to LADWP and USFS lands in order to open the remaining four routes.

The Chairperson asked if the California Highway Patrol (CHP) and Inyo County Sheriff wished to report on complaints and/or incidents they have received on the project. Captain Tim Noyes reported that the CHP has not received any complaints on the project and confirmed they have been actively monitoring the approved routes. He explained that the CHP office had established a system to monitor and manage the Pilot Project internally. Captain Noyes went on to say that based on the route data collected so far he would be unable to make a recommendation one way or the other on the Project. Sheriff Bill Lutze reiterated the comments of the CHP, and added that the Inyo County Sheriff's Department has encountered many Adventure Trails users while on patrol and there had been no complaints or incidents to report. Mr. Sam Dean, Bishop Resident, addressed the Board to add that he believes that regulation of ATV and UTV use should reduce illegal behavior.

County Counsel requested that when the Board takes action on this item that the motion include ratification of the Clerk of the Board's notice of a public hearing scheduled for 11:00 a.m., December 15, 2015 in the Board of Supervisors Room, at the County Administrative Center, in Independence, to take public comment on the Project, explaining that said public hearing is a requirement of AB 628.

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to A) after a review of the draft report to the California Legislature summarizing the Assembly Bill 628 combined use Pilot Project, direct staff to amend the draft report based on today's discussion; B) schedule a public hearing to take public comment on the Project for 11:00 a.m., on December 15, 2015, in the Board of Supervisors Room, at the County Administrative Center in Independence; and C) ratify the Clerk of the Board's public hearing notice in regards thereto. Motion carried unanimously.

MEETING NOTES OF December 15th, 2015 MEETING

BOARD OF SUPERVISORS:

DAN TOTEROH	FIRST DISTRICT
RICK PUCCI	SECOND DISTRICT (VICE-CHAIR)
JEFF GRIFFITHS	THIRD DISTRICT
MATT TILLEMANS	FOURTH DISTRICT
MATT KINGSLEY	FIFTH DISTRICT (CHAIR)

STAFF:

CLINT QUILTER	PUBLIC WORKS DIRECTOR
COURTNEY SMITH	SENIOR TRANSPORTATION PLANNER

The Public Works Department presented Eastern Sierra Adventure Trails Draft Report to the Legislature and requested the Board A) conduct a public hearing to take public comment on the Eastern Sierra ATV Adventure Trails System Pilot Project; and B) approve the submittal of a Report to the Legislature summarizing the Assembly Bill 628 Pilot Project

The Chairperson opened the public hearing at 11:38 a.m. to take public comment on the Eastern Sierra ATV Adventure Trails System Pilot Project;

Mr. Courtney Smith, Senior Transportation Planner, presented the Eastern Sierra Adventure Trails Combined Use Pilot Project Report to the California Legislature as required by AB 628 and summarized the report.

The Chairperson asked for public comment on the Project.

Mike Johnston, President of the Eastern Sierra 4WD Club, supported the project and said that the OHV organizations support access and staying on designated routes. He emphasized how important education is to the Project and said that the various OHV groups are doing their part to educate users.

Earl Wilson, Lone Pine Resident, stated that he believes signage is required to more clearly mark the end of the combined-use routes. He would like to see a sign that reads: "No ATV use beyond this point." He said that currently there is a plastic stake on the ground to denote the location. He lodged complaints regarding two illegal uses of non-street legal vehicles. One was an ATV driving with spotlights at 9:00 p.m. on Horseshoe Meadows Road on the curve before Carroll Creek and the second was a sand rail traveling at a high rate of speed on Movie Flats Road. The Chairperson clarified that while the activity he cited was illegal, the incidents had not occurred on the Pilot Project ATV approved routes.

Philip Anaya of Bishop said that he believes that ATVs tend to abuse their privilege of access. He went on to say that marketing for these vehicles emphasizes the conquest of nature and that few OHVs don't speed. He stated he believes the County is taking on a large liability risk through Section 38026.1(d)(1) of the Vehicle Code and that this burden goes to all taxpayers in Inyo County. (It was clarified later in the discussion that insurance is required.)

Doug Brown, Bishop Area Resident, said that he fully supports the Project. He said that his family operates businesses on leased City of Los Angeles Department of Water and Power (LADWP) land. He said that two of the businesses are at the start points of two approved combined-use routes that have not been opened because of access issues with LADWP and he would like to see these routes opened as soon as possible. He went on to report that he hasn't heard of any ill effects created by the project so far.

Glen Clark of Bishop thanked the Supervisors for their support of the Project, saying this is a great program for the County. He went on to say that the County needs this program and it will provide many benefits to our County.

Steve Toomey said that the project is great, though it is too fragmented and he thought the Project would be more effective if it provided greater coverage.

Randy Gillespie, of the Eastern Sierra Adventure Trails System, LLC., stated that the Project has gone smoothly so far. He said he felt the only negative is that more routes haven't been designated. He suggested that if additional data is needed, the State should look to similar projects in Utah that have been on the ground for more than ten years.

Supervisor Jeff Griffiths took the opportunity to clarify, in answer to Mr. Anaya's comments regarding insurance liability, that insurance is required by users of the combined-use routes per the Vehicle Code.

Supervisor Mark Tillemans said everyone is concerned with the environment and this Project highlights the difference between managed vs. unmanaged. He went on to say education is key to making this Program successful in protecting the environment. He noted that the program is already in place, and the legislation extended the allowable limit for combined-use from 3 to 10 miles to suit our rural setting in order to better maximize environmental protections offered by a managed route system.

Supervisor Rick Pucci supported moving forward to expand the Program, saying the only complaint he has heard is that there are not enough routes. He noted that the Project was whittled down to 7 routes and it is a shame the County has only been able to open three routes. He also noted that the use of the County combined-use roads by OHVs is only allowed during daylight hours.

Supervisor Dan Totheroh concurred that he hasn't heard any negative comments on the combined-use routes; but has heard negative comments about OHVs from areas where there are not combined-use routes.

Supervisor Jeff Griffiths agreed that he also has not heard negative comments about the designated routes, and now it is time to see what happens with the State regarding the amount of data that is available by submitting the report.

Supervisor Totheroh had heard a complaint that it was difficult to find and utilize the Monitoring and Reporting web page and asked staff to look into this complaint.

Supervisor Tillemans said the County had reached consensus out of controversy on this project and the County should pursue the necessary steps to open routes that link to U.S. Forest Service land.

The Chairperson, Supervisor Matt Kingsley, said he would like to see comments on the Program split between those that are specifically about the combined-use routes and those that are not applicable. He said he felt LADWP has hampered the feasibility of the Report by not providing the County with the access to open four of the approved routes. He said he supported having the County request a three year extension and noted that there are other California counties that would support our request to extend the pilot project so more data can be gathered, because they are interested in this type of project for their County. He said he doesn't believe there is enough data in the report for the Legislature to enact the Legislation into law.

Supervisor Pucci said that while he was traveling on one of the approved routes on an OHV there was a parked car that appeared to be taking notes. He said he must have been using the route appropriately because he has not heard any complaints.

Earl Wilson clarified his earlier comments saying he would like to see signs that read 1) this is the end of the Approved ATV Route, No ATVs Beyond This Point, and 2) This is the Turn-in to the combined-use route.

Supervisor Tillemans noted that he supports the revisions to the Report and to the cover letter that were made since the last meeting that stated there hasn't been enough time to gather information.

The Chairperson closed the public hearing at 12:15 p.m.,

Moved by Supervisor Rick Pucci and seconded by Supervisor Tillemans to approve the Report to the California Legislature summarizing the Assembly Bill 628 Pilot Project and authorize staff to submit. Motion carried unanimously.