July, 2013

Dear Reader:

Please find attached the Public Scoping Materials for the Bureau of Land Management’s (BLM) Case Mountain Potential Craig Ranch Acquisition Project. This project specifically addresses the opportunity to acquire a portion of the Craig Ranch which sits adjacent to the BLM-administered public lands at Case Mountain. The acquisition provides the BLM with a prospect for resolving long standing public access issues at the current legal public access on Skyline Drive. As such, the attached document explores these issues and presents two action alternatives – based on existing management direction and feedback received from the public at a May 29th 2013 Public Workshop in Three Rivers, California - that propose management and infrastructure changes relative to public access at Case Mountain given the opportunity to acquire, or not acquire, the aforementioned parcel of private property.

The attached Public Scoping Materials – including discussion of the issues, management guidance, alternatives, maps and engineering plans – are provided to inform the public and allow for additional public input on the project prior to the initiation of an environmental analysis – that will ultimately lead to the selection of a preferred (proposed) course of action. Your review and input is requested to ensure the BLM has accurately captured the issues and management concerns as they currently exist and to ensure the most feasible and viable alternatives have been considered.

Beyond this public comment period, an additional public review of the preferred (proposed) alternative and environmental analysis will be accommodated prior to a final decision by BLM management.

Comments will be accepted for fifteen (15) calendar days following the publication and distribution of these public scoping materials. The BLM can best utilize your comments submissions if received within the review period and address specific details of the attached document.

It should be noted, that any personal information, including name and contact information will become part of the official record for this project and may be distributed should that specific information be requested.

Comments may be submitted electronically to: pdewitt@blm.gov; or by mail to:

Attn: Outdoor Recreation Planner
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, California  93308-6837

Sincerely,

Gabriel Garcia
Field Manager, Bakersfield Field Office
Case Mountain Potential Craig Ranch Acquisition
Public Scoping Materials

Proposed Case Mountain ERMA / Kaweah ACEC
Tulare County, California

United States Department of the Interior, Bureau of Land Management
Bakersfield Field Office

July 2013

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For Information Contact

Planning & Environmental Coordinator
USDI Bureau of Land Management
Bakersfield Field Office
3801 Pegasus Drive, Bakersfield, CA 93308
661-391-6000

This document can be accessed on the BLM Bakersfield website at www.ca.blm.gov/bakersfield
Introduction
This document serves to provide the public with the necessary information to provide constructive comments on the Bureau of Land Management's (BLM) project under review. This project explores the issues around public access to the BLM-administered public lands at Case Mountain and the opportunity to acquire a key piece of private property that may aid in resolving some of these issues. Specifically this document illustrates the purpose and need for action, captures the management concerns and presents the potential decisions under consideration as they relate to the acquisition of private property and public access to the BLM-administered Case Mountain area.

These materials are provided to facilitate public participation in the decision-making process and provide a basis for public comment on the proposed alternatives given the purpose and need for the action and the planning constraints that must be considered.

Location
This project is located on, and adjacent to, the BLM-administered public lands at Case Mountain in the community of Three Rivers, California – approximately 3 miles west of the Sequoia National Park and 30 miles east of Visalia, California. The project site(s) are accessed from California Highway 198 via Skyline Drive and Craig Ranch Road. Specifically the project relates to public lands immediately (within ½ mile) of the public lands boundary off the aforementioned roads and a portion of the privately owned (available for acquisition) Craig Ranch that separates the subdivided community of Three Rivers from public lands at this location.

The entire project is located in Tulare County within Township 17 South, Range 29 East, Section 17, Mount Diablo Base and Meridian.

A project map is included as Attachment 1.

Background
Case Mountain – the name generally used to describe the BLM-administered public lands south / south east of the community of Three Rivers – is a unique region of public lands in that it holds the BLM’s only giant sequoia groves. In addition to this, the area consists of almost 20,000 acres of contiguous public land containing a wealth of resources from important cultural resource sites to sensitive wildlife habitats, and from rare cave and karst geology to exceptional recreation opportunities. Although this wealth of resources and opportunities exist the area is largely unknown due to the challenges of access.

A combination of the topography of the region and surrounding private property has resulted in a situation where access to the area is restricted to three main routes – only one of which is authorized for public use. These routes all originate in, or near, the community of Three Rivers, California and are Oak Grove Road (off of Mineral King Highway), Craig Ranch Road (which changes name to Salt Creek Road at an unknown location along its length) and Skyline Drive.

The public access, via a public access easement, exists from the terminus of Skyline Drive allowing the public to transverse private property – 1,200 feet on an old roadbed to access public lands. All public
access along this easement and into public lands has historically been non-motorized (e.g., equestrian, pedestrian and mountain bikes) and controlled by locked gates at both the terminus of Skyline Drive and at the boundary of public lands.

Access, including motorized access, for authorized and permitted users has occurred on all three routes entering the area. On Oak Grove Road and Craig Ranch Road this access occurs within an administrative easement provided for these routes. Access at both these locations is again controlled via locked gates. In addition to those authorized or permitted by the BLM to use these access routes, the private land owners may have granted access to others, the authorized or permitted uses have shared their access rights in an unauthorized manner, and/or the public may have illicitly obtained the key, cut the lock or hopped the fence.

This combination of access restrictions, controls, and authorized or unauthorized use, has led to a somewhat confusing picture of whom, and how, the public is accessing Case Mountain. For the purposes of this discussion the type of public access can be broken down into two groups; 1) local access – those who walk or ride from their residences to public lands; and 2) general access – those who drive and park before accessing public lands. Both groups contribute to several distinct issues and management concerns regarding public access that can be summarized as follows;

1) Trespass: Any public access – including access that has been shared in an unauthorized manner – that does not occur within the public easement is trespassing across private property. This includes any person without private property owner permission or specific BLM authorization accessing via Craig Ranch or Oak Grove Roads and at least one trail that originates from, but does not stay within, the public easement at the terminus of Skyline Drive (used by both local and general access groups).

2) Skyline Drive Access: Skyline Drive itself is a windy narrow road from the point it leaves California Highway 198. The route serves as direct access to approximately 40 homes (i.e., their driveways originate on Skyline Drive) and primary access to a further 10 or so homes off side roads leaving Skyline Drive. A long standing management concern is the potential traffic and safety issues with general access to public lands along this route, especially when those accessing bring trailers.

3) Skyline Drive Parking: General access (i.e., those who drive), utilizing the legal access from Skyline Drive have to park. Due to locked gates and motorized use restrictions, this parking occurs as roadside parking on the end of Skyline Drive – creating a defacto parking area. Although the width of the road can accommodate a little parking, the general access visitation frequently exceeds the capacity of the roadway. This in itself leads to road widening (which is limited by steep terrain on either side of the road), erosion issues and significant traffic hazards (blocked drive ways, lack of emergency vehicle access, and increased traffic on roadway). Although this problem occurs off-of public lands it is a direct result of the public’s desire to visit the public lands at Case Mountain.

4) Public Use: Wherever there is a concentration of public use, there are unfortunate results such as sanitation issues, trash and undesirable or conflicting uses. The defacto parking area at the end of Skyline Drive is no exception. Again, although these issues are occurring outside of public
lands, they are a direct result of visitation to public lands, and a major concern for the local residents whom are directly affected by these issues.

In all the issues described, a common denominator is the interface with and need to cross private property. It is here, and now, where an opportunity exists to address some of these issues, as a portion of this property – that portion containing both public and administrative easements for Skyline Drive and Craig Ranch Road, is potentially available for acquisition and is the catalyst for the actions considered in this project.

The area potentially available for acquisition is depicted in Attachment 2.

**Purpose & Need**
The purpose of the action is to provide safe, suitable public access for recreational use of the Case Mountain area while reducing the impacts of such access on authorized uses and activities, nearby residential areas, and ensuring the continued protection and enhancement of the Area of Critical Environmental Concern’s (ACEC) relevant and important values identified in the Caliente Resource Management Plan (RMP), approved 1997.

The need for the action is to resolve unsafe and problematic parking and public access situation occurring at the terminus of Skyline Drive.

**Scope of the Project**
As previously mentioned the availability of a portion of the Craig Ranch for acquisition from a willing seller is the catalyst for this project. This potential acquisition is somewhat time sensitive and requires the BLM to explore its potential range of alternatives regarding this action and the associate question of public access ahead of other planning efforts – both land use planning level (the Bakersfield RMP) and implementation level (a Case Mountain / Kaweah ACEC Plan). As such, the scope of the project is narrowly focused on this acquisition opportunity and the public access issues arising from any decision related to the acquisition.

Management of unrelated or indirectly related resources – such as wider recreational use at Case Mountain, fuels management in the giant sequoia groves, livestock grazing outside of the potential acquisition, etc. will not be addressed in this document or by these decisions.

**Decision Needed**
The decision-to-be-made is whether or not the BLM should acquire approximately 59 acres of private property (a portion of the Craig Ranch) adjacent to BLM-administered public lands at Case Mountain, and should the acquisition occur how the property would be managed to meet the framework provided in the RMP or should the acquisition not occur how public access to the Case Mountain area would be managed.
Relationship to Statutes, Regulations or Other Plans
As with all BLM actions this project is subject to a number of statutes and regulations, the following is not an exhaustive list of these statutes and regulations, but merely a notation of some of the most pertinent;

- The National Environmental Policy Act of 1969, as amended (NEPA)
- The National Historic Preservation Act of 1966, as amended (NHPA)
- The Endangered Species Act of 1973 (ESA)

In addition to statutes and regulations the project is also subject to the guidance provided in BLM planning documents. At this time, there are two relevant planning documents, the existing Caliente RMP and the forthcoming Bakersfield RMP – for which the proposed alternative was published in September 2012. The guidance provided in the Bakersfield RMP will supersede that of the Caliente plan. Until such time however, that the Record of Decision and Approved Bakersfield RMP is published the actions considered in this document must conform to the guidance provided in the Caliente document. The conformance with this plan is specifically discussed below.

Plan Conformance
As previously mentioned any action considered in this project must conform to the guidance provided in the Caliente RMP. This plan designates the Case Mountain area as an Area of Critical Environmental Concern (ACEC) – this area is about 18,500 acres and includes the project location.

The ACEC objective specifically states to manage the area “to protect giant sequoia groves and other sensitive plant communities... and for limited recreational use” (BLM, 1997, p. 131) and provides special management governing public access – “the two access routes Salt Creek Road and Oak Grove Road... are open to mountain biking but closed to other public vehicular travel... Off road public access is limited to pedestrians and equestrians only.” (BLM, 1997 p. 132) Much of the other special management afforded this ACEC is not relevant to this project – such as restrictions and closures on mineral exploration and development.

In addition to the area specific guidance for Case Mountain, the Caliente RMP also highlights the BLMs ability to acquire and seek acquisition of “lands... from willing sellers only” and prioritizes these acquisitions to include acquiring “lands within or adjacent to ACECs.” (BLM, 1997, p. 29)

In order to conform to the guidance in the Caliente RMP, the proposed actions must not introduce public motorized vehicle use of routes within the ACEC beyond that necessary for parking and staging. Furthermore, the proposed actions must not impair the values considered to be of sufficient relevance and importance to warrant protection of the regions sensitive resource through the designation of the area as an ACEC. Finally, the proposed actions must only consider acquisition of lands from willing sellers.

In addition to conformance with the existing plan it’s worth noting the guidance proposed by the Bakersfield Proposed RMP (BLM, 2012). Like the Caliente RMP, the Bakersfield Proposed RMP would
designate the Case Mountain area as part of an ACEC—a larger 27,000 acre “Kaweah ACEC” grouping like resource concerns together. This proposed ACEC designation expands on the previous designation to not only include sensitive plant communities but also important cultural resources, geologic features, and cave and karst formations. The proposed ACEC itself would no longer have objectives relating to the provision of recreation; however, the proposed plan would designate the Case Mountain Area as an Extensive Recreation Management Area (ERMA); assimilating and expanding on the direction provided in the Caliente RMP. Specifically, approximately 21,000 acres of public lands would be designated for recreation management with the following “Recreation Objective”: offer recreation opportunities in an unchanged middle country setting, which facilitates the visitor’s freedom to participate in non-motorized activities that includes mountain bicycling, camping, hunting, wildlife and nature observation, photography and picnicking. The proposed ERMA would also provide management direction to; prohibit air-soft and paintball activities; acquire legal public access to suitable parking area; develop facilities to support use at a parking area; manage and maintain trails for mountain biking experiences; and limit commercial Special Recreation Permits for guide and outfitting services to only five – while totally prohibiting competitive events.

Although the proposed Bakersfield RMP is not finalized, the guidance is consistent, albeit more detailed, with that provided in the Caliente RMP and therefore the proposed actions will be developed in such a fashion to conform to both plans.

Public Involvement

Public involvement, by the very nature of the project itself, is critical to both the planning and implementation stages of the proposed actions. Although this project is on a somewhat accelerated timeline, steps for public involvement have been established to ensure both the local community and visitors to Case Mountain are provided the opportunity to participate.

Public Workshop

On May 29th 2013, the BLM conducted a public workshop in the community of Three Rivers, California. The meeting was structured to; firstly provide an overview of Case Mountain, its current management, proposed management under the forthcoming Bakersfield Resource Management Plan and the opportunity to acquire additional lands and public access to the area; and secondly allow the public to share their thoughts concerning the opportunities, challenges and potential solutions as they pertained to public access, the potential acquisition, and general resource management of the area.

The meeting was attended by 42 people—mostly from the local community, who spent time sharing their thoughts on the previously mentioned subjects. In addition, a number of people whom were unable to make the meeting shared their input via email. Of the feedback received, the following summarizes the general themes expressed by those participating in the workshop;

Ancillary Facilities: The need to address area information, signage and sanitation/trash issues resulting from public use.
BLM Management and Presence: The lack of any routine patrol by BLM personnel and law enforcement.

Conflicting Recreation Uses: The potential for unsafe conditions to exist due to the mix of trail use and unmanaged shooting sports.

Multiple Trail Uses/Users: The need to provide opportunities and management for hiking, mountain biking and equestrian activities, but concern over increasing use as a result of third-party publicity.

Parking: The need to address parking at the terminus of Skyline Drive.

Partnerships and Funding: The opportunity to engage partners in management of the area, including friends group or volunteers. In addition, the need to ensure funding for management potentially by the introduction of a fee or permit system to provide for a revenue stream and additional visitor controls.

Public Scoping
This document and a public meeting schedule for July 9th 2013 represent the formal public scoping of the proposed alternatives. This document presents all the information considered to-date and the BLM’s suggested alternative decisions regarding the acquisition and public access to Case Mountain.

The public scoping period will run from the publication of this document until midnight on July 21st. During this time the public is encouraged to review this document and provide written feedback for the consideration of the BLM in order to correct or revise information contained in this document, the proposed alternatives, or address an alternative not previously considered. Written comments received should identify specific items of the document at question and specific propose a modification.

Upon conclusion of the public scoping period any comments received will be reviewed and modifications to the document and proposed alternatives made if necessary. The proposed alternatives will then be analyzed for their environmental impacts, which will be documented in an environmental assessment (EA).

Public Review
Once the environmental review is complete the EA including the alternatives considered, identification of the preferred alternative, and the environmental analysis of impacts will be published for public review. This again affords the opportunity for the public to formally provide written comments. Once again these comments will be considered, any modifications needed made, before a final decision is made.

Native American Consultation
The BLM is required to initiate government to government consultation with American Indian tribes under the National Historic Preservation Act (NHPA, 16 U. S. C. Section 470f). Additional requirements for tribal consultation can be found in the Native American Religious Freedom Act of 1978 (AIRFA), the National Environmental Policy Act of 1969 (NEPA), The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), Executive Order 13175: “Consultation and Coordination with Indian Tribal Governments”, Executive Order 13007: “Indian Sacred Sites” (1996), and Executive Order 12898
As directed by the Advisory Council on Historic Preservation (ACHP):

“Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and provide the ACHP a reasonable opportunity to comment on those undertakings. The NHPA requires that, in carrying out the Section 106 review process, the federal agency must consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by the agency’s undertakings. Consultation constitutes more than simply notifying an Indian tribe about a planned undertaking. The ACHP views consultation as a process of communication that may include written correspondence, meetings, telephone conferences, site visits, and e-mails.”

Tribal consultation for the potential land acquisition was initiated on April 30, 2013 in the form of certified letters to interested tribal governments and individuals who have been identified as being potentially interested with projects within the Case Mountain region. Continued consultation efforts are on-going and may include site visits, phone calls, email correspondence, and face to face meetings.

**Alternatives**

The following section outlines the three potential alternatives that have been developed to address the aforementioned management concerns while meeting the purpose of, and need for, action. These alternatives have been developed with specific consideration to the framework of planning guidance provided by the existing, and forthcoming, Resource Management Plans and the feedback received from the public during the aforementioned public workshop.

The alternatives include a “no-action” scenario, where the BLM would implement no changes to the existing situation; a “no acquisition” scenario, where the BLM would modify existing management to address management concerns but elect not to pursue acquisition of the available private property; and an “acquisition” scenario, where the BLM would both, pursue acquisition of the available private property and implement new management to address management concerns.

It should be noted that, for both action alternatives the site development and management proposed would be implemented as, and to the extent that, funding and resources became available.

**Alternative A – “No Action”**

The BLM would not pursue the acquisition of 59 acres of private property adjacent to BLM-administered public lands at Case Mountain. No further action, including changes to existing public access would occur.
Alternative B – “No Acquisition”
The BLM would not pursue the acquisition of 59 acres of private property adjacent to BLM-administered public lands at Case Mountain. In order to address the previously stated Purpose and Need and wider RMP driven guidance, however, the BLM would implement the following management, including actions and facility developments, to address safe, suitable public access and resource protection needs:

Construct a parking area approximately 9,000 sq ft – as large as the topography allows with minimal modification to the landscape that could accommodate space for approximately 15 automobiles [See SP-1 – Alternative B]. This parking area would be constructed 1,350 feet south from the current terminus of Skyline Drive along the already graded roadbed within the existing public access easement. The creation of the parking area would require a bulldozer to flatten and level the area in such a fashion to provide for adequate drainage and reduce the potential for future issues with erosion. The parking area would be surfaced with 3 – 4 inches of a crushed aggregate material with fines (road base) and delineated at its boundaries with concrete parking stops. In creating the parking area approximately ten trees would need to be removed. These trees would be felled, bucked up and the wood removed from public lands.

Upon completion of the parking area the existing gate on the public lands boundary would be removed and a new gate installed approximately 150 feet to the south along the existing route alignment to prevent motorized access beyond the parking area. The fence lines would be adjusted to accommodate the new gate location. In addition, a pedestrian/equestrian gate would be installed at the new gate location to allow for the passage of non-motorized modes of transport.

The existing kiosk, on private property within the easement at the terminus of Skyline Drive, would be removed and replace with a kiosk adjacent to the pedestrian/equestrian gate installed in the parking area. Signage identifying the public easement would be installed at the terminus of Skyline Drive and along the route cumulating in an “Entering Public Lands” sign at the public lands boundary and a “Kaweah ACEC / Case Mountain ERMA” identification sign at the parking area.

Management of the private property is outside the extent of BLM-administration, however the BLM would work with the Craig Ranch private land owner to eliminate the trespass route heading east from the terminus of Skyline Drive down to Salt Creek; and to reduce opportunities for motorized vehicle trespass off the public easement through the installation of additional signage and or barriers on private property along the route. In addition, the BLM would coordinate the removal of the gate on private property at the terminus of Skyline Drive – this may require the installation of a cattle guard.

All actions in this alternative would be subject to cultural resource avoidance and/or mitigation.

Alternative C – “Acquisition”
The BLM would pursue and seek acquisition of approximately 59 acres of private property – a portion of the Craig Ranch - adjacent to BLM-administered public lands at Case Mountain. On receipt of this property the BLM would implement the following management, including actions and facility developments, to address safe, suitable public access and resource protection needs:
The acquired property would be included in the ACEC and proposed ERMA boundaries and subject to any relevant special management provided by these designations. In addition, the acquisition would not be added to any existing grazing allotments, but would be available for livestock grazing for the purposes of vegetation management, if needed.

**Skyline Drive:**
- Construct a turn-around location at the terminus of Skyline Drive on the acquired property [See SP-1 Alternative C]. The turnaround would be delineated by a physical barrier (post-and-cable or post-and-rail fence). Access for pedestrians, equestrians, and mountain bikers would be provided by gaps in the physical barrier.
- Relocate the existing gate at the terminus of Skyline Drive approximately 50 feet south of its current location – just past the turn-around; the gate would be locked and keys/combinations provided only to those with a specific authorization.
- Replace the existing kiosk with signage indicating and directing the public to the Case Mountain Access Point off Craig Ranch Road.
- Designate the route beyond the turn-around as a “Primitive Road, for Motorized Use by Authorized Users Only”. The gate at the current public lands boundary would remain in place and locked utilizing the same keys/combinations as the previous gate.
- Designate the user-created trail leading directly east from the terminus of Skyline Drive as a “Trail for Non-Motorized Use”. Install styles, gates, and/or other fence crossings to accommodate passage of pedestrians, equestrians, and mountain bikes.

**Case Mountain Access Point:**
- Construct a parking area and trailhead along Craig Ranch Road on the acquired property to accommodate parking for approximately 20 vehicles and five vehicles with trailers – approximately 2,000 sq ft., and provide pull-through parking sufficient for the five vehicles with trailers separate from the other vehicle parking [See SP-2 Site Plan – Alternative C]. Remove the existing barn and portions of the livestock pens including the concrete slab under the barn [See SP-1 Demolition Plan – Alternative C]. The parking area would be surfaced with crushed aggregate road base and delineated by a physical barrier (post-and-cable fence).
- Install one double vault toilet (two stalls) within the parking area boundary.
- Install a kiosk, trailhead signs, and an emergency call box within the parking area boundary.
- Install a site identification sign stating: “Kaweah ACEC / Case Mountain ERMA” at the entrance to the parking area.
- Replace the gate accessing the parking area with an electronic self-closing (slide) gate with keypad control and pressure/magnetic opener – on the inside of the gate, to allow for authorized and emergency vehicle access and after hours exit.
- Install a gate south of the parking area to restrict motorized access.
- Replace the existing gate at the current public lands boundary with a spring-loaded self-closing gate to provide visitor access while preventing livestock passage.
• Modify and refurbish the existing livestock handling corral and pen with reclaimed materials from the structures being removed to provide two connected pens for sorting livestock and livestock access from the west side. Move the existing water-trough to the modified corral/pen.

• Develop two trails to provide access from the parking area to Craig Ranch Road and the ponds. One trail to primarily accommodate equestrian traffic and the other to accommodate pedestrian and mountain bike traffic. Provide self-closing pedestrian access gates and 12 foot pipe gate for livestock passage to and from corral at the fence on the current public lands boundary.

• Install three equestrian staging pens with access to livestock water adjacent to the parking area near the trailer parking and equestrian trail head.

• Construct a Site Host Area adjacent to the parking area, including a leveled pad for a trailer up to 45 feet in length, installation of a self-contained water tank and service lines, electrical hookups and septic system. Recruit site host volunteers to assist the BLM as an on-site presence for a six-month period – this position would be filled year-round.

• Utilize existing electrical lines to provide power for the electric gate and host site hookups. If needed to power this infrastructure, underground electrical lines would be buried three feet deep in a narrow trench dug by machine.

Establish the Following Supplementary Rules:

• No camping or campfires at or within a ¼-mile of either the Skyline Drive turnaround or Case Mountain Access Point.

• No shooting, including any forms of target shooting and hunting, within ½-mile of these developed areas.

• No unauthorized entry to Case Mountain Access Point between dusk and dawn.
Attachment 1 – Project Location Map
Attachment 2 – Potential Case Mountain Acquisition
NOTE: PARKING STALLS WILL NOT BE STRIPPED, WHEEL STOP WILL ACT AS PARKING STALL INDICATORS.

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