Appendix D

MOU Between BLM and CDPR Concerning Responsibilities for Management of Off-Highway Use on Public Lands East of Ocotillo Wells State Vehicular Recreation Area (SVRA), as amended

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State of California • The Resources Agency
Gray Davis, *Governor*
DEPARTMENT OF PARKS AND RECREATION • P.O Box 942896 • Sacramento, CA 94296-0001
Rusty Areias, *Director*
Office of Acquisition and Real Property Services
(916) 653-9918

DEC - 8 2000

Mr. Greg Thomsen, Area Manager
Bureau of Land Management
El Centro Resource Area
1661 South Fourth Street
El Centro, California 92243

Dear Mr. Thomsen:

Ocotillo Wells SVRA
2000 Memo of Understanding Amendment

I enclose one executed original of the amendment to our Memorandum of Understanding for the State's management of additional federal lands at Ocotillo Wells SVRA. State Park Staff will diligently work with your staff to ultimately achieve our goal to transfer federal land to the State as additions to our State Park System.

Although this transfer may take longer than our agencies desire, we are dedicated to continue the R&PP process.

Thank you for your assistance in completing this important document.

Sincerely,

Gordon McDaniel
State Parks Land Officer

Enclosure

cc: Ocotillo Wells District w/copy of enclosure
OHMVR Division

AMENDMENT

to

MEMORANDUM OF UNDERSTANDING

among:

U S Department of the Interior, Bureau of Land Management
California Desert District

and

California Department of Parks and Recreation

concerning:

Responsibilities for management of Off-Highway use on public lands east of Ocotillo Wells State Vehicular Recreation Area (SVRA)

A major portion of the surrounding private lands adjacent to 13 sections and portions of 6 sections of public lands have been or are in the process of being acquired by the Department of Parks and Recreation (DPR) as additions to the SVRA These lands are included in DPR's proposed Recreation and Public Purposes application. It is agreed that for efficient management, these lands should be added to the existing Memorandum of Understanding, as amended

The Memorandum of Understanding (MOU), as amended, first dated June 12, 1991 and amended on August 29, 1997, is hereby amended pursuant to sections V E and IV A , to add 13 sections and portions of 6 sections of public lands managed by the Bureau of Land Management to those managed by DPR All portions of the MOU will apply to the following public lands.

Sections 8,18,20,28,30,32 and 34	Township 11 South, Range 10 East, SBBM
Sections 2,4,6,8,10 and 12	Township 12, South, Range 10 East, SBBM
Those portions of Sections 22 and 26 that lay west of CA Hwy 86	Township 12, South, Range 10 East, SBBM
Those portions of Sections 14 and 18 that lay north of CA Hwy 78	Township 12 South, Range 10 East, SBBM

That portion of Section 6 that lays west of CA Hwy 86	Township 12 South, Range 11 East, SBBM
That portion of Section 18 that lays west of CA Hwy 86 and north of CA Hwy 78	Township 12 South, Range 11 East, SBBM

All lands covered by the MOU, as amended, shall be managed according to Bureau of Land Management plans until actions on the pending Recreation and Public Purposes application are completed

Approval

IN WITNESS WHEREOF, the parties hereto have caused this MOU Amendment to be duly executed, and it shall become effective when signed by all parties

UNITED STATES OF AMERICA
GREG THOMSEN, FIELD MANAGER
EL CENTRO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

By: Greg Thomsen

Dated July 24, 2000

STATE OF CALIFORNIA
RUSTY AREIAS, DIRECTOR
DEPARTMENT OF PARKS AND RECREATION

By: Rusty Areias

Dated: 7/20/00

AMENDMENT

to

MEMORANDUM OF UNDERSTANDING

among:

U.S. Dept. of Interior, Bureau of Land Management
California Desert District

and

California Department of Parks and Recreation

concerning:

Responsibilities for management of off-highway use on public lands east of Ocotillo Wells State Vehicular Recreation Area (SVRA)

The surrounding private lands to four sections of public lands have recently been acquired by the Department of Parks & Recreation as additions to OWSVRA. These lands are included in State Parks' proposed Recreation and Public Purposes application. For efficient management, these lands should be added to the MOU.

The Memorandum of Understanding (MOU) is amended under section V.F. to add four sections of public lands managed by the Bureau to those managed by State Parks under section IV.A. of the MOU. All portions of the MOU will apply to the following public lands:

Sections 2, 4, and 6	Township 11 South, Range 9 East, SBM
Section 6	Township 11 South, Range 10 East, SBM

All lands covered by the MOU shall be managed according to Bureau plans until actions on the pending application are completed.

Approval

IN WITNESS WHEREOF, the parties hereto have caused this MOU Amendment to be duly executed, and it shall become effective when signed by all parties.

UNITED STATES OF AMERICA
AREA MANAGER
EL CENTRO RESOURCE AREA
BUREAU OF LAND MANAGEMENT

Inez A Reed

8/27/97
Date

STATE OF CALIFORNIA
DIRECTOR
DEPT. OF PARKS AND RECREATION

Date

MEMORANDUM OF UNDERSTANDING

among:

U.S. Dept. of Interior, Bureau of Land Management, California Desert District

and

California Department of Parks and Recreation

concerning:

Responsibilities for management of off-highway use on public lands east of Ocotillo Wells State Vehicular Recreation Area (SVRA).

I. Purpose. This Memorandum of Understanding (MOU) provides procedures for the management and protection through coordination and cooperation of certain public lands between the El Centro Resource Area of the California Desert District, Bureau of Land Management, Department of the Interior, hereinafter called the "Bureau", and the Department of Parks and Recreation, State of California, hereinafter called "State Parks".

II. Objective. The State Parks has applied under the Recreation and Public Purposes Act (R&PP) of June 14, 1926 for patent of public lands east of Ocotillo Wells SVRA. The subject public lands are scattered sections interspersed with private and State lands that the State Parks has acquired for addition to the SVRA. Action on this application has been delayed because of the time necessary to amend the California Desert Conservation Area Plan and process the R&PP application. In the meantime, the State Parks and the Bureau see a need to administer the scattered public lands adjacent to Ocotillo Wells SVRA in a manner consistent with State Parks.

III. Authority.

A. The Bureau's authority is contained in the Federal Land Policy and Management Act of 1976, Public Law 94-579 (90 Statute 2762 and 2766; 43 USC 1732 and 1737).

B. The State Park's authority is contained in Sections 5080.30 et. seq. of the Public Resources Code.

IV. Procedure.

A. The State Parks is hereby authorized and granted the right to use, occupy, manage for public recreation purposes, and protect, without payment of rent, the public lands within the land area in Imperial County, California described as follows:

Sections 10, 12, 14, 22, 24, and 26	Township 11 South, Range 9 East SBM
Sections 2, 4, 6, 8, 10, and 12	Township 12 South, Range 9 East SBM
Sections 14 and 18	Township 12 South, Range 9 East SBM (Those portions of the Northerly 1/2 lying North of Highway 78.)

These lands are adjacent to State-owned property and are to be administered as part of the State Parks consistent with the Bureau's management plans and objectives involving multiple use, sustained yield, environmental integrity, protection, and enhancement.

B. Terms and Conditions

1. The Bureau retains the sole authority to grant rights and privileges on the subject public land except as provided for herein. Before any rights or privileges are granted that will affect the subject public land, the Bureau will consult with State Parks to identify their recommendations on the adequacy of protective stipulations to be included in the granting document. State Parks shall be given written notice 90 days prior to the granting of any such rights and privileges by the Bureau, and shall have 45 days from receipt of the notice to comment to the Bureau.

2. State Parks must obtain approval from the Bureau before any structures and/or facilities are constructed on the subject public land.

3. State Parks must obtain approval from the Bureau prior to constructing new routes of travel or modifying existing routes. Normal maintenance of existing routes may be done without approval from the Bureau.

4. State Parks will complete environmental assessment documents for actions initiated or authorized on the subject public lands by the State Parks.

5. Any actions required by this MOU are subject to availability of funds, approved budgets, and requisite statutory authority, and each party shall bear its own costs under this MOU.

6. The Bureau will enforce the applicable federal laws and regulations pertaining to the subject public land. The State Parks will enforce applicable State laws and regulations on the subject public land.

7. The State Parks will manage the use of firearms by the public on the subject public lands to ensure the safety of visitors in accordance with CA Code of Regulations (Title 14) Section 4313. Restriction of firearms shall be in consultation with California Department of Fish and Game and agreement with the Bureau.

8. The State Parks will authorize and permit commercial and special events that involve the subject public lands subject to the Bureau's concurrence. A copy of each application and proposed permit along with the appropriate environmental assessment will be provided to the Bureau by the State Parks 30 days before the activity is to take place. The Bureau will provide concurrence and/or written comments within 15 days of receipt.

To expedite and coordinate all management and protection activities on an operational or day-to-day basis, the following persons are designated as authorized representatives of the parties effecting this MOU:

a. The authorized representative for the Bureau is the Area Manager, El Centro Resource Area, 333 South Waterman Ave., El Centro, California 92243.

b. The authorized representative of State Parks is the District Superintendent, Ocotillo Wells District, 5172 Highway 78, Borrego Springs, California 92004. (The District Superintendent is not, by this MOU, delegated authority to amend this MOU on behalf of State Parks.)

V. Administration.

A. Nothing in this MOU will be construed as affecting the authorities of the participants or as binding beyond their respective authorities or to require any of the participants to obligate or expend funds in excess of available appropriations.

B. Conflicts between the participants concerning procedures under this MOU which cannot be resolved at the operational level will be referred to successively higher levels, as necessary, for resolution.

C. The terms of this MOU may be renegotiated at any time at the initiative of one or more of its participants, following at least 30 days notice to the other participant.

D. This MOU may be cancelled at any time by one or more of its participants, following at least 30 days notice to the other participant.

E. Any participant may propose changes to this MOU during its term. Such changes will be in the form of an amendment and will become effective upon signature by all of the participants.

F. This MOU will remain in effect until terminated as herein provided. A cooperative review by the two (2) parties hereto or their authorized representatives will be conducted at least every five (5) years.

G. Notices to be served upon the Bureau pursuant to this MOU shall be deemed to have been properly served when received by the Area Manager, El Centro Resource Area. Notices to be served upon the State Parks shall be deemed to have been properly served when received by the District Superintendent, Ocotillo Wells District.

H. Discrimination against any person because of race, color, religion, sex, marital status, national origin, or ancestry of that person is expressly prohibited.

VI. Approval.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be duly executed, and it shall become effective when signed by all parties.

UNITED STATES OF AMERICA
AREA MANAGER, EL CENTRO
RESOURCE AREA
BUREAU OF LAND MANAGEMENT

G. Ben Koski

June 12, 1991
Date

STATE OF CALIFORNIA
DIRECTOR
DEPT. OF PARKS AND RECREATION

Lee McCargar

8/13/91
Date

APPROVED AS TO FORM:

F.C. Buchter

F.C. Buchter, Staff Counsel
Calif. Dept. of Parks & Recreation

July 24, 1991