

MINUTE ITEM

This Calendar Item No. 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to 0 at its 11/31/85
meeting.

CALENDAR ITEM

A 34
S 25

25 1

01/31/85
W 23454 PRC 6784
Sanders
Reese
Grimes

APPROVAL OF APPLICATION
FOR ORV RACE

APPLICANT: Score International
31356 Via Colinas, Suite 111
Westlake Village, California 91362

Score International has made applications to various State agencies, the County of San Bernardino, the Bureau of Land Management, and various private and quasi-public agencies to allow the Parker 400 motorcycle road race to be run on February 1, 2 and 3 of 1985. This will be the 12th consecutive race over the same general course.

The State Lands Commission has jurisdiction over a total of 1.6 miles of the 199 mile race course. This mileage occurs on the State school land parcels north of Vidal Junction in San Bernardino County (see Exhibit "A"). One site is over a paved road, the other two are on existing desert dirt roads.

Score International has received all necessary permits except that of the State Lands Commission.

Planning and Environmental Discussions of the Parker 400

The Parker 400 motorcycle race was one of three competitive motor vehicle events specified in the California Desert Conservation Area Plan (1980) which was adopted by the Secretary of the Interior in 1981. The Federal Bureau of Land Management (BLM) is responsible for administering the plan. The specific corridor for the race was designated on the land use classification maps for the area's management.

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The plan was the subject of a Final Environmental Impact Statement (FEIS) which was circulated through the State Clearinghouse (SCH #80031913) during early 1980. The FEIS, Appendix C, contains specific criteria for the conduct of such races. In 1981, the BLM prepared an Environmental Assessment (EA) which formed the basis of a three year authorization of the race. During this same period, the County of San Bernardino served as the lead agency under the provisions of the California Environmental Quality Act (CEQA).

The BLM, for the next three year authorization for the race, prepared an EA/EIR and circulated it through the State Clearinghouse from November 8 - December 7, 1984 (SCH #84110519). Contrary to previous years, however, no State lead agency was designated for the project. Heretofore, this had been the County of San Bernardino. It was not clear until December 13, 1984 that the County was again to serve as the Lead Agency. This fact was confirmed in a letter from the Governor's Office of Planning and Research (OPR) to the County which was dated December 13, 1984.

A number of State agencies commented on the EA/EIR as to its procedural inadequacy (Sections 15367 and 15379 of the State EIR Guidelines provide that federal agencies cannot function as a CEQA lead) and its environmental analysis. The BLM finalized their document on December 22, 1984. It was not until January 7, 1985 that the County held a hearing before the planning commission to obtain "environmental comments" on the Parker 400. Based on that hearing, the County Planning Department prepared and adopted a Negative Declaration (N.D.), with mitigation. The action by the County is procedurally inadequate. Specifically, 1) the County did not consult with all responsible agencies to determine the level of analysis required as provided in Section 15063(g) of the EIR Guidelines; 2) the N.D. was not circulated through the State Clearinghouse for review and comment as required by Section 15073 of the Guidelines; 3) the Guidelines specify, Section 15070(b), that the project must be changed prior to the conduct of a N.D. and not "mitigated" subsequent to or based on the N.D.; and 4) the N.D. was adopted by the County Planning Department instead of the County Board of Supervisors as required by Section 15074(b) of the Guidelines. A copy of the County's document which specifies 46 conditions is contained in Exhibit "B".

The Commission's alternatives in determining the adequacy of the Lead Agency's documentation are contained in Section 15096(e) of the Guidelines.

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Although staff believes that the documentation is inadequate as described above, the staff of the Commission believes that sufficient information regarding the environmental effects of the proposed project on the State's parcels exists for the Commission to act on the requested permit. Such information exists in the Final EIS for the California Desert Conservation Area Plan, and in the EAS prepared by BLM as referenced herein.

EXHIBITS: A. Location Map.
 B. County Document.

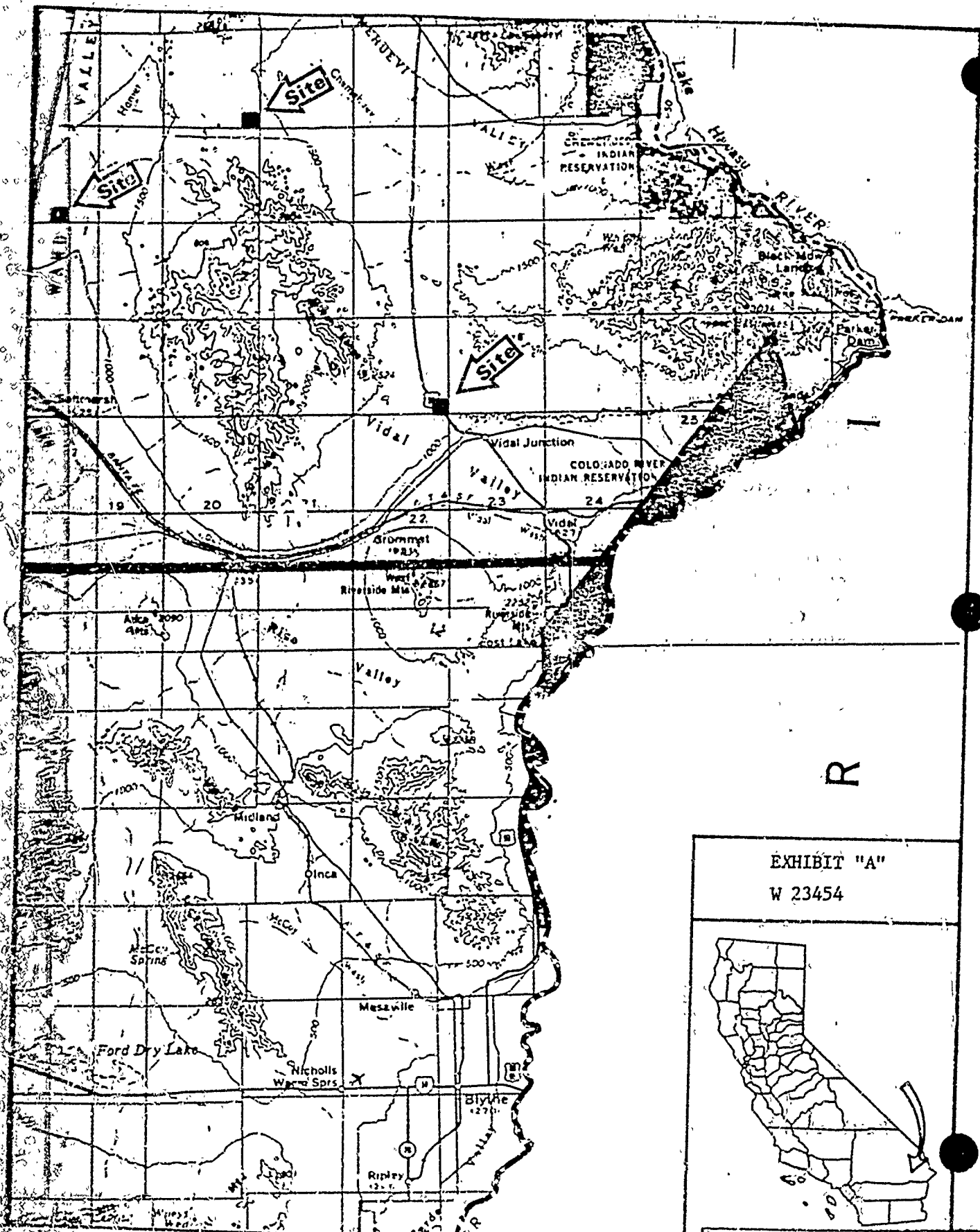
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED FOR THIS PROJECT BY THE COUNTY OF SAN BERNARDINO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN;
2. DETERMINE THAT THE PROJECT, AS CONDITIONED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; AND
3. AUTHORIZE THE ISSUANCE OF A 3-DAY RECREATIONAL GENERAL PERMIT (FEBRUARY 1, 2, and 3, 1985) TO SCORE INTERNATIONAL OVER DESIGNATED ROADWAYS OVER STATE SCHOOL LANDS IN SECTIONS 36, T2N, R27E, T4N, R18E AND 5N; R20E ALL SBB&M AS SHOWN ON EXHIBIT "A" ATTACHED. SAID PERMIT SHALL BE FOR A TOTAL RENTAL OF \$250, AND REQUIRE THE STATE TO BE A CO-INSURED OR ADDITIONAL INSURED ON AN ALL INCLUSIVE LIABILITY POLICY IN THE AMOUNT OF \$5,000,000 AND A BOND OF \$5,000.

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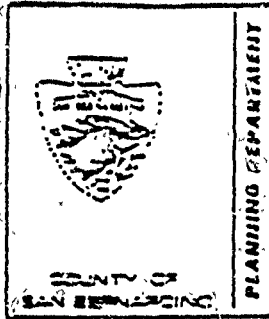
EXHIBIT "A"
W 23454



DATE ON PAGE 123
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EXHIBIT B

HEARING DATE Director Action
AGENDA ITEM NO. _____
ROUTINE ITEM X
NON-ROUTINE ITEM _____
TAPE REF. NO. _____



PLANNING STAFF REPORT
HEARING TO BE HELD IN THE:

5861-97

COMMUNITY: TURTLE MOUNTAIN
APPLICANT: SCORE INTERNATIONAL, INC.
FILE/INDX: PHSA/81-0650/D1177-130N/
PROPOSAL: SITE APPROVAL FOR PARKER 400
OFF-ROAD VEHICLE RACE

LOCATION: TURTLE MOUNTAIN ROAD, SOUTH OF:
EAST OF OLD WOMAN MOUNTAINS, NORTH
OF RICE AND WEST OF WHIPPLE MOUNTAINS
REP: BUREAU OF LAND MANAGEMENT

None HEARING NOTICES SENT ON _____ REPORT PREPARED BY Fred Hinshaw
COMMISSION FIELD INSPECTION BY N/A INSPECTION DATE N/A

PARCEL SIZE: 8.3 miles, course width generally 30-40 feet wide.
TERRAIN: Existing roads and course route from previous events.
VEGETATION: Creosote scrub community, some desert wash species.
EXISTING LAND USE: Right of way for MWD, existing roads for mining and other uses.
EXISTING ZONING: DL
SURROUNDING LAND USE/ZONING/GENERAL PLAN DESIGNATION
NORTH: DL/RCN/VACANT
EAST: DL/RCN/VACANT
SOUTH: DL/RCN/VACANT
WEST: DL/RCN/VACANT
GENERAL PLAN/DESIGNATION: RESOURCE CONSERVATION/MOUNTAIN DESERT MAP

AGENCY _____ COMMENT _____
CITY SPHERE OF INFLUENCE: N/A CALENDAR PAGE 123.1
WATER SERVICE: N/A MINUTE PAGE 360
SEWER SERVICE: Portable toilets Per EHS requirements
ADDED 01/30/85

ANALYSIS: The course alignment has been approved by the BLM and the County in the past. The private lands of the course have been determined to not be sensitive and race stipulations have been developed to accomodate the project.

FINDINGS: SITE APPROVAL

1. The Environmental Hearing Officer _____ on Jan 7, 1985 determined that this project would have a non-significant effect with mitigations on the environment.
2. The proposed use is consistent with the General Plan because of policy of coordination between local and federal agencies for provision of recreational uses within the RCN designation.
3. The site is adequate in size & shape for the proposed use because adequate course widths are provided and staging areas for the event.
4. The site for the proposed use has adequate access because local roadways and State Highways 62 and 95 provide direct access.
5. The proposed use will not have an adverse effect on the use of surrounding property because of conditions of approval, event is for once a year and area is remote. The applicant has received permission from the effected property owners.
6. The design and layout of the proposed use is suitable because adequate area exists for race and race related activities
7. (Other) _____

RECOMMENDATION: Approve the site approval with conditions, Certify the Mitigated Negative Declaration and file a Notice of Determination.

Based upon the analysis and findings, staff recommends approval of the Location and Development Plan for the Off-Road Vehicle Race, subject to the following conditions:

1. This approval is for the event to be held on February 1, 2, and 3, 1985, January 31, February 1, 2, 1986 and January 30, 31, February 1, 1987. The Planning Officer has the option of converting application within any given year to Public Hearing Site Approval, or requiring yearly review, if changes in course, ownership, or environmental conditions warrant.
2. The applicant shall insure that spectator impacts expected to affect public lands will not occur on private lands unless accounted for in the Location and Development Plan as approved by BLM and County.
3. Dust control measures shall be exercised one day prior to and during race in all pit and spectator areas.
4. The race course will follow a definite and plainly marked route consisting of roads and trails as shown on the approved plan. All race and support vehicles shall not deviate from the approved route. Passing will not be allowed on (MWD) Metropolitan Water District roads or right-of-way; these areas shall be marked with pennant ribbons or other suitable means.
5. Adequate numbers of safety patrolmen and/or markings must be provided by permittee to regulate spectator movement.
6. Spectator areas will be designated on all course maps, and all spectators shall be directed to those areas.
7. Spectator areas must be marked at least 2 days prior to the race.
8. Flagmen will be posted by the applicant at each side boundary of every siphon, road, telephone or transmission line crossing, or any other such private and/or public facilities.
9. Applicant will provide race monitors at all checkpoints, spectator viewing areas and traffic control points designated on the approved plan, occurring on private lands.
10. Any unauthorized use of private lands outside the course zone shall be considered trespassing and handled accordingly.
11. Applicant shall advise all race participants, safety monitors, cleanup crews and other personnel connected with the race about any hazard areas and of routes, regulations, sanitation and safety procedures.
12. Pre-running during periods covered by this Location and Development Plan shall not be allowed at race speeds. Pre-running on dates not covered by this Site Approval is not part of the permitted action.
13. No change of the route on private land is allowed without County approval.
14. Traffic control points will be located at all highway crossings in compliance with applicable state laws to control race vehicles.

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CONDITIONS OF APPROVAL (continued):

15. The applicant shall assure that all racing vehicles and support vehicles remain on the approved course or use public highways.
16. The applicant shall take all necessary measures to adequately provide for the public safety of the participants, spectators and others.
17. All race personnel, contestants and spectators will be advised of military ordnance contaminated areas and the possible danger involved.
18. Applicant shall take every reasonable precaution to protect natural resource values and any improvement on the private lands involved.
19. The applicant shall provide cleanup and sanitation crews to remove all markers and other debris and litter left on private & MWD land as a result of this race within fourteen (14) days following the race, to the satisfaction of the County Planning Officer or his designee.
20. The applicant shall repair and/or restore any improvements on private lands that may be damaged as a result of this race. This must be accomplished to the satisfaction of the property owners or the San Bernardino County Planning Officer or his designee.
21. Applicant shall take all reasonable precautions to prevent and suppress brush and grass fire and to prevent polluting of waters on or in vicinity of the lands.
22. There shall be no disturbing of archaeological and historical values, including but not limited to, petroglyphs, ruins, historic buildings, and artifacts.
23. All cultural values uncovered through authorized operations must be left in place.
24. All archaeological sites must be protected in an inconspicuous manner, e.g., rock barriers, discrete patrolling to redirect spectators to designated viewing areas.
25. All archaeological sites must be protected by use of extra pennant ribbons to confine course widths, and applicant shall post a bond to allow for the salvage of information from sites disturbed through non-compliance with this condition on private land. Bond amount to equal \$5000.00.
26. The applicant shall report to the County any race violations resulting in fines, and corrective actions to be taken during future events.
27. The applicant shall indemnify, defend and hold harmless San Bernardino County and/or its agencies and representatives against and from any and all demands, claims, or liability of every nature whatsoever, including but not limited to damages to property, injuries to or death of persons, arising directly or indirectly from or in any way connected with the permittee's use and occupancy of the lands described in this or with the event authorized under this approval.

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CONDITIONS OF APPROVAL (continued):

28. The applicant shall insure, with a licensed insurance company, against any damages and that all parties agree that the County is in no way responsible for any risks associated with the running of the event and that the County shall be protected via the applicant's insurance policy. San Bernardino County shall be named as an additional insured on the insurance policy. The applicant shall submit a copy of the policy and endorsement to the County.
29. The applicant shall be bonded against any damages and that all parties agree that the County is in no way responsible for any risks associated with the running of the event; and that the County may be protected via the applicant's insurance policy.
30. The applicant shall observe all federal, state and local laws and regulations associated with the race. The applicant shall keep the site in a neat, orderly and sanitary condition.
31. Applicant shall observe all federal, state and local laws and regulations applicable to the regulations for the protection of wildlife.
32. The applicant shall comply with the requirements of the Environmental Health Services Department, including adequate portable restroom facilities.
33. Dumping of recreation vehicle holding tanks is prohibited except at authorized sanitation sites approved by Environmental Health.
34. Applicant shall provide San Bernardino County a copy of the host (BLM) Environmental Evaluation Report for review and adoption.
35. Applicant shall comply with any other conditions required by the MWD.
36. Applicant shall comply with all the conditions required by the Mitigated Negative Declaration issued for this project. Modification of these conditions would require the matter to be sent back for additional Environmental Review.
37. A violation of these stipulations could result in immediate revocation of the site approval for the private lands.
38. Only the road along MWD's transmission right-of-way and along its fee-owned lands can be used for the course.
39. If the applicant is not able to obtain approval of those private land owners across whose properties the race is scheduled, the race shall be rerouted onto BLM or MWD lands, with their respective approvals.
40. The applicant shall comply with all B.L.M. permit stipulations.

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CONDITIONS OF APPROVAL (continued):

41. Applicant will provide the County with annual letter no later than five (5) months preceding an event indicating any change in course status. If there is no change in status, ownership, or any unique or new extraordinary conditions exist, the approval shall be valid for a period of three years (1985 - 87).
42. Applicant shall agree that in the event the County adopts "Special Event" ordinance, or any other similar ordinance covering off-road vehicle events during the life of this site approval, that he will comply with all new requirements and/or regulations associated with said ordinance. This could mean annual review of such applications.
43. Planning staff shall be responsible to annually review any post race reports, evaluations, BLM submittals, etc.; to determine status of the yearly event. Any need for alteration of conditions, stipulations, etc. shall be paid for by the applicant.
44. The applicant shall not hold event on Quartsite POW WOW date to reduce traffic congestion.
45. The applicant shall provide for law enforcement officers (minimum of four) to assist in spectator control. Officers must have California Peace Officer authority.
46. Applicant shall prevent all free play riding in the race, pit, start, and spectator areas on private lands. Applicant, BLM or State Fish & Game staff to inform County within 1 week of race the status of said compliance, instances of violations, etc. County will utilize such information prior to authorizing use of this permit for any subsequent races. (i.e; develop complete mitigation and enforcement plan).

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