

1 **3.10 LAND USE AND PLANNING**

LAND USE AND PLANNING – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **3.10.1 Environmental Setting**

3 The Project area is currently designated as an OHV recreational area and currently
 4 provides OHV access trails around the perimeter of the Project area. A portion of the
 5 designated OHV area is dense with vegetation making OHV and pedestrian access
 6 difficult (Figure 2.2-1). No communities are within the Project area.

7 The proposed Project Area was identified in the California Desert Conservation Area
 8 Plan, West Mojave Plan (CDCAP WMP) (BLM 1999). It covers approximately 9.3 million
 9 acres in portions of the Mojave Desert including parts of San Bernardino, Los Angeles,
 10 and Inyo Counties.

11 **3.10.2 Regulatory Setting**

12 No Federal or State laws and regulations pertaining to land use and planning and
 13 relevant to the Project have been identified. The following goals and policies related to
 14 land use for State Parks are from the San Bernardino County 2007 General Plan:

- 15 • Chapter VI. Open Space Element – Section B. Goal OS 1. Countywide Goals
 16 and Policies of the Open Pace Element. Plentiful open spaces, local parks, and a
 17 wide variety of recreational amenities for all residents would be achieved by:
 - 18 ○ **OS 1.1.** Provide for uses that respect open space values by utilizing
 19 appropriate land use categories on the Land Use maps. Land use zoning
 20 districts appropriate for various types of open space preservation include:
 21 Agriculture (AG), Floodway (FW), Resource Conservation (RC), and Open
 22 Space (OS).
 - 23 ○ **OS 1.2.** Support retention of open space lands by requiring large lot
 24 sizes, high percentage of open space or agricultural uses, and clustering
 25 within the AG, FW, RC, and OS Land Use Zoning Districts. Evaluate the
 26 value of surplus County property for open space uses so that all actions
 27 are consistent with the land use policy map.

- 1 ○ **OS 1.6.** The Regional Parks Department shall continue to identify and
2 acquire future sites suitable for siting new regional park land to keep pace
3 with public need.
- 4 ○ **OS 1.8.** Ensure that the variety of recreational experiences at Regional
5 Park sites meets the needs of the region.
- 6 ○ **OS 1.9.** Ensure that open space and recreation areas are both
7 preserved and provided to contribute to the overall balance of land users
8 and quality of life.
- 9 ● California Desert Conservation Area Plan, West Mojave Plan 1980, as amended
10 (amended in 1999): To conserve and protect the wildlife such as the desert
11 tortoise, the Mohave ground squirrel and nearly 100 other sensitive plants and
12 animals and the natural communities of which they are a part.

13 **3.10.3 Impact Analysis (CEQA)**

14 **a) *Physically divide an established community?***

15 **No Impact.** Since improvements will take place within an existing Park; because
16 there are no communities within the Project area, an established community will
17 not be divided by the Project.

18 **b) *Conflict with any applicable land use plan, policy, or regulation of an*** 19 ***agency with jurisdiction over the project (including, but not limited to the*** 20 ***general plan, specific plan, local coastal program, or zoning ordinance)*** 21 ***adopted for the purpose of avoiding or mitigating an environmental effect?***

22 **Less than Significant Impact.** The analysis contained in the 2012 IS Checklist
23 prepared by the County addresses the potential conflict with any applicable land
24 use plan, policy, or regulation of an agency with jurisdiction resulting from the
25 implementation of the Project by identifying the purpose of avoiding or mitigating
26 an environmental effect through mitigation measures (SBC 2012). Based on this
27 analysis, desert wash/riparian habitat may be impacted within the Project area
28 with the implementation of Phases 1 through 3 and nesting birds may be
29 impacted in the north and south peninsula area (BLM 1999).

30 Although minor temporary impacts are expected to result to desert wash/riparian
31 habitat during Phases 1 through 3 of the Project, the implementation of the
32 Project would restore and create high quality open backwater habitat for fish to
33 include wetland and upland habitat for riparian species. Therefore, the Project as
34 implemented will not conflict with any land use plan or policy.

35 **c) *Conflict with any applicable habitat conservation plan or natural*** 36 ***community conservation plan?***

37 **Less than Significant Impact.** While temporary impacts to desert wash/riparian
38 habitat would occur, implementation of the Project and maintenance of the area
39 under the LCR MSCP would be in compliance with the CDCAP WMP. Therefore,
40 there would be no conflict with any applicable habitat conservation plan.

1 Furthermore, the Project is not in an area or near any natural community
2 conservation plans.

3 **3.10.4 Environmental Consequences (NEPA)**

4 **No Action Alternative**

5 The No Action Alternative would have no impacts related to Land Use and Planning.
6 The Project would not be implemented and the Project area would be managed as a
7 Regional Park described in Section 3.10.1.

8 **Proposed Action (Project)**

9 The Project area is located within an area that is currently designated as an OHV
10 recreational area. The Project would not conflict with the OHV designation as
11 Reclamation, CDFW, and the County have agreed that management of the backwater
12 for LCR MSCP purposes is compatible with the Park. Implementation of the Project
13 would not prohibit or encourage continued OHV within the newly created backwater
14 habitat. OHV use would likely continue around the perimeter of the Project area where
15 OHV access trails are already established (Figure 2.2-1).

16 The Project would not result in the division of communities since no communities are
17 within the Project area. Activities described in Phases 1 through 3 may have the
18 potential to temporarily conflict with the desert wash/riparian habitat conservation
19 provisions of the CDCAP WMP. However, the completed Project would be in
20 conformance with the CDCAP WMP.

21 **Cumulative Impacts**

22 The analysis area for potential cumulative impacts related to Land Use and Planning
23 was defined as the Project area because no potential impacts are anticipated outside of
24 the Project area. No cumulative impacts are anticipated because of the mitigation
25 measures that would be implemented under the Project are expected to prevent or
26 minimize impacts relating to Land Use and Planning.

27 **3.10.5 Mitigation Summary (CEQA Only)**

28 The Project would not result in significant impacts related to Land Use and Planning.
29 Therefore no mitigation is required.