

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: HILTON INN
700 N. Haven Avenue
Ontario, CA

DATE AND TIME: Saturday, June 25, 2005
8 a.m. to 11:13 a.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR
CSR NO. 3710

JOB NO.: 64359JG

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A-P-P-E-A-R-A-N-C-E-S

MEMBERS PRESENT:

- JON McQUISTON (Chairperson)
- ROY DENNER
- PRESTON ARROW-WEED
- RON SCHILLER
- BILL BETTERLEY
- JIM BUGERA
- CAROLE ANNE WILEY
- DR. WILLIAM PRESCH
- TOM SCOTT
- SHERI DAVIS
- DAVE CHARLTON
- HOWARD BROWN

STAFF PRESENT:

- JAN BEDROSIAN, DEPUTY STATE DIRECTOR FOR
EXTERNAL AFFAIRS
- STEVE RAZO
- ROXIE TROST
- HECTOR VILLALOBOS
- LARRY MORGAN

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1 Ontario, CA

Saturday, June 25, 2005

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P-R-O-C-E-E-D-I-N-G-S

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MEMBER MC QUISTON: We are going to
7 convene, but I would like to put out a couple of
8 introductory comments. We do have a recorder here
9 today. And if you come to the microphone, if you
10 would give your name, she may ask for the spelling, as
11 well.

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I would like to go around the table. There
may be folks out in the audience today that weren't
with us yesterday. At least an introduction of the
DAC members and what group you represent. And then we
will move right into our agenda.

So Sheri, why don't we start and make an
introduction and tell us who you represent.

MEMBER DAVIS: Sheri Davis. I represent
the public-at-large with a focus on filming.

MEMBER SCHILLER: My name is Rob
Schiller. I represent recreation.

MEMBER ARROW-WEED: Preston Arrow-Weed,
public-at-large for special interest, Native
Americans.

1 MEMBER CHARLTON: David Charlton,
2 nonrenewable resources.

3 MEMBER BETTERLEY: Bill Betterley,
4 public-at-large.

5 MEMBER MC QUISTON: Jon McQuiston, I
6 represent local government.

7 MEMBER PRESCH: William Presch. I'm
8 from California State University at Fullerton, and I'm
9 the director of the Desert Studies Consortium.

10 MEMBER BROWN: Howard Brown,
11 nonrenewable resources.

12 MEMBER SCOTT: Thomas Scott, wildlife.

13 MEMBER WILEY: Carole Wiley representing
14 the environmental community.

15 MEMBER DENNER: Roy Denner, recreation
16 representative.

17 MEMBER BUGERA: Jim Bugera representing
18 transportation and rights-of-way.

19 MEMBER MC QUISTON: Thank you very much.

20 Before we begin, Roxie would like to put
21 out some general information about fires.

22 MS. TROST: -- (unintelligible), which
23 is under containment at this time. Hackberry, which
24 is still at about 53,000 acres, is only about
25 10 percent contained and evacuations are still going

1 on, so that's the latest on the fires.

2 MEMBER MC QUISTON: Thank you. We will
3 now move into our first agenda item, which is
4 Adopt-a-Cabin program. As you recall at our last
5 meeting or the meeting before, I'm not sure which one,
6 we established a technical review team, the DAC
7 remembers, to look at the Adopt-a-Cabin program that's
8 essentially being developed through the Ridgecrest
9 field office.

10 Throughout the desert there are a lot of
11 abandoned, neglected facilities, and historically some
12 of those were discarded and disposed of. There have
13 been a group of volunteers who would like to preserve
14 them for historic value and use of the public.
15 Regretfully, it's an evolving program and standards
16 and practices need to be developed in order to
17 continue this and perhaps expand it.

18 The TRT members that were appointed by this
19 DAC were myself, Carole Wiley, Ron Schiller and Howard
20 Brown. On June the 4th, we met at the Siebert Cabin
21 outside of Ridgecrest up in the Indian Wells Valley,
22 and there was probably, I'm going to say, half a
23 dozen, 10 or 12 of the volunteers in the various
24 cabins there. And we talked about the program, and
25 there was unanimous support of all the principals and

1 parties that this is something worth preserving and
2 promoting, but it needs to evolve to the point where
3 it's manageable both to protect the BLM and to
4 establish the program so that it might be used
5 elsewhere.

6 And I think -- I don't see Steve Smith
7 here today, but Hector was there, Steve Smith, and I
8 forget who your other staff folks were.

9 We talked for two or three hours about a
10 broad range of issues, and following those
11 discussions -- and I will turn the microphone over to
12 my fellow TRT members, but following that, the TRT
13 itself kind of solidified four recommendations that we
14 would like to bring back to the DAC. And following
15 discussions of these, I will provide them to the
16 recorder so they can be entered into the record as an
17 official set of recommendations. So let me just read
18 through those.

19 The first recommendation that we would like
20 to recommend to the full DAC is the DAC should
21 continue support of the Adopt-a-Cabin program. The
22 BLM should continue to develop standards and practices
23 to extend the program to other areas within the
24 California Desert Conservation Area and beyond.

25 The second recommendation is success of the

1 TRT requires additional workload on the Ridgecrest
2 field office. This is most critical with respect to
3 archaeological surveys. The TRT believes it's
4 critical for the development of this program that the
5 Ridgecrest field office needs additional
6 archaeological staffing resources.

7 The third recommendation was, currently the
8 cabins are maintained by volunteers that operate under
9 an agreement with the BLM. These agreements are vague
10 and fail to adequately protect the BLM or provide
11 clear, definitive policies and practices. The TRT
12 strongly requests these agreements not be canceled,
13 but that they be modified on an interim basis until
14 permanent agreements can be developed. And let me
15 just expand on that recommendation a little bit.

16 Because these agreements are so overbroad
17 and because of some of the types of activities that
18 have led to problems, we believe that rather than just
19 cancel them, if they are overbroad and vague and they
20 are gone, then there is nothing by which the cabin
21 owners have anything to point to and it leaves them
22 feeling isolated and without any guidance whatsoever.

23 I did note in the CASH report that when
24 surveys were done up in Alaska, that they came up with
25 some of what they call stipulations. And we believe

1 that simply adding some comments as an addendum,
2 things like, pick a problem area. You can't do any
3 construction or alteration without written permission
4 of the BLM. You can or cannot do this.

5 There have been some practices where it is
6 asserted or it is -- it's been demonstrated that where
7 certain activities were said, "don't do this without
8 permission," they were done. The TRT's position on
9 that is, don't use a shotgun solution to arrive at the
10 problem. Cancel a single agreement. Leave the others
11 in place. Develop those standards and protocols that
12 you think are necessary in order to adequately give
13 you the discretion to manage that and hold people
14 accountable. But don't throw them all away. So
15 that's a little bit of a discussion on that.

16 The fourth recommendation that the TRT is
17 making to the DAC is that we, the TRT, would like to
18 further evaluate designation under the State
19 Historical Site as a preferred action to preserve any
20 existing BLM cabin sites. And we recognize some of
21 these sites may be best preserved and managed under
22 that regulatory practice. However, this designation
23 may require management prescriptions that diminish and
24 adversely affect the use and enjoyment of the
25 resource.

1 And all we are saying there is that in some
2 cases, it may be the best tool. In other cases, it
3 may not, because it brings along its own regulatory
4 practices that could otherwise diminish some of the
5 activities or conduct that could occur on that.

6 With that, I'm going to turn the microphone
7 over to the other TRT members for any comments that
8 you may want to make before we open it up for full
9 discussion and public comment.

10 Carole.

11 MEMBER WILEY: I just want to say we all
12 seem to be in agreement that this is a great program
13 and should continue. The only thing I would add is
14 that they should be worked on with a delicate balance
15 of preserving the cabins and also following historic
16 materials where -- as much as possible, with the idea
17 of still preserving them. Sometimes it may not be
18 possible, but I think that delicate balance needs to
19 be maintained.

20 MEMBER MC QUISTON: Thank you. Ron
21 Schiller.

22 MEMBER SCHILLER: I think you pretty
23 well summed up the situation and what we discussed and
24 pretty well agreed to. I would just like to stress
25 that that's a very important program to the local

1 community and always has been. And it's kind of
2 enjoyable to see folks from outside the local area
3 take interest in the history and the customs and
4 culture of the area. And I think it's a very
5 important program that we really have to continue.
6 Thank you.

7 MEMBER BROWN: I also concur with what
8 people before me said. In the last couple of meetings
9 we have had presentations on the Adopt-a-Cabin, so I
10 think at least the people on the Council are pretty
11 familiar with what it is, so we need not go through it
12 again. But it's hard to imagine that among the people
13 on the group here who are all representing different
14 user groups but nevertheless have the same love for
15 the desert and the things out there, it's hard to
16 imagine not being in support of this thing.

17 MEMBER MC QUISTON: Thank you, Howard.
18 The specific action that we are requesting
19 of the DAC is that we open it up for discussion and
20 that the full DAC would support our recommendations.
21 And we would make a motion, move on this, and
22 recommend these four items to the Desert District
23 Manager.

24 I would also like to, just on personal
25 note, say thank you to Hector and his staff. Frankly,

1 were it not for the staff and were it not for Hector's
2 willingness to preserve these resources as opposed to
3 status quo of how we used to deal with them, we
4 wouldn't be here now. So we are very appreciative of
5 your efforts, Hector, and your staff, folks like Steve
6 and others.

7 And this has been a labor of love for a
8 long time, and I think maybe we can now codify all of
9 the various things that come into making this a
10 successful program to where it can be built upon and
11 perhaps expanded. So our appreciation to you and your
12 folks.

13 And with that, I'm going to open it up to
14 the DAC for discussion and comments, and then open it
15 up to the public for comments, and we will move on.

16 MEMBER BETTERLEY: Would you want that
17 in a motion prior to discussion or after discussion?

18 MEMBER MC QUISTON: After discussion.
19 Any comments? Is there any public comment? Any
20 members of the public that would like to come forward,
21 please come forward. Steve, I think we are going to
22 need a microphone up here in the stand. I want to
23 make sure you are loud enough for the recorder. We
24 are going to do the microphone not for our behalf, but
25 for hers. Welcome.

1 MR. STEWART: Good morning, Council
2 members. John Stewart, California Association of
3 Four-Wheel Drive Clubs.

4 California Association of Four-Wheel Drive
5 Clubs is supportive of this type of effort. We deem
6 it as a very critical element to providing a
7 recreation opportunity. It also preserves a bit of
8 our history, which there is an immense amount of the
9 history in the desert. And we encourage the BLM to
10 continue with this program to do what they can to move
11 this program forward and make it a legal, you know, an
12 authorized program that protects the rights of the
13 property owners, plus provides a recreational
14 opportunity. It's a fantastic, cooperative effort, so
15 we endorse this program. Thank you.

16 MEMBER MC QUISTON: Thank you.

17 MR. BANIS: Thank you, Mr. Chair. Randy
18 Banis, member of the Ridgecrest Steering Committee,
19 editor of "Death Valley.Com." I have one point.

20 I would like some consideration to -- what
21 to do with cabins that aren't in the program yet.
22 Cabins that are in existence that don't yet have a
23 friend's group that have not yet been adopted, either
24 formally or informally. And I want to make sure that
25 we are not only considering the 20-ish cabins that are

1 "on the list," but also leave the possibility open for
2 other cabins not yet on the list. Thank you.

3 MEMBER MC QUISTON: Any other members of
4 the public? Seeing none, I will return to Council
5 members for discussion action.

6 MEMBER BETTERLEY: I would so move that
7 we adopt the TRT's recommendations and have the record
8 show thus.

9 MEMBER MC QUISTON: Is there a second?

10 MEMBER PRESCH: I will second it.

11 MEMBER MC QUISTON: We have a second.
12 Further discussion? All in favor, aye. Opposed? Let
13 the record show it was unanimous.

14 We will now move to the second agenda item,
15 which is, looking at my schedule, most of the day, I
16 think. And I will read what is on the agenda. Then
17 I'm going to discuss how we are going to break this up
18 into some bite-sized pieces, as Linda Hansen noted
19 yesterday.

20 El Mirage and Dumont Dunes Recreation Fee
21 Programs, CDC Special Recreation Permit Program, and
22 then the action items or recommendations to select
23 members for the three TRT's. What we are going to do
24 is break this up into three distinct discussion areas,
25 even though there may be some overarching comments,

1 but we will deal with those as we need to.

2 First is going to be the national picture.
3 The Recreational Enhancement Council ACT, question,
4 React regarding the Desert Advisory Council becoming
5 an Advisory group under the -- on becoming a
6 Recreation Advisory Council under this act. I'm
7 getting in over my head, but we have experts here.

8 The second item is the Dumont Dunes Fee
9 Areas, TRT, fee collection and use.

10 The third general discussion area will be
11 Special Recreation Use Permits, Events and Cost
12 Recovery. A TRT or perhaps subgroup for implementing
13 rules in the CDCA.

14 With that in mind, the first discussion
15 item will be the React or the national picture. And
16 I'm going to defer to Roxie now, after we take some
17 comments from our members.

18 MEMBER DENNER: There is also a
19 discussion regarding forming a TRT or some sort of
20 advisory group for El Mirage as well as Dumont Dunes.

21 MEMBER MC QUISTON: We will add that one
22 as a fourth.

23 MEMBER DENNER: I think it would make
24 sense to combine it with Dumont Dunes, even though it
25 would be separate. I don't think one advisory group

1 would cover both areas because the users are totally
2 different, in general, but it could be a similar
3 discussion of what we are talking about for Dumont
4 Dunes. So those two issues would logically be
5 discussed at the same time, I would think.

6 MEMBER MC QUISTON: We will combine
7 them. Roxie, I will let you make some introductions.

8 MS. TROST: Before we get started, I
9 wanted to let you know what an important topic this is
10 for our District Manager, Linda Hansen. And although
11 she is not going to be able to be here today, she is
12 going to remain intimately involved with this process.

13 With that, I also want to introduce you
14 to -- we have very fortunate to have our Deputy State
15 Director for External Affairs here to provide us
16 information on the new Recreation Enhancement Act, and
17 that's Jan Bedrosian.

18 MS. BEDROSIAN: Good morning, Council.
19 My name is Jan Bedrosian. I'm Deputy State Director
20 For External Affairs. I work for Mike Pool in
21 Sacramento, who sends his regards and thanks you all
22 for all your time and effort for contributing to
23 this -- to the Desert Advisory Council.

24 I was asked to address the issue of the
25 Federal Land Recreation Enhancement Act. You will be

1 pleased to know as good bureaucrats, we have already
2 given it an acronym. It's REA, or R-E-A. It was
3 signed by the president on December 8, 2004 as part of
4 our huge omnibus appropriations bill which included
5 BLM at the time.

6 It was a little bit of a surprise. It had
7 been worked on on the Hill for many years. But it
8 sort of appeared full-grown in the appropriations act.
9 And of course, we were pleased to see some
10 congressional direction in this area because we have
11 been under temporary, unsure policy for quite some
12 time.

13 As it's being interpreted, it obviously
14 affects BLM, Forest Service. It's also being
15 interpreted to affect Bureau of Reclamation, where
16 they have a few recreation sites. National Park
17 Service, of course, a huge program. And Fish and
18 Wildlife Service, where they have recreation sites.

19 It does gives us 10-year authority for us
20 to charge recreation fees under the very tightly
21 specified conditions in the act. And I'm not going to
22 go through the whole act, but it basically gave us
23 permanent authority for what we used to call Rec Fee
24 Demo, so it puts us into a permanent category there.

25 It has a list of things we can do and can't

1 do under recreation fees. I know there was an intense
2 interest in this Council in terms of one of the
3 provisions, and that was whether or not we could spend
4 recreation fee money for any sort of biological
5 monitoring. And the act makes very clear that we
6 can't.

7 I also want to point out, and I know this
8 is a bit confusing and when we get into this later it
9 will be clear. But it doesn't have any real effect on
10 our special recreation use permit program. That is
11 separate authority. That means the events and things
12 we do at the Sand Dunes, they may all seem the same,
13 but they are done under different kinds of
14 authorities. So nothing to do with special recreation
15 use permits. Separate authority.

16 I was asked to specifically address not all
17 the provisions of the act, but just the issue of the
18 Recreation Resource Advisory Committee or RERAC, if
19 you want to call that. I like Jon's REACT. It
20 basically says that the secretary shall establish a
21 Recreation Resource Advisory Committee -- but there is
22 always a trick in federal language; right -- unless he
23 decides to, in lieu of establishing a Recreation
24 Resource Advisory Committee, the secretary may use a
25 RAC established through other policy or law, which

1 again, I'm not a lawyer, but I would presume that that
2 would apply to any of the BLM DACs or certainly I
3 would hope it would apply to this one, as well.

4 So the secretary has a choice. Obviously,
5 more than one secretary, but Interior and Agriculture
6 have been conducting listening sessions with a number
7 of groups back in Washington and in parts of the West.
8 And they haven't decided, honestly, how to proceed yet
9 as to what the secretaries will do. Anything that
10 gets to be interdepartmental, I think you all know,
11 gets to be very interesting in terms of the
12 coordination that is required.

13 But I did find out after multiple phone
14 calls to Washington last week, that here are the
15 options so far. Here is the options so far. We have
16 to have a National Resource Council, perhaps to have
17 one for the East and one for the West. They have a
18 quad option, which is one for the Northwest, one for
19 the Northeast, Southwest, Southeast part of the
20 country.

21 The Forest Service has sort of floated up a
22 revised regional approach, which calls for seven
23 regional councils. And then, of course, the lowest
24 denominator seems to be one per state, which of
25 course, would be 50. The act does give each governor

1 of the state, if they decide to go that way, a chance
2 to opt out. If the governor does not wish to have a
3 Council, he is not forced to have one by the act of
4 Congress.

5 So the duties of the RAC, are quite clear:
6 To advise the secretary on public concerns regarding
7 the implementation of the fee program, the elimination
8 of any fee areas, and the expansion or limitation of
9 any type of fee authority.

10 It is quite also specific as to the
11 composition of this particular Council. There are 11
12 members that are called for. Very specifically, 5
13 members representing recreation users, winter
14 motorized, nonmotorized, summer motorized,
15 nonmotorized, hunting and fishing. Three people
16 representing motorized outfitters' guides,
17 nonmotorized, and local environmental groups. And
18 then the last three persons representing state tourism
19 officials and someone who represents affected Native
20 American tribes, and a person who represents affected
21 local governments.

22 So can the two things be merged together?
23 The only thing I did understand is that obviously in
24 the interim, until this recreation RAC, if there is to
25 be one, clearly the door is wide open for councils

1 such as this one chartered under other provisions of
2 law, to advise us and therefore for us to advise all
3 the way to the secretary as to those sorts of issues.

4 Are we going to have one? I wish I could
5 tell you for sure. My guess is they are going to a
6 lot of trouble, and yes, we will have at least a
7 national one, if not all the way down to 50 states or
8 somewhere in between. And then how will they interact
9 with the RACs? And in your case, very uniquely, a
10 DAC? Hard to tell, but clearly everything I could
11 find in Washington indicated that there is every
12 intention to have a strong linkage, if not some formal
13 relationship yet to be formed between you and whatever
14 types of recreation RAC is formed. Does that help?
15 Any questions?

16 MEMBER MC QUISTON: That's my question.

17 MEMBER DENNER: Roy Denner. As you
18 know, Jan, I have been involved with this issue for
19 quite a while.

20 First of all, you talk about all the
21 options of how these RACs might be formed. And then
22 you talk about a specific head count and types of
23 members of a given kind of a RAC.

24 I was under the impression -- my
25 understanding is it would be a new national RAC

1 composed of specifically those 11 types of members you
2 are talking about. And that they would be chartered
3 to interface with existing RACs across the country
4 relative to the recreational question. Obviously,
5 this Advisory Council deals with more issues than
6 recreation. So that body, as I understand it, would
7 sort of be an oversight body that whenever this
8 Advisory Council addresses recreation issues, they
9 would confer with the national RAC to be sure it's
10 consistent with what's being done nationwide.

11 It blows my mind to think that there is a
12 possibility that we will establish 50 new RACs just to
13 deal with recreation, when we already have a
14 nationwide system of RACs in place. I never got the
15 impression that that was the intent of the new act. I
16 may need to be clarified.

17 MS. BEDROSIAN: I think the only thing I
18 can clarify is that you could well be right. I don't
19 think in Washington that there is a real desire so far
20 to create any sort of complicated infrastructure
21 that's going to cost a lot of time, money and effort.
22 So I would not at all be surprised if that was the
23 option that's chosen. And I think partly what we are
24 kind of working through is that we have such a strong
25 Advisory Council process in BLM, and you are all a

1 part of that. That's not necessarily true of our
2 sister agencies. So we are kind of bringing them
3 along as to how this might work.

4 And the same kind of structure you just
5 talked about, Roy, where the local councils that are
6 already in place could serve as a tremendous resource
7 for what could be one national, to talk about national
8 policy. So all those things -- at this point they are
9 looking at all those options, but I would not at
10 all -- I might put money on your options.

11 MEMBER DENNER: For the Council's
12 benefit, I mentioned yesterday that we will be back in
13 Washington for a Motorized OHV Summit next month, and
14 I will try to get this clarified by the next DAC
15 meeting so we can be more specific about the actual
16 structure.

17 I would be really opposed to establishing a
18 whole bunch of new RACs, but the idea of an oversight
19 recreation RAC that would be a national organization
20 makes sense. So I will come back with more definite
21 input by the next DAC meeting.

22 MEMBER MC QUISTON: Thank you. Jim.

23 MEMBER BUGERA: Instead of taking what
24 would probably be months or years to establish new
25 RACs, would it be possible to just empower existing

1 DACs to do these sorts of things? We are here for
2 advice. We have been here for years. It would take a
3 new Council years to come up to speed, whereas we
4 could just empower the existing RACs.

5 MS. BEDROSIAN: If I were the -- and
6 again, I'm not a lawyer, but I think that's exactly
7 the option they presented; that until and if the
8 secretary decides to charter this Council, the RACs
9 that are currently established under other law can
10 advise us on recreation fees issues, clearly. There
11 is no hiatus, so however long it takes -- I wish I had
12 an idea. Maybe Roy can find out. However long it
13 takes you are empowered to obviously advise us on
14 recreation fee issues.

15 MEMBER PRESCH: Within the act, is there
16 a definition of what recreation is? That is to say,
17 what types of activities are included? I ask this
18 question because my main interest is in education and
19 getting people out into the various areas. And if
20 education is considered a recreation and we pay fees,
21 I don't think that helps the program.

22 But on the other hand, if education
23 activities would be included, since we obviously use
24 vehicles to get to where we go, is there any way of
25 building in some kind of an exemption for qualified --

1 just put that term in -- education activities so that
2 these fees do not become burdensome to the educational
3 activity?

4 MS. BEDROSIAN: Clearly, that issue was
5 very strongly recognized by my read of the
6 legislation. And clearly, there are provisions for
7 research, educational-type purposes, so there is that
8 authority there.

9 MEMBER MC QUISTON: I have just a couple
10 not questions, but comments that come to mind.

11 While I might not feel comfortable with
12 knowing what the design should be, my intuition tells
13 me up front, I have had very strong feelings, about
14 what it should not be. The notion of state RACs or
15 Reacts -- I think we should probably think about that
16 for a minute. There is probably more federal land in
17 the California Desert Conservation Area than there is
18 in the northeast United States, Vermont, Rhode Island,
19 Connecticut, and Delaware and places like that.

20 I don't even know what, if any, federal
21 land they have. They certainly don't have some of the
22 endangered species habitat and issues that we do.

23 So I would not be opposed to our group
24 saying whatever you do, don't do that. It seems to me
25 it should be resource-driven. Similar to the

1 California Desert Conservation Area. You share a
2 resource that has a lot of common attributes that
3 probably are different than Glacier National Park or
4 Yellowstone National Park. So I'd be curious to hear
5 comments here. I think regions of the United States
6 or states is just not the best way to approach it
7 because there is so many regions that have no BLM/
8 Forest Service types of land. But where you can draw
9 a huge resource like this, I don't disagree with the
10 comments we have heard. We might be able to be a good
11 feeding mechanism up to some sort of higher
12 organization that may be defined in function and in
13 composition by that. Anybody else?

14 MEMBER PRESCH: In your introduction, I
15 believe you mentioned that this is for a lot of
16 federal agencies, and that would include the National
17 Park System?

18 MS. BEDROSIAN: It is considered to be
19 one of the affected councils.

20 MEMBER PRESCH: To my knowledge, they
21 don't have any RACs, DACs, and most of them don't pay
22 any attention to their Advisory Council. How will
23 they fit into discussion of user fees? Will this be
24 something completely different? That is to say, if
25 you are standing on Razor Road, if you go to the east,

26

1 will you have to deal with the Park Service, RAC or
2 DAC fees? And if you go west, you deal with BLM RAC
3 or DAC use fees? Do you have any idea if there will
4 be any kind of coordination in some place, like the
5 East Mojave, on these kind of things? Or just the
6 typical National Park we-will-do-what-we-want thing?

7 MS. BEDROSIAN: I certainly could not
8 address the National Park Services' policies in that
9 regard. They do have some advisory committees. You
10 have to remember that there is a committee set up
11 under the Desert Protection Act. They have some
12 Advisory Committees. But I think the difference there
13 is obviously Park Service truly is in the entrance fee
14 business. We are in the recreation fee business.
15 It's a little bit different, and I'm sure that we and
16 the Forest Service -- it has a much more significant
17 impact on us than it does on the Park Service, which
18 has been charging entrance fees under various
19 authorities for many years. So how that's going to
20 work, I don't know. But they are under the Affected
21 Body Act.

22 MEMBER DENNER: I think I can add
23 something to this. It's my -- my understanding is
24 that regarding the intent of the act, and what we are
25 doing here is getting down into nuts and bolts, that

1 the whole purpose, as I understand it, of forming a
2 national advisory group strictly regarding recreation
3 is because of these problems. The BLM has certain
4 kinds of Councils. The Fire Service has different
5 kinds of things happening. And the object of this
6 national advisory group is to see that methods are
7 consistent throughout the various agencies. That
8 whatever fee programs are developed and whatever
9 problems exist with the Park Service that don't exist
10 with the BLM can be addressed. That's going to be the
11 function of this Council once it's organized, to take
12 a look at the structure of recreation fees across the
13 country and try to bring some standardization and
14 commonality nationwide.

15 Below that, the idea of regional RACs or
16 state RACs or whatever I have not even heard
17 addressed. I thought it was a really good idea to
18 have some kind of a national organization that
19 involves itself strictly with recreation and
20 recreation fees that groups like us and like the
21 Forest Service people who may not even be as
22 knowledgeable as we are, can look to to provide
23 guidance to make sure it's consistent across the
24 states and regions.

25 That's the whole purpose. So to answer

1 nuts and bolts questions of how the RAC would
2 function, the only thing I have heard in terms of
3 specifics is the types of the 11 members appointed to
4 this national RAC. And I think it's a pretty good
5 widespread generalization of the people that should be
6 involved with the National Recreation Advisory
7 Council. So that's kind of where we are. I think if
8 you want to pursue it down to the nuts and bolts
9 level, nobody knows because it's going to be up to
10 that RAC when it's formed to determine those things.

11 MS. BEDROSIAN: I think Mr. Denner is
12 right. We are in the policy formulation stage. They
13 are looking at a wide range of options. How this will
14 finally come down is hard to tell at this point, but
15 we will certainly keep you all informed as it
16 develops.

17 MEMBER BETTERLEY: Mr. Chairman, Roy and
18 Jan, is there going to be a determination of what
19 recreation is? I mean, if you are dealing with the
20 Park Service, you got a whole different ball game. If
21 BLM and recreation, they pretty well have it defined.
22 But the Park Service when we talked about it, and I
23 don't know that they will define what recreation is.

24 MEMBER DENNER: I think you are asking
25 the same question. The first job of this Advisory

1 Council when it is established is to address questions
2 like that. Why should the definition of recreation be
3 different in the Park Service than it is from the BLM.
4 That's the reason there is a need for an oversight
5 group like that. And that's going to be the kind of
6 thing that they will put on their plate from Day
7 No. 1, as I understand it.

8 MS. BEDROSIAN: I agree. I think they
9 are going to be talking about the whole issue of
10 recreation fees and what recreation means. And mostly
11 again, I think Mr. Denner is right. The goal is to
12 bring some semblance of consistency and
13 standardization to how the agency interprets and
14 applies policy.

15 MEMBER BETTERLEY: One of the things
16 that disturbs me is that it takes Linda eight months
17 to get appointees to this committee. What the hell is
18 it going to take to appoint to a national one? We are
19 looking down the road 20 years, and I'm not going to
20 be around then.

21 MEMBER DENNER: The primary difference
22 is this has congressional -- it has our congressmen
23 behind it. They are the ones that developed this new
24 recreation plan. So you might think it should move
25 faster. It's not a guarantee, but it's being

1 addressed at the highest level.

2 MS. BEDROSIAN: I would like to point
3 out that as the official at the State office
4 responsible for Advisory Councils, I always do point
5 out to Washington that you are all a Presidential
6 Advisory Council as well; that you came into being by
7 a congressional order in 1976, unlike other councils
8 that followed. You are unique in that regard and very
9 special to us.

10 MEMBER BETTERLEY: Oh, you are so kind.

11 MEMBER MC QUISTON: Any further
12 questions or comments? Thank you very much.

13 We will now move to the second portion of
14 this. I think we are going to do the Dumont Dunes and
15 El Mirage together in terms of these fee areas, TRT,
16 fee collection and use.

17 Roxie, I think I will turn this over to you
18 for introduction, and we will proceed from there.

19 MS. TROST: Roxie Trost, Barstow field
20 manager. Before we get started, I would like to
21 present a proposal to the Council. And that proposal
22 is that we try to concentrate our efforts today on
23 Dumont and to hold El Mirage for sometime in the
24 future. And the reason I am asking that is for two
25 reasons, actually.

1 The first reason is that we currently are
2 not charging fees at El Mirage, and we do not know
3 when that is going to occur in the future. The second
4 reason is because we have a very active Friends group
5 that meets monthly out at El Mirage, and they have
6 pretty strong feelings about this. I do have with me
7 a letter that was sent to the District Manager from Ed
8 Waldheim, who is our president of Friends of El
9 Mirage. And I would like to take just a moment. I
10 will read that letter to you in its entirety so that
11 you can get a feel as to where that group is coming
12 from, as well.

13 "On behalf of the CORVA board
14 of directors, we would like to
15 share with the DAC members a
16 process in which BLM can share
17 their management objectives. In
18 those areas where fees are in
19 effect, we think it's a good idea
20 to have a group meet on a regular
21 basis. We have problems with it
22 being called a TRT. In those
23 instances where we have Friends'
24 Groups, i.e., Friends of Dumont,
25 Friends of El Mirage, Friends of

1 Jawbone, these groups in essence
2 are the groups that work out issues
3 with all parties concerned. They
4 have regular monthly meetings where
5 the public is invited to
6 participate. All issues of funding
7 are discussed, and your agency
8 personnel are always there."

9 "It's our recommendations that
10 you not set up a separate TRT for
11 those areas where you have a
12 Friends' Group already in place.
13 This will not only save BLM time
14 and money, but continues the good
15 relationship that these Friends'
16 Groups have with BLM as support
17 groups to the mission of the BLM.
18 These Friends' Groups have to date
19 raised funds to work on BLM land
20 and secured almost a million
21 dollars in grants with the areas.
22 These were grants that would not
23 otherwise be available to the BLM.

24 "So we suggest that the DAC, if
25 they adopt some type of overseeing

1 issue, that consideration be given to
2 the existing Friends' Groups that are
3 currently organized."

4 So that is his letter to us. And I would
5 like to start hopefully this first part or this second
6 part of our Recreation Enhancement Act discussion
7 talking about whether El Mirage should be part of that
8 or not.

9 I know Mr. Waldheim also has Dumont in his
10 letter. However, the Friends of Dumont Dunes hasn't
11 been as active as the Friends of El Mirage. And my
12 hope is that we would be able to include some of those
13 individuals as part of Dumont Dunes TRT.

14 MEMBER MC QUISTON: Discussion?
15 Comments?

16 MEMBER DENNER: I guess it's just pretty
17 much my bag. I should comment on what Roxie has to
18 say.

19 All I can say is I agree wholeheartedly.
20 It makes sense to hold El Mirage. And it makes sense
21 to -- that unless there are people in the audience who
22 are here specifically for Dumont Dunes that have a
23 different feeling, I would like to hear that before we
24 take any action, certainly, but whether the group is
25 called Friends or a TRT I don't think is really that

1 important. But if you think establishment of a formal
2 TRT for Dumont Dunes makes sense, I would be in favor
3 of going that way.

4 MEMBER MC QUISTON: I don't see a lot of
5 people jumping to talk. Please come forward and give
6 us your name. While we are waiting, Ron Schiller, you
7 had a comment?

8 MEMBER SCHILLER: Yes. I would like to
9 ask some questions. I'm not fully clear on how the
10 fees would be charged and how they would be applied.
11 I know maybe Harold Johnson could answer this. I know
12 there is some gem and mineral collecting opportunities
13 in that area, but I'm not familiar with specifically
14 what they are.

15 MEMBER MC QUISTON: Let me ask, Ron, if
16 we can focus on the question of whether El Mirage
17 should be included or excluded first, and then we can
18 get into detail. Would that be okay with you?

19 MEMBER SCHILLER: Sure.

20 MEMBER MC QUISTON: Let's take public
21 comment now. Please give us your name for the record.

22 MS. WARREN: My name is Vickie Warren,
23 and I am president of Duners, a group focused mainly
24 on Glamis, but I also represent Dumont Dunes, Oceana
25 Dunes and Glamis Dunes on the OHV Roundtable up in

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1 Sacramento.

2 The only concern that has been voiced to me
3 that I need to voice to you is in having a Friends'
4 Group versus a TRT is diversity. The Friends' Groups
5 primarily exist from one organization. And it's
6 difficult then for other outside sources to be
7 involved in the process. They either have to stop
8 representing their own interest and become part of
9 that organization in order to have a voice, or not
10 have a voice.

11 So that's the concern that I have. It's
12 been expressed to me several times. I would like you
13 to keep that in mind in considering whether you form
14 that or keep a Friends' Group only.

15 MEMBER MC QUISTON: Thank you.

16 MR. STEWART: Good morning. John
17 Stewart, California Association of Four-Wheel Drive
18 Clubs.

19 With the issue of the Friends' Group in
20 specific, I don't find much problem with having them
21 being the -- functioning as the TRT, with some caveats
22 attached to it. In the charter of the Friends' Group,
23 if that includes an advisory capacity or authority to
24 review and recommend establishing fees for that area,
25 then fine. So one point is that the charter of that

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1 Friends' Group would have to have a clause in it that
2 addresses the subject of establishing fees and a
3 hierarchical reporting so that the dunes are working
4 in conjunction with other groups in the area, so you
5 don't have fees that are way out of bounds in one area
6 and low in another area. This would have an impact.

7 People would -- they may push for
8 recreation from one area to another area. We would
9 like to see something balanced across the board. So
10 any Friends' Group would have to be tasked with
11 coordinating their structure across the broad region
12 of where the recreation would come from.

13 So that having that, I think the
14 representation for a specific area, I think it's
15 important that they are very in tuned to what is going
16 on there and they are open to everybody. So it's
17 within that framework I don't see much problem with
18 the Friends' Group functioning as the TRT.

19 MEMBER MC QUISTON: Any other members of
20 the public? Seeing none, we will return to the
21 Council for comments. I think just -- and I'm -- I
22 like the idea of the Friends' Group, but I think
23 within our organizational framework, TRTs are supposed
24 to be members of the DAC. There may be some precedent
25 where that hasn't been the case. I'm not sure. Roy,

1 this really would be a question to you.

2 Do we need a TRT? Do we need Friends, or
3 do we need a TRT that maybe looks at fees in the
4 entire area? But for this area, it might be Friends
5 of Jawbone that they are interfacing with, or in this
6 case, friends of El Mirage or friends of Dumont Dunes.

7 But I was a little -- because in the
8 discussion, we talk about Friends' Groups and TRTs.
9 To some extent they are mutually exclusive. But there
10 may be a need for some overarching TRT made up of DAC
11 members that interfaces with all of these groups.

12 Do you have any thoughts or recommendations
13 there?

14 MEMBER DENNER: I certainly do. Being
15 the DAC's appointed TRT member for the Imperial Sand
16 Dunes Recreation Area, I have been on that for five
17 years, and I would be happy to give you the nuts and
18 bolts on how I think a TRT should operate. But I
19 think it has to do with jurisdiction, if you will.

20 I think one of the good things about the
21 fact that the TRT in the Imperial Sand Dunes is
22 chartered under this Advisory Council means that, as
23 you know, on a regular basis I bring to this group
24 what is happening in the Imperial Sand Dunes relative
25 to that TRT: What I like about it and what I don't.

1 On occasion I have asked for motions relative to what
2 is happening there from this Advisory Council.

3 I don't know if that would be the case with
4 a Friends' Group. A Friends' Group is not a body
5 chartered by this DAC. So -- and I'm not saying that
6 that should be the overriding consideration. I mean,
7 we need to consider whether this body wants to have
8 some sort of jurisdiction over that TRT so that we can
9 look across the board and bring standardization to the
10 way our TRTs operate or whether we want to turn it
11 over to a Friends' Group that may be doing a very good
12 job and fulfilling exactly the same function, maybe
13 even with less consumption of resources.

14 But, for example, over the five years, the
15 TRT in Imperial Sand Dunes has demanded really good
16 accountability from the BLM. We now have reports that
17 show every dollar that comes in and where every dollar
18 goes out. And I would expect a TRT for any recreation
19 area that is advisory, even though we are only
20 advisory, we still know what is going on. We may not
21 like it, but we know what it is. I would think any
22 TRT would want to have that kind of visibility.

23 So I would see transferring this accounting
24 system that we have developed over the years in the
25 Imperial Sand Dunes to any other TRT that was

1 formulated. I don't know that the Friends' Group
2 would have to adopt that kind of accounting
3 requirement or not. So those are considerations, not
4 overriding, but certainly considerations that should
5 be put on the table, in my opinion.

6 MEMBER MC QUISTON: Other comments? I
7 know Ron, and I deferred your question earlier. You
8 want to go back to that?

9 MEMBER SCHILLER: Well, I think Vickie
10 raised an excellent point. How can you ensure
11 diversity in areas for other type of activities? And
12 I understand that in the Dumont Dunes area, that's
13 pretty much exclusively dunes play type of activity.
14 I understand in the El Mirage area, there are other
15 types of activities that take place there that require
16 access for other, not necessarily considered OHV play
17 type activities. And as this goes on further, when we
18 discuss other areas, I think it would be even more
19 important.

20 So the question is in my mind, how do we
21 ensure that the different aspects of recreation be
22 considered and included in these, whatever we have, a
23 TRT group or Friends' committee that do make the
24 recommendations.

25 MEMBER MC QUISTON: Is there -- Roxie or
40

1 any of your managers here, is there any ideas or
2 insight or preferences that the agency itself may want
3 to address with respect to this question?

4 MEMBER PRESCH: I perhaps need a point
5 of clarification. Establishing fees in a particular
6 area now seems to be a national mandate we just heard.
7 And therefore, any kind of recommendation that would
8 go to the national RAC would probably be best coming
9 from a DAC RAC or a DAC TRT. And Friends may not be
10 looked upon as the right source of that information.
11 So it would seem that that would be another
12 consideration in terms of whether we have or do not
13 have a TRT for a particular area.

14 I don't see why we couldn't have a Friends
15 and a TRT working together on these discussions and
16 then the recommendations from the official side, if
17 you will, from the BLM side, would come from the DAC,
18 but in discussions with the Friends' Group so we have
19 an understanding of what their act is doing on the
20 ground.

21 MEMBER McQUISTON: I believe it's
22 absolutely imperative that the district, our Council,
23 the success is in a great part driven by the number of
24 volunteers, citizen volunteers we can get to help when
25 we are underfunded and understaffed. I don't see this

1 question too much unlike what we did with the
2 Adopt-a-Cabin. We established a TRT. We went and met
3 with that volunteer group. They don't have a formal
4 name like Friends of the Cabin, but they serve
5 essentially the same function. So I don't see too
6 much difference in what we did with that and what we
7 are talking about here.

8 MEMBER BROWN: I agree with what Jon
9 just said. And I guess this would be a question for
10 Roy. Say, the way I'm understanding this, the Friends
11 are proposing that they would act as the TRT rather
12 than a separate one.

13 So, say, in your capacity as representing
14 recreation, I imagine you are in contact with all
15 these different "Friends of" groups. And so if there
16 was a DAC person, let's say yourself, that was part of
17 or a member of these Friends' Groups, then you have
18 this direct thread connections that's not really
19 separate, then. But still connected.

20 MEMBER DENNER: As a matter of fact, I
21 am a member of some of those Friends' Groups, not a
22 real active member, but I stay posted regarding what
23 is going on there. And it goes back to what Vickie
24 said. The Friends' Groups are generally composed of
25 members of a specific organization; however, any of us

1 can be members of that organization, certainly. But
2 it may have some impact or effect on how many people
3 are going to volunteer to be part of this advisory
4 group, whatever we want to call it, if they have to
5 become a member of a specific organization before they
6 can be in an advisory capacity. It could be a
7 problem.

8 Again, I'm not saying that it will be, but
9 we need to consider that that could be a problem.
10 It's a matter again of jurisdiction. Does this
11 organization want to have jurisdiction over that body
12 that's advisory between the BLM and the end user, or
13 do we want to accept a group that's already in
14 existence doing a really good job, I might add, and
15 let them carry the ball? It would be a whole lot
16 easier for us, but on the other hand, we can't demand
17 from it any particular type of accounting.

18 MEMBER BROWN: I kind of viewed it like
19 Jon, where let's say Roy would join the Friends of El
20 Mirage. You are not going to come in there and tell
21 them what to do. I'm sure they would reject that.
22 But you could sit in a circle, so to speak, and
23 ultimately they would make recommendations that might
24 be passed through you to the DAC. And if we like it,
25 we like it; if we don't, we don't. So I wasn't

1 implying that we would be controlling them because,
2 like you say, they might already be doing better than
3 we could do anyway.

4 MEMBER MC QUISTON: Let me get to what I
5 am seeing evolved as the public policy question here.
6 Within our organization we have the ability to
7 establish a TRT. And by definition of this group,
8 it's made up of multiple users representing a lot of
9 stakeholders' groups. And even with our
10 Adopt-a-Cabin, we work very hard trying to get
11 unanimous positions. We don't always, but our TRT had
12 environmental representation, nonrenewable resource,
13 public-at-large, primarily a rock hound and mountain
14 guide. And we have an elected guy that can hardly get
15 one foot in front of the other without some
16 difficulty, and I think there is value in that.

17 So the policy question I see emerging is,
18 do we want to delegate TRT function and responsibility
19 to a single group? And that's problematic to me. I'm
20 more inclined to say we establish a TRT that would
21 interface with those types of groups and other
22 stakeholders in terms of trying to come back and make
23 recommendations to this group so that we can make
24 recommendations to the District Manager.

25 MEMBER BETTERLEY: This doesn't have to

1 be just that one group, Friends. It could be multiple
2 groups, if it had to, as long as they, for lack of a
3 better word, reported to the DAC.

4 MEMBER MC QUISTON: Roxie, go ahead.

5 MS. TROST: Just let me give you my very
6 simplistic view of this.

7 MEMBER BETTERLEY: What kind of view is
8 that?

9 MS. TROST: Simplistic. I worked with
10 the TRT in the Imperial Sand Dunes, and I have also
11 had the pleasure of working with the Friends' Group.
12 The biggest difference that I see between the two
13 groups is No. 1, the formality: The TRT and the DAC
14 is chartered by the Secretary of Interior. The
15 Friends' Group is very informal, and they pretty much
16 work with me directly. So issues that that group have
17 typically are dealt with specifically in our field
18 office.

19 With the TRT, however, the District Manager
20 is involved, and there is a lot more formal means to
21 get your issues carried up the chain.

22 So that would be the biggest advantage I
23 would see from my view of being able to go towards the
24 TRT than with the Friends' Group.

25 MEMBER MC QUISTON: After this comment,

1 I think, Roy, did you want to make some comments to
2 shed some light on this?

3 MEMBER DENNER: I think Roxie may have
4 put her finger on what may be the overriding factor.
5 As you all know, last year we had a funding problem at
6 the Imperial Sand Dunes. And had we not had a formal
7 TRT to take the problem up the chain of command, we
8 wound up getting two grants from Washington, one for
9 \$500,000 and one for \$450,000 to help the funding
10 shortfall in the Imperial Sand Dunes. And that
11 probably would not have happened with an informal
12 group that just talked to the field manager about
13 their issues. And maybe that is a real important
14 consideration.

15 We all recognize that the BLM is
16 understaffed and underfunded, and most of us have made
17 an objective to do what we can to try to help that
18 problem. We have another problem in the Imperial Sand
19 Dunes that I discussed yesterday with half a million
20 dollar shortfall. And one of my objectives in
21 Washington is to try to make that up somehow.

22 With a Friends' Group, that probably would
23 not happen. We would not have that ability to take it
24 up the ladder. So that's a very important
25 consideration.

1 MEMBER MC QUISTON: Thank you. Harold,
2 would you come forward and give us your name for the
3 record and what you do, shed some light on this.

4 MR. JOHNSON: I follow Jon around a lot
5 in picking up rocks that he misses.

6 My name is Harold Johnson. I'm the
7 recreation branch chief in Barstow. It agree totally
8 with what Vickie and Roy said, and I certainly agree
9 with what my field manager said.

10 The Friends' Group at El Mirage is a
11 valuable asset to us. In fact, one of your DAC
12 members is in that Friends' Group, and that's Sheri
13 Davis. But we have a little different problem with
14 Dumont Dunes. The Friends' Group is new. Very small.
15 Not terribly well-organized. And keep in mind when it
16 comes to Dumont Dunes, about 50 to 60 percent of the
17 people that use Dumont Dunes come from Nevada rather
18 than California.

19 So if we set up a TRT that just involves
20 Californians, even though there are more and more
21 people coming from further down in California and up
22 north in California, we are going to not include
23 everybody that are the concerned users of the area.
24 So the Friends' Group at Dumont Dunes I don't think
25 would be able to function in the effective manner that

1 the TRT down in El Centro works.

2 So I think it's important that we set up a
3 TRT. In fact, in our business plan we address that
4 and said we did want to have a TRT to advise us on the
5 management of the area. We can deal with El Mirage
6 later, but I agree with what you are saying. I'm not
7 convinced that even though the Friends' Group does
8 have a broader cross-section, the friends of El
9 Mirage, than just recreation, it probably needs to --
10 would need to expand some and be broader and look at
11 the entire picture if it ever did serve that function.
12 But we can deal with that down the road.

13 MEMBER MC QUISTON: Thank you. I think
14 we are probably getting close to having some sort of
15 idea where we may want to go with this. Preston, I
16 will get to you in just a second.

17 I'm not comfortable delegating -- I don't
18 mind partnering. I go back to the Adopt-a-Cabin.
19 It's working, but I wouldn't be comfortable delegating
20 to that group and saying you are the TRT. Number one,
21 I don't know that we have the ability or authority to
22 do that. Whatever authority we have is delegated to
23 us from the Secretary of Interior. I never read
24 anything that says we have any ability to subdelegate
25 that further. We do have the ability to form

1 technical review teams and modify them in some
2 capacity to serve that purpose.

3 But just looking at what I do in my other
4 daytime job, I love working with the community groups.
5 I form as many partnerships as I can, but I don't
6 delegate my authority and my ability to make decisions
7 to any group. So I think I would have difficulty with
8 that.

9 Preston.

10 MEMBER ARROW-WEED: First talk about the
11 Adopt-a-Cabin. To me that was kind of historical and
12 should be left to the other people to see. I thought
13 that was all right. I agree with that.

14 I also think that -- feel that it is the
15 responsibility of the Secretary of Interior to protect
16 other various land and so forth. And I think it's the
17 responsibility of our -- someone in El Centro to look
18 after that. She should be given that responsibility
19 and look at it and have the voice to say what she has
20 to say. Not to be overpowered by anyone else.

21 It's getting to the point where it seems
22 like if you can raise enough money, get enough money,
23 go ahead and rape the land if you want to. You paid
24 for it. We are selling the land. We don't respect
25 it. And you pay enough money, you can desecrate it.

1 And it's up to the BLM to fix it all over again, and
2 they can't fix it. Some things can't be fixed. I
3 know it sounds funny. The land, that's important what
4 you do to it.

5 Think what it does to the human being is
6 the same thing I'm talking about. If I go any
7 further, I would insult the government for what they
8 should be doing, but I am trying to stay at the level
9 to try to be neutral. To me, that's what I hear and
10 see, that there is no regard. That you can remedy it
11 by doing certain things, and that will take care of
12 it.

13 I think it's the responsibility of those
14 who delegate us here as a DAC to look into it. But to
15 create more, to do more, to do more damage, and
16 everybody wants more and more and more. There is
17 never enough. And when it's enough, that's not enough
18 and you want more, and it keeps on going.

19 I think the government is responsible for
20 this. That's why there are elected officials. We
21 have no power to keep them from doing what they want
22 to do. And if someone is smart enough and has enough
23 influence and can get more money, they can do what
24 they are doing again. And I think it's time we stop
25 doing that and start thinking about that land. Not

1 everyone is out there riding on the sand dunes. We
2 can go through it and admire it and do what we do.
3 But then we don't do that. Not everybody.

4 So not one special people have the right to
5 do what they do. They should take care of it, embrace
6 it, hug it, love it. But -- and not destroy it. I
7 don't understand that. I don't see that. I wouldn't
8 even do that to my own mother, and I don't think
9 nobody -- you should think of the earth as your mother
10 and respect it. That's all. Thank you.

11 MEMBER MC QUISTON: Thank you. Further
12 comments? Is there some position this board needs to
13 make or wants to make? Council?

14 MEMBER DAVIS: Sheri Davis. I am on the
15 friends of El Mirage. And it's been --

16 (Technical interruption.)

17 MEMBER DAVIS: Well, the film industry
18 speaks. You know, I'm on the Friends of El Mirage,
19 and there are a number of end users that are on that.
20 And some of them cross over into the Friends of
21 Jawbone.

22 I will tell you that it's a great
23 relationship because most of the people on it are
24 people that live around El Mirage. And they have a
25 passion for the land. They have a passion for that

1 dry lake. I have numerous film crews that come out
2 that are chased off by the mayor, George Galloway,
3 when they don't realize that the surface is probably
4 softer and as wet as it is. And I think that the
5 Friends' Group serves a very valuable resource to the
6 field manager.

7 But I do think that there needs to be a TRT
8 established, because I watch the Friends' Group. They
9 have a great relationship with all of the BLM that
10 sits around the table with them. There is lively
11 discussion. There is lively debate on every issue
12 impacting the land managed by the BLM. But I think
13 that the TRT is a broader focus and should come under
14 the DAC with a working relationship with the Friends
15 of El Mirage. They are a great group, a very
16 responsible group, but I agree with Roxie they can go
17 straight to the field manager.

18 MEMBER MC QUISTON: I'm hearing a common
19 thread here way to the point that somebody would like
20 to suggest an action by the Council, or do we need
21 further discussion? Seeing nothing, that's leading me
22 to believe we don't want to take a position on this,
23 even though we have perhaps discussed one?

24 MEMBER PRESCH: Are you asking for a
25 motion?

1 MEMBER MC QUISTON: Well, I'm asking is
2 this something that our Council -- let's turn to
3 perhaps Roxie. Are we being asked today to take a
4 position with respect to Friends' Groups, whether they
5 should become a TRT? Or we delegate that function to
6 them? Or whether we should establish TRT and work in
7 conjunction with the groups such as Friends and
8 others. That's what I am hearing is the issues before
9 us. And I'm getting the impression -- we have not
10 taken a position on that, and we are being asked to.
11 Is that a fair assessment.

12 MS. TROST: Let me go back to where we
13 started. And maybe I can help clarify just a little
14 bit.

15 My initial proposal was to hold off at this
16 time on El Mirage and to get the Council's feeling on
17 going forward with Dumont Dunes as a TRT so that
18 Barstow can begin that process of developing -- maybe
19 there are some people here today in the audience or
20 somebody on the DAC that would like to take that
21 leadership and to go forward with Dumont. And those
22 are the things I see on the table.

23 MEMBER MC QUISTON: Okay. Then I think
24 it's getting clearer to me that's her recommendation,
25 but if somebody wants to go forward with El Mirage

1 today, then all the discussion I think we have heard
2 would probably come to bear on that. So --

3 MEMBER DENNER: I have a comment. I'm
4 probably the one that's most involved with these
5 issues. And it may seem appropriate that I make a
6 motion. But I am intentionally not making a motion
7 because I think it's up to some of the other DAC
8 members here, if they really care about this issue, to
9 decide what we ought to do.

10 I don't want to push this as my agenda. I
11 will be happy to participate, but I am intentionally
12 not making a motion on this issue. So it's up to you
13 guys.

14 MEMBER MC QUISTON: Well, we heard what
15 Roxie's recommendation was. Is there someone here
16 that would like to move on that recommendation?

17 MEMBER BETTERLEY: I would move that we
18 form a TRT for the Dumont Dunes. That motion can be
19 broadened or reduced, but I make it just in a simple
20 form.

21 MEMBER WILEY: I second that.

22 MEMBER DAVIS: Second.

23 MEMBER MC QUISTON: I think Carol beat
24 you there. Council members? Public comment?

25 Please come forward. Brevity always helps.

1 MR. BANIS: It does. Randy Banis,
2 Ridgecrest Steering Committee, B-a-n-i-s.

3 I strongly support the forming of a TRT for
4 the Dumont Dunes. I think there are some big issues
5 in Dumont Dunes, particularly relevant to the fees and
6 where the fees and monies are all going that a
7 fledgling, just beginning Friends' Group won't have
8 the kind of strength and support behind them for some
9 time to be able to raise, I think, some very important
10 questions that need to be on the agenda of that TRT.

11 I would like to defer to the chairman, if I
12 may. I do have a list of specific issues that I think
13 should be on this TRT's agenda. I don't know if this
14 is the appropriate time to share this or perhaps in a
15 public comment session later today.

16 MEMBER MC QUISTON: I would request that
17 it will be held until the public comment session later
18 today. We will take your recommendations and make
19 them a matter for the record. And should we form this
20 TRT, those members will be provided a copy of those,
21 because I believe that's some of the framework from
22 which they would begin the work.

23 MR. BANIS: Thank you, I would like that
24 very much. I have seen issues reach a condition of
25 stonewall in the local level. And once it hits this

1 DAC, the DAC has a way of shaking things out and
2 making things happen. And I would like to see that
3 happen on the Dumont Dunes issue too. Thank you.

4 MR. STEWART: Good morning, Council.
5 John Stewart, California Association of Four-Wheel
6 Drive Clubs.

7 I can support the TRT formation for the
8 dunes. But I also request that the scope of it be
9 looked at as not to be totally inclusive of only
10 Dumont Dunes, under the realization that if something
11 is done at Dumont, there is a high probability that it
12 will impact an adjacent area where there may not be a
13 TRT, leaving to increasing problems or just moving
14 problems from one spot to another. So just keeping it
15 a narrow focus on Dumont Dunes will address specific
16 issues there. But I would like to encourage you to
17 make sure that we address issues in totality across
18 the range of where the recreation does occur. Thank
19 you.

20 MEMBER MC QUISTON: I believe our motion
21 specifies Dumont Dunes, and the second. And that's
22 what is before us. Seeing no further public comment,
23 we have a motion and a second. All in favor? Aye.
24 Opposed. None. Let the record note --

25 MEMBER BETTERLEY: Mr. Chairman, at

1 later dates, this can be expanded.

2 MEMBER MC QUISTON: Absolutely.

3 MEMBER BETTERLEY: So just getting the
4 start in one area.

5 MEMBER MC QUISTON: If I can get my foot
6 in the door, I can eventually get my whole body
7 through.

8 MEMBER DENNER: Mr. Chairman, before we
9 leave the issue, it seems like it would be appropriate
10 to recommend a representative from the DAC to be the
11 representative on this new to-be-formed TRT, and I
12 would like to ask for help. I know everybody is going
13 to point the finger right at me. I've put a
14 tremendous amount of time in already in El Centro and
15 the TRT. Dumont Dunes is a long way from where I
16 live. And I think it would be really good for
17 somebody else to get involved with one of these --
18 somebody else on the DAC to get involved. I would be
19 happy to work with that person and see that we
20 communicate regularly and transfer information
21 relative to what is going on in the TRT.

22 But I'm looking for somebody else to jump
23 in here and do one of these things and learn what this
24 is about. It's very interesting and very educational,
25 and somebody that lives up in that area would be very

1 logical.

2 MEMBER MC QUISTON: I agree. Typically,
3 we have more than one member of the DAC on TRTs. I
4 know on ours we have four. I don't know if that's a
5 magic number or not.

6 Is there anyone here that would be willing
7 to serve?

8 MEMBER CHARLTON: I live the closest to
9 that area.

10 MEMBER PRESCH: Also.

11 MEMBER MC QUISTON: We have two. Even
12 better.

13 Would somebody like to make a motion that
14 we may take action on that? We have Dave Charlton,
15 and Bill Presch has volunteered.

16 MEMBER BETTERLEY: I would move,
17 Mr. Chairman, that at this particular time that you
18 appoint a No. 1, 2, 3 or 4 to that.

19 MEMBER MC QUISTON: Let me turn to our
20 BLM oversight. Is that normally the chairman's point?

21 MEMBER BETTERLEY: It has been in the
22 past.

23 MEMBER MC QUISTON: I so appoint. Do I
24 have that power?

25 MEMBER DENNER: Before you appoint

1 someone, Mr. Chairman, I just wanted to point out that
2 Dr. Presch is about to embark on a study in the Dumont
3 Dunes of the fringe-toed lizard, which we all want to
4 see take place. We think he is going to be real
5 impartial there, so he is going to be living out there
6 in the Dumont Dunes pretty regularly. And certainly,
7 I'm sure Dave would do a great job. But I think we
8 might want to consider the fact that he is going to be
9 living there anyhow. And in the early stages, it's
10 going to take a fair amount of time to formulate this
11 TRT, so I think he is a perfect candidate.

12 MEMBER MC QUISTON: I concur, but if
13 there is more than one member that would like to
14 serve, I think that's good, as well. Dave, would you
15 like to serve?

16 MEMBER CHARLTON: Sure.

17 MEMBER MC QUISTON: So be it. Let the
18 record note that Dave Charlton and Dr. Bill Presch are
19 appointed, along with Roy Denner, as members of the
20 TRT for the Dumont Dunes area. We are doing great on
21 time.

22 MEMBER BETTERLEY: Mr. Chairman, it
23 might be well at this particular time to let other
24 members of the DAC know that they are always welcome
25 at any of those TRT meetings, too, so they can help

1 Bill if they can. And I would be glad to do that.

2 MEMBER McQUISTON: Thank you for that
3 comment. I sometimes assume too much, but any of
4 these TRT groups and meetings, all members of the DAC
5 are welcome.

6 MEMBER BETTERLEY: Sheri Davis should be
7 involved in that, and I think she could.

8 MEMBER MC QUISTON: You want to be
9 appointed too? So let the record know we now have a
10 TRT of four members. Sheri Davis is also appointed,
11 and anybody else is welcome to attend. Sorry, Sheri,
12 I didn't see your hand go up.

13 MEMBER DAVIS: That's okay. It was a
14 half hand.

15 MEMBER MC QUISTON: We are now going to
16 move to the items, Special Recreation Use Permits For
17 Events, Cost Recovery, and some discussion of a TRT or
18 subgroup on that.

19 Roxie, I'm going to turn to you to
20 introduce this, and we will open it up to Council
21 member discussion and comments.

22 MS. TROST: This next topic is for the
23 Special Recreation Use Permits and Cost Recovery TRT
24 Development. This topic came up several times both in
25 the Barstow field office and within other field

1 offices.

2 And our District Manager was concerned
3 about it. She asked us to look into it. And with
4 that, Harold Johnson, our recreation branch chief, has
5 pulled together the other field offices within the
6 California Desert District and has had some discussion
7 with them.

8 So what I will do is I will ask Harold to
9 come up and to give a presentation, just a short
10 presentation on his meeting, and then we will go from
11 there and get some public input. Thanks, Harold.

12 MR. JOHNSON: Harold Johnson, Barstow
13 field office.

14 About -- I guess probably about a month and
15 a half ago there were a lot of questions that were
16 coming up on special recreation permits between
17 offices. And two years ago, we had a new guidance and
18 policy that came up from Washington. So everybody had
19 to kind of learn a new way of doing things. And one
20 of the problems we had is there seemed to be a lack of
21 consistency and a lack of communication.

22 So what Linda asked that I do is get
23 everybody from the other offices that deal with SRPs
24 together and start communicating so that everybody
25 knew what everybody else was doing and the public

1 could have an expectation that when they walk in the
2 door of one office, they have an idea that the same
3 thing is going to happen when they go to another
4 office.

5 So a week and a half ago in Barstow we got
6 everybody in all the field offices together that deal
7 with special recreation permits and began discussing
8 how we deal with those and what problems there were.
9 And we intend to continue that communication. That's
10 one of the nice things about having a district office.
11 You get or you should talk to other people and
12 communicate what is going on. We don't always do that
13 since we are -- the California Desert Conservation
14 Area is the size of the state of Ohio. It makes it a
15 little tough to get everybody together. It's like
16 some of us are in Cleveland and the others are in
17 Cincinnati and we don't get to Columbus very often. I
18 guess Barstow is the capital.

19 That's where we went from that. And then
20 the question of cost recovery, as Roxie mentioned, is
21 a continuing dilemma that we need to talk about. Is
22 that short enough?

23 MS. TROST: Yes, thank you.

24 I think we all have the same goals with
25 where our next steps are. The bureau wants to ensure

1 that there is consistency, that we do have a proper
2 accounting system. So that's where we want to see if
3 we can work together and be able to provide that.

4 MEMBER MC QUISTON: Bill Presch.

5 MEMBER PRESCH: What are we talking
6 about when we talk about special recreation permits?
7 What constitutes "special"?

8 MS. TROST: Well, I can tell you what a
9 special recreation use permit is. And that's a permit
10 that is issued out of our office for a number of
11 different purposes, typically tied to recreation.

12 All of our events, the L.A. B-to-V, for
13 instance, our sporting events. Special recreation use
14 permits are a lot of our vendors on public land. So
15 normally they are short-term events. And what we are
16 looking at is some of the larger events. And that's
17 the bigger issue here I think today are things that
18 require maybe environmental analysis, typically over
19 50 hours of staff time for the Bureau of Land
20 Management. That's our magic number that we use to
21 implement cost recovery. So I hope that helped.

22 MEMBER DENNER: I think I can add to
23 that, Bill, in terms of how is that as opposed to the
24 normal recreation fees. Again, using the Imperial
25 Sand Dunes Recreation Area as an example, that

1 operates every single day under a cost recovery
2 mandate. The fees that users pay to go there every
3 day have to add up to what it costs to run that area.
4 It's cost recovery. And that's on a daily basis.

5 However, if some of us wanted to put on a
6 special event at Glamis that involved a large number
7 of vehicles and a large number of people to promote a
8 particular issue or whatever, we would have to go to
9 the El Centro office, talk about the size of the event
10 and the impact the event would have. And the office
11 would determine how much extra fee would need to be
12 charged for that specific event, above and beyond the
13 normal fees that people pay to go there. So I think
14 that kind of paints the picture.

15 MEMBER MC QUISTON: Further discussion?

16 MEMBER DENNER: Once again, I'm sorry to
17 hog the platform here, but I have been living with
18 this intimately for a long time. And I have to say
19 that the problem is not unique to the California
20 Desert District. This federal mandate for cost
21 recovery applies across the country. And I work in a
22 number of states, mostly western states, that have the
23 same kind of problems. And what happened was that the
24 federal government issued this cost recovery mandate
25 without really having a good policy in place. And the

1 field managers like Roxie are stuck with the job of
2 trying to figure out how to implement this cost
3 recovery mandate without any well-defined policy of
4 how it's done.

5 So I see examples in various states of -- I
6 think of two events that are the same, and one
7 promoter is paying \$500 for this event and another
8 promoter is paying \$5,000 to put on a similar event,
9 because that's how the field manager has interpreted
10 this cost recovery mandate to be exercised. And
11 without pointing any fingers at any particular field
12 managers, I'm sure that some BLM field managers are
13 using this as a mechanism to fund -- to fill
14 shortfalls in funding in other areas not associated
15 with that event, and that's not appropriate. So in my
16 mind, there are three major considerations to
17 standardizing what is taking place.

18 One is that the permit that a person or
19 promoter fills out should be the same, not only
20 whether he is in Barstow or El Centro, but even if he
21 is in Reno it should be the same kind of thing if he
22 is doing an event on BLM land. So the permitting
23 process needs to be standardized nationally. And I
24 talked to Kathleen Clark and she agrees it's a really
25 important item. It needs to be developed from the

1 bottom up. It will never be effective if it's from
2 the top down.

3 So once a permit is standardized, the next
4 thing is cost estimating methods have to be
5 standardized. So whether a promoter is putting on a
6 motorcycle race in El Centro or Barstow or Reno, he is
7 looking at the same factors that are considered in
8 terms of his impact and the cost to cover that impact.

9 And as an adjunct to this, a second one,
10 there should be a phase in there where the promoter
11 can offer to provide specific services through
12 volunteers or hired security or whatever they want to
13 get the cost down, the cost estimate down. Once the
14 estimate is in place, you know, then the promoter
15 could be required to pay fees up front or post a bond
16 to cover the cost of the events.

17 And the third major consideration is after
18 the event, providing an accurate cost accounting to
19 that promoter as to where the money went. Today we
20 see everything from really good accounting to
21 absolutely nothing. Well, we spent your money, and by
22 the way, we need a few dollars more.

23 So those three things, standardized
24 permitting process, standardized estimating process,
25 and standardized cost accounting would make this whole

1 thing much easier. So that's the overall picture of
2 how this got to where it is.

3 MEMBER MC QUISTON: Further comments?

4 MEMBER BETTERLEY: I have a comment,
5 Mr. Chairman.

6 When you said, Roy, the different districts
7 have different fees, is that what we are going to try
8 to do here today is to establish the guidelines for
9 that fee, or are we trying to set the fee?

10 MEMBER DENNER: No. What we are trying
11 to do here today is to determine, No. 1, whether we
12 should establish an advisory board, TRT, if you will,
13 to look into this matter and to develop -- there is no
14 way we can solve that problem here today and come up
15 with a program that works over the whole CDCA. In
16 fact, I'm a little disappointed that Harold had
17 meetings without getting stakeholders involved with
18 that because maybe they would have something more
19 concrete to propose today if that had been the case.
20 But I didn't know about it and I know some of the
21 people that are promoters didn't know about it.

22 But we are not going to solve the problem
23 here today. I think we are going to decide, should we
24 form a TRT? And we should talk about who should be on
25 that. There may be members in the audience, people

1 who have had experience as promoters putting on
2 events. That's where I see us going today.

3 MEMBER BETTERLEY: Then I can see that
4 the bureau, no matter whether it's the whole Desert
5 District or Roxie, has to establish some kind of
6 guidelines of what needs to be done to establish what
7 a cost basis is going to be.

8 MEMBER DENNER: There already is a CFR
9 that addresses special recreation permits. But it's
10 somewhat vague, and it really doesn't cover the
11 requirement for good cost accounting and that sort of
12 thing. So there is already a directive which tells
13 BLM field managers how they go about charging for
14 special recreation permits. But this TRT would bring
15 experience to the table and say we need to develop a
16 policy that goes a little deeper and defines the
17 specific pieces of this puzzle that work under the
18 given CFR. So the start is already there. It's just
19 being administered in any way a field manager thinks
20 it ought to be right now.

21 MEMBER MC QUISTON: It would seem to me
22 this problem is probably throughout the BLM. And it
23 probably is the disparity of the issues you talk about
24 are within the CDCA. And if we do something, our role
25 should be to look at developing those, I think you

1 said, processes and how you estimate and cost
2 reporting within the CDCA. And if we get it right, it
3 could be kind of a template or cookie cutter for
4 expanding outside, similar to what we are trying to do
5 with the Adopt-a-Cabin.

6 MEMBER DENNER: That's true. Hopefully,
7 we can get our hands around the problem if we address
8 the CDCA. But you need to know I'm working parallel
9 in Nevada. And we have already drafted an idea of
10 what this process should be in Las Vegas, where a lot
11 of competitive events take place. But I don't want to
12 contaminate this discussion with what they are doing
13 there.

14 MEMBER MC QUISTON: And I should not
15 suggest there shouldn't be parallel efforts going on
16 elsewhere that might funnel up to the top with respect
17 to our charter if we can tackle it within our area of
18 responsibility.

19 MEMBER BETTERLEY: Even in your county,
20 you have certain schedules. And I think that's what
21 has to be established.

22 MEMBER MC QUISTON: I do too. And I
23 think when we get into the details of that, it's going
24 to get pretty ugly because then you go to
25 interpretation of some of these -- are you going to

1 ask for reimbursement for direct costs only or
2 indirect costs guided by federal circular as what
3 constitutes indirect cost? And it's so broad that
4 it's no wonder we see a \$500 event and a \$5,000 event.
5 Those are going to be tough issues, but to work
6 through them, I think fundamentally the TRT process is
7 probably what it's going to take.

8 MS. TROST: Each field office is also
9 different. So as we go through this process, we have
10 to make sure we are looking at those differences.
11 What would be possibly a \$500 or \$600 event in one
12 field office may be significantly higher because no
13 environmental assessment has been done in the past.
14 So that certainly is going to increase the cost as you
15 look from field office to field office.

16 So I just want to make sure that we review
17 that, take that into account, and understand those
18 differences. And certainly, how we apply them and the
19 consistency is something that this small group can
20 work on.

21 How this came about is we talked some about
22 how the Range TRT provided input, and they were real
23 successful in making some of those changes that were
24 also part of the DAC. What the thought was in
25 bringing this forward is that this is going to be a

1 short-term project, unlike Dumont Dunes or the
2 Imperial Sand Dunes. Those are going to be long-term
3 projects where we have a much larger TRT.

4 The thought was that we could bring this
5 before this Council, ask for some assistance. And
6 ensure that as we designate whoever is on this small
7 TRT, that they are able to make contact with their
8 constituency and bring that dialogue back to this
9 small group in order that we can make it through the
10 process in a fairly short amount of time. So that's
11 it.

12 MEMBER MC QUISTON: Thank you. Any
13 other comments? After our comments here, I will open
14 this up for public comment, and we will continue our
15 dialogue.

16 MEMBER SCHILLER: Yes. I have a formal
17 question. I have never been involved in what you call
18 an organized event. Most of my experience has been
19 with individual small parties going out. But I hear
20 terms like "organized event," "competitive event,"
21 "commercial event." And I assume these all have some
22 cost recovery associated. But I am lost on how you
23 determine which is what?

24 I see -- sometimes I will see a notice of
25 proposed action where one group will have some

1 activity in the wilderness area. Another group wants
2 to have a race, and that's called something else.

3 I have no idea what relates to what. A
4 local equestrian group will have a poker ride. How
5 does that fit in? I have no feel for which is what
6 and how that's determined. So maybe I need some
7 explanation as far as that goes.

8 MEMBER DENNER: Don't feel lonely, Ron.
9 That's part of why we need this TRT. You know, some
10 field offices -- you may have actually been involved
11 in organized events and don't know it. Some field
12 offices, if you put a notice on your Web site that
13 your club is going to have some kind of a -- is going
14 to meet this weekend at some particular area and go
15 for a ride, some field offices say that's an organized
16 event. You have to have an EAA and you have to pay
17 cost recovery and that sort of thing, just because
18 your club is going to have an outing.

19 In other cases like yours, you say you've
20 never even been involved in an organized event, and
21 you don't realize you probably were. So somehow we
22 have to define what those things mean. That's the
23 problem.

24 MEMBER MC QUISTON: I think part of the
25 nut that needs to be cracked is probably a referral to

1 the District Manager: Define those criteria that
2 create the need for special use permit. And we heard
3 a little bit today about it, but it will require some
4 sort of environmental review or more than 50 man-hours
5 and there are probably other criteria. But I think it
6 would be beneficial for this group to know what those
7 may or may not be.

8 MS. TROST: I think that's already
9 defined. It would be a matter of ensuring that it's
10 applied consistently. Just because, Ron, you are
11 going to go out with your equestrian group doesn't
12 mean you have to have a permit. But if other factors
13 apply, for instance, if you charge a fee for that,
14 then you are in the realm of it venturing into a
15 commercial permit.

16 MEMBER MC QUISTON: Would it be possible
17 for the DAC members to be provided a copy of what
18 those criteria are?

19 MS. TROST: Yes.

20 MEMBER SCHILLER: In fact, that's one
21 issue that I would like to ask an opinion that maybe
22 you could give me an opinion of. I know of a local
23 group who has an equestrian poker ride. They don't
24 charge to go on the ride. Everybody that goes on the
25 ride is free to go.

1 Now, they do sell poker hands on the ride.
2 And you pick up a poker hand as you go around. Yet
3 you don't have to go on the ride to buy a poker hand.
4 If I don't want to go on the ride, I just buy a poker
5 hand and sit there and wait for the barbecue. So is
6 that a commercial event, because you are not going to
7 charge to go on the ride. You have the option. So is
8 that a commercial event or is it not?

9 MS. TROST: I'm not going to touch that
10 one.

11 MEMBER McQUISTON: I think we may see
12 why we need a TRT to help work through some of that.

13 MEMBER MC QUISTON: Carole.

14 MEMBER WILEY: Similar to Ron's, on an
15 outing -- we have had an issue where there is an
16 outing and the people collected like \$5, which was to
17 cover camp fees and fire wood or something, which it
18 was not a cost to go on the event, but it was a minor
19 charge. And that caught the eye of fees. But we
20 weren't making any money, it was a minor --

21 MEMBER MC QUISTON: Cost recovery.

22 MEMBER WILEY: So how does that affect
23 these new directives?

24 MS. TROST: And I think that's why we
25 are here today is to try to make sure that we have

1 consistency. So that is still being worked on.

2 MEMBER DENNER: That would be the job of
3 the TRT.

4 MEMBER MC QUISTON: Let's hear from the
5 public. And we will have some more discussion here
6 after we hear your comments.

7 MR. STEWART: I think I can probably add
8 some more fuel to the fire. John Stewart, California
9 Association of Four-Wheel Drive Clubs. I am also
10 speaking in a dual capacity as Director of
11 Environmental Affairs for the United Four-Wheel Drive
12 Associations.

13 The rulemaking for the special use permit
14 was about two years ago. And at that time United
15 Four-Wheel Drive Association submitted comments on the
16 rulemaking that raised many of the issues that have
17 been brought up here today. We were told at that time
18 that, oh, that's not an issue because you're
19 recreation and recreation is not impacted by this.

20 And yet we find now that recreation is
21 impacted and in some cases adversely impacted by the
22 definitions, by the creative definitions and the
23 creative implementation of the special use rules as
24 codified in the CFRs. So we are highly concerned
25 about how this effort to define a standardized process

1 across the Desert District moves forward.

2 Within the State of California, from Four-
3 Wheel's perspective, we host events on California BLM
4 lands in three different jurisdictions or three
5 different field offices, two of them within the Desert
6 District and one outside the Desert District. We also
7 host events with the Forest Service, and we see
8 similar problems as far as lack of a consistent
9 definition. So this is not a unique problem to just
10 BLM. Yes, the problem is national in scope.

11 We find from the United Four-Wheel Drive's
12 perspective, we find serious issues on the definitions
13 that exist in Arizona, New Mexico. Mr. Denner
14 indicated efforts in Nevada going on. Virtually
15 anywhere there is a BLM field office, there is someone
16 that has applied their own unique definition to what
17 the code of federal regulations say.

18 So from that perspective, we are very
19 interested in what happens with this effort in the
20 Desert District. And I would like to be on that TRT
21 or that group that does address this issue because the
22 recreation groups are heavily impacted by it. And we
23 have a vested interest. We are stakeholders in that
24 particular process. Thank you.

25 MEMBER MC QUISTON: While we are waiting

1 on other people to come forward that may want to talk,
2 let me tell you what we are going to do. We are going
3 to take a recess for about 20 minutes so our recorder
4 can take a break. And for those that need to check
5 out, we will add an extra five minutes to our normal
6 break time. And then we will come back for further
7 discussion and pick up on this. Please proceed.

8 MS. QUINTANA: My name is Helena
9 Quintana from El Centro. And I just want to reiterate
10 something that has already been said. I'm against
11 standardized fees for the same reason that you are for
12 it, some of you. Some areas, like Glamis, for
13 instance, are very popular areas and attract a lot of
14 people, too many people. The cost of running those
15 areas is, as you said, running on red.

16 What is wrong with some areas charging more
17 than others if they have to make up for being -- for
18 existing there? I don't see anything wrong with that.
19 So I think that the idea of standardizing fees needs
20 to be looked at, not only from the point of view of
21 promoters and the participants, but also from the
22 point of view of running the places and what it takes
23 to run the place all year long.

24 What it takes to even exist at Glamis, I
25 think all the users need to pay for it, not only the

1 taxpayers, but especially the users. So that should
2 be considered in deciding about standardized fees or
3 not. Thank you.

4 MEMBER MC QUISTON: Thank you.

5 MEMBER DENNER: I would like to comment.

6 MEMBER MC QUISTON: What we will do is,
7 depending, we will go ahead and recess and come back
8 and take comments.

9 MR. HILLIER: Good morning,
10 Mr. Chairman. I'm Gerry Hillier, and I'm here today
11 representing San Bernardino County, who I serve as a
12 consultant.

13 My comments really are probably more for
14 the record because it is a question that cuts across
15 cost recovery. BLM evolved the cost recovery program,
16 and my experience, at least, is they came out of the
17 right-of-way program if you recover cost from the EIR
18 and also dealing with power plants and power lines.
19 And those were fairly straightforward. And then as
20 they expanded into other areas there, I think it
21 became more complex, as you can see from the
22 discussions today, and the details of what constitutes
23 a recoverable cost and what cost should probably be
24 borne by the taxpayers.

25 One issue that San Bernardino County

1 currently is involved in is a cost recovery project
2 associated with establishing recordable disclaimer,
3 which is a recreation but is a cost recoverable aspect
4 and an issue that I just really became aware of or
5 sensitive to over the last two weeks. And I wanted to
6 put it on the record for further thought, is that cost
7 recovery probably should stop at the point BLM renders
8 a decision, except for those costs that would be
9 associated with monitoring and follow-up compliance.

10 But the cost of litigation that may occur
11 as a result of issuance of that permit probably should
12 be borne by the government, once they make a decision.
13 And that's I think the key point I would like to get
14 on the record. If the BLM issues a permit and it's
15 appealed or protested and gets into whatever level of
16 litigation is involved, the applicant surely is going
17 to be a party to that and have to bear their own costs
18 that would be associated with whatever lawyering that
19 they need. But the government, having issued a
20 permit, I think, and having rendered a decision,
21 should also then bear their own costs, having rendered
22 that decision, and not pass on the costs of the
23 government lawyers to that applicant. Because if that
24 would happen, then you basically make the mere
25 application cost-prohibitive for most applicants.

1 MEMBER MC QUISTON: Thank you.

2 MR. TONKISS: Dave Tonkiss, District 37,
3 T-o-n-k-i-s-s. I have been the coordinator for the
4 L.A. to Barstow to Vegas sport ride for the last seven
5 years, and the last three years we have been subject
6 to cost recovery.

7 We have gone through the typical expenses
8 over the 22-year history of the ride. And they have
9 never really amounted to much more than \$1,000, \$1,200
10 for BLM expenses traditionally. Three years ago, they
11 made a jump to over \$7,000. That was simply the
12 implementation of cost recovery. And we have no
13 choice but to pass that on to our entrants. The
14 routes that we use are 100 percent already EA. We do
15 not get an EA done for this event.

16 We had in the past had new routes added to
17 the inventory that required EAs. Prior to cost
18 recovery, these costs were actually picked up by the
19 BLM and those routes were added to a programatic
20 system and actually became part of the WEMO plan. And
21 we were really looking forward to the WEMO plan, and
22 really hoping that the costs that we incur hopefully
23 go down.

24 But the expenses don't seem to have --
25 there doesn't seem to be any end in sight to keeping

1 these expenses in check.

2 I fully expect this year again to come
3 up -- to be faced with another 6 to \$7,000 charge. We
4 are charging \$50 per person for the event. Now, we
5 get 250 to 350 participants for the event, L.A. to
6 Barstow to Vegas, each year, and the only way that we
7 can actually break even right now is to add \$50 to our
8 entry fee. Now, we don't know where the break-even
9 point or where the cushion is here where we start to
10 lose participants based on higher entry fees. It's
11 been a lot lower, and we have enjoyed a lot of people
12 coming from all over the country and all over the
13 world to enjoy the desert, see the desert, and enjoy
14 it responsibly. And we kind of figure we are
15 actually -- educationally, we are promoters of riding
16 through the desert properly. And over 22 years, we
17 have probably almost 6,000 participants. And near as
18 I can calculate, almost 2 million participant miles in
19 the California Desert District with no tortoise
20 deaths, no habitat destruction, and really, no
21 problems to speak of with any of our post-event
22 reports.

23 So we are operating an event where we have
24 a 600 percent increase in BLM costs. And there is no
25 end in sight. I would like to be a member of the TRT.

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1 I think we have a lot to bring to the table regarding
2 this because we see the relative inconsistencies with
3 initial cost estimates, post-use reporting on costs
4 from the different resource areas.

5 I would like to see the coordination of all
6 these costs kind of standardized throughout all of the
7 resource areas, including areas in some of the other
8 western states. So if we are going into Arizona or
9 Nevada, we all hopefully would have the same type of
10 documentation to face. And right now we have, in
11 terms of special use applications to get the ride
12 started, we have dual sport policy that's in place.
13 And that dual sport policy -- I don't know if any of
14 you have ever seen it -- is really a very good
15 step-by-step instruction manual how to get the process
16 started. I think it's a real good place to start, and
17 hopefully, we could share that with everybody and we
18 could see what the activities actually are.

19 But for us, it's simply a motorcycle event
20 that's a noncompetitive, nontimed, self-guided tour.
21 And it's a single route of travel. And the costs that
22 we incur simply seem enormous, and they are becoming a
23 little bit too much to handle at this point. Thank
24 you.

25 MEMBER MC QUISTON: How many more people

1 want to speak? Okay.

2 MR. PILON: Honorable Council, invited
3 guests, my name is Jim Pilon, P-i-l-o-n. I am the
4 founder of dual sport. I have been working with the
5 United States government and the states of California,
6 Arizona, Nevada, and Utah very closely for 22 years on
7 dual sport events. I am the founding member of the
8 National Off-Highway Vehicle Conservation Council.
9 Blue Ribbon Coalition, I'm a member of them. The
10 American Motorcyclists Association lifetime member,
11 and also a promoter of the American Motorcycle
12 Association, District 37, and a chartered promoter.

13 I have deep concerns today regarding this
14 cost recovery. Recently I put on a motorcycle tour,
15 as Dave Tonkiss explained, self-guided,
16 noncompetitive, nonspeed, in the California desert
17 district in Nevada and Arizona, all on one weekend,
18 five districts, including the Lake Mead National
19 Recreation Area. During this time when I initially
20 put in my permit for all these areas, I was told that
21 I would have cost recovery, which I fully expected.
22 However, driven by the code of federal regulations, a
23 lot of the items that were supposed to happen did not
24 happen.

25 Ten days before the event occurred, I was

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1 notified of a \$10,000 entry or use permit for cost
2 recovery for a \$14,000 ride tour. It seems to me that
3 this is a little bit out of hand. It also seems to me
4 at this point in time that a lot of the routes that
5 are used on dual sport are already existing and/or
6 inventoried or have been in the past inventoried for
7 either power lines, gas lines, public, or some sort of
8 public utility. We do not use over-the-open-desert
9 routes. These are all existing, even on an AAA map.

10 Being hit with a \$10,000 cost recovery,
11 needless to say, I'm highly concerned not only for
12 myself, but for the general public who attends a
13 responsible and organized event to enjoy our public
14 lands. This is not to put blame or fault or anything.
15 I still have some serious concerns over this. But as
16 a promoter and as a private citizen, I think that we
17 do need to establish a priority, and prioritize what
18 is needed, not only for the government, not only for
19 the desert, but what is needed for a promoter to
20 effectively put on a responsible tour, using public
21 lands.

22 I thank you for hearing me out today.
23 Sometimes I get a little emotional on this, but I
24 would also like to be part of the TRT, if possible. I
25 initially started out in Las Vegas on their team.

1 However, due to the time of work and the time that
2 they were holding meetings, I had to drop out. I
3 wasn't actually a member-member; I was just public
4 input. Thank you very much.

5 MEMBER MC QUISTON: Thank you. We are
6 going to recess at this time until 10:25. We will
7 come back, pick up with board member discussion,
8 action on this item.

9 (Brief recess was taken.)

10 MEMBER MC QUISTON: Let the record note
11 that all members are present in the room.

12 Bill, are you ready to get going? Thank
13 you. We are reconvening. All members are present,
14 and we would like to make a couple of general
15 announcements.

16 It looks like right now we are well ahead
17 of schedule, and once we conclude this item -- and I'm
18 not trying to impose any restrictions on how much time
19 we want to spend on that -- but we should be able to
20 at the conclusion of that to move on to our
21 roundtable, set the meeting date and location. I
22 think the location may have already been
23 predetermined, but we will revalidate that and discuss
24 it.

25 There will be a period for public comment

1 at the end, so I would like to invite anyone who would
2 like to address this Council on any matter that has
3 not been on today's agenda, if you will stick your
4 hand up. That gentleman right there, he will give you
5 a card so that when we get to that portion of the
6 agenda, we will have your names. And that will be for
7 any public comments on any matters that were not on
8 today's agenda but you would like to present to the
9 DAC.

10 So with that, we had initial discussions on
11 the TRT as it pertains to the special events. We have
12 heard from the public, and I'm going to open it back
13 up for board member comments, whether it's related to
14 public comment or whatever may be on your mind. So is
15 there any -- Roy Denner. I'm sorry.

16 MEMBER DENNER: You go first, Bill.

17 MEMBER PRESCH: I would just like to
18 reiterate, I think we heard this morning that the
19 costs, especially the special recreation permits,
20 really seem to require an accounting to explain where
21 the money that individuals pay for these events goes.
22 I really think that's a very important aspect of this
23 whole permitting process. And I want to reiterate
24 that I'm really in favor of recommending that we could
25 do this at some point and set up a TRT that would be

1 strongly supported in terms of our recommendations.

2 MEMBER MC QUISTON: Thank you. Roy
3 Denner.

4 MEMBER DENNER: I would like to take
5 this opportunity to maybe short-circuit a lot of
6 discussion, perhaps, and propose where we ought to go
7 with this package.

8 First of all, I wanted to address a public
9 comment, though, that dealt with standardization of
10 fees. We are not talking about people paying the same
11 fees in various areas. We are talking about
12 standardization of process and not of fees. There is
13 no reason why people at Glamis should pay the same fee
14 as they do at El Centro or Dumont Dunes or El Mirage
15 or anything like that. So the process is being
16 standardized, not the standardization of fees.

17 If I might suggest, to wrap up this whole
18 discussion, I would propose several things.

19 First of all, I think it's clear that we
20 need a TRT to work with the BLM to help solve this
21 whole fee problem with the three-point criteria I
22 outlined previously.

23 Secondly, I believe that this TRT is
24 different from the kind of TRT we are talking about
25 for Dumont Dunes. I think it's wonderful that four or

1 five DAC members have agreed to be part of that Dumont
2 Dunes TRT because it's kind of a broad issue, a
3 horizontal issue.

4 I call this issue a vertical issue. I
5 think it is the rifle shot versus the shotgun. Dumont
6 Dunes is a shotgun. This is a rifle shot.

7 I would propose we form a TRT very similar
8 to what we have in the Imperial Sand Dunes. I would
9 be willing to be the link between the DAC organization
10 and that TRT. That doesn't mean other members of the
11 DAC couldn't volunteer to be on the TRT, as well.
12 However, I would propose the people on this TRT need
13 to be people who are really knowledgeable about the
14 problem. And I suspect I'm probably the -- maybe not,
15 but I think I'm probably the only one on this DAC
16 Council that has been involved intimately with this
17 problem, not only in the Desert District, but all of
18 California and all the western states. So I think
19 it's appropriate that I be the link between the DAC
20 and the TRT.

21 I would also propose that the people in
22 this audience who took the time out of their busy
23 schedule to come here and ask to serve on the TRT be
24 immediately accepted because of their background and
25 experience with this issue as bona fide, full-blown

1 members with voting power of this TRT organization.

2 That's very similar to what they do in the
3 Imperial Sand Dunes. It works well. The people on
4 the TRT are knowledgeable about what is taking place
5 there. They are involved; they are intimately
6 concerned about decisions that are made and how fees
7 are expended there, and it's appropriate that those
8 people should be making recommendations to the manager
9 there about how that is conducted.

10 Very similarly, the people that sit on this
11 special use fee program TRT should be people who know
12 what they are talking about and have been involved for
13 some time. And I will bring the results of
14 discussions and votes by that TRT back to the DAC.
15 Hopefully working with Roxie, we can develop a program
16 that really works good for the CDCA. And I will pick
17 that ball up and carry it to the entire state of
18 California, and hopefully, to the other western states
19 as well.

20 So I will welcome comment on that proposal.
21 I think that summarizes where we are and where we need
22 to be and go with this whole question. And if
23 somebody disagrees or has additional comments, let's
24 open it up.

25 MEMBER McQUISTON: I want to make sure

1 that whatever path we go is essentially what you had
2 recommended earlier. That this TRT would look at the
3 permitting -- or the permits from both the
4 standardized processing, cost estimation, and cost
5 reporting as the three primary functions on that.
6 Okay. Further comments? Preston.

7 MEMBER ARROW-WEED: I don't see anybody
8 from Imperial County here represented.

9 My concern was the -- yeah, you pay the
10 fee. But there is other damage that are done beyond
11 the fee and to the communities. Sometimes when law
12 enforcement -- it takes more money, plus, when
13 somebody gets hurt, they have to use the hospitals or
14 evacuation because they just have one hospital.

15 Now, that takes something out of the people
16 who are not out there, but visitors who come in and
17 when something happens to them, the county has to do
18 that. So I think -- I don't know if that's been taken
19 care of.

20 MEMBER MC QUISTON: Any other comments?
21 I was supposed to go to you earlier, and I was remiss
22 because you had signaled me. Jim Bugera.

23 MEMBER BUGERA: I will throw out an
24 idea. It's probably more controversial than it's
25 worth, but when San Diego built a ball stadium, it was

1 the taxpayers that had to foot the bill, but to offset
2 some of that cost, sky boxes were sold to corporations
3 that have funds for such things.

4 And I was thinking, at every one of these
5 events that I have gone to, 10 West has been there,
6 Budweiser, Yamaha, and they all have an elaborate camp
7 site. They pay the same user fee everyone else does.

8 Why not sell these things as, say, like a
9 sky box to offset costs? They bring -- they come out
10 a day early anyway and set up and find a good spot.
11 Let's just find them a good spot, put an orange
12 tortoise fence around it, and let them come in and pay
13 for their season sky box. And it's like with the
14 state, we have all kinds of money. But it's all
15 earmarked for one thing or another and you can't pull
16 out of one thing to go to another. And we will end up
17 broke on striping for a highway, but we will have
18 millions in it for Bott's dots.

19 And we can't -- well, the same
20 corporations, like Budweiser and 10 West, their
21 accountants will tell them if you rent this particular
22 season pass, we have \$100,000 we can give for it and
23 write it off as advertising and things like that.

24 Now, the reason I bring this up is Preston
25 Arrow-Weed, he made a good point. The people with the

1 money seem to be able to do it. In this case, yeah,
2 they would be able to get a nice piece of land for the
3 weekend when 50,000 people show up with their
4 motorcycles and motor homes, but they would also be
5 paying a premium price for it. And with ownership,
6 even temporary, comes responsibility.

7 When I was renting my home and the water is
8 coming into the bathroom, I was laughing, saying
9 somebody is going to have a mess to clean up when I
10 move out. They offered me the house and I bought it,
11 and now every time I hear it start to rain, I'm out
12 there patching that roof and making sure that that
13 house is not going to be damaged.

14 We could provide them the bare minimum.
15 You know, 10 West is out there selling shirts. They
16 get themselves a little quarter acre. We put a couple
17 of bath rooms on it. It's theirs; they are
18 responsible for that season. And I believe that this
19 would really -- whereas before they would complain
20 about paying \$10,000 for an event, if it was their
21 actual sky box and they can loan it to friends and
22 things like that, they could find a budget for it.
23 Thank you.

24 MEMBER MC QUISTON: Roxie.

25 MS. TROST: Just to help clarify so this

1 council can make a recommendation, I think we have to
2 remember that there are two separate processes. We
3 talked about TRT's as a whole, and we talked about the
4 TRT for Dumont and compared it to the one at Imperial
5 Sand Dunes. And that's a different process. That's a
6 long-term process that talks about how the fees that
7 are collected will be expended.

8 And we are not really looking at this TRT
9 tackling those issues. That has already been tackled.
10 Business plans were developed, and those fees are
11 already in place. What we are looking at the smaller
12 group, the smaller TRT, as being able to help
13 standardize that process for our special recreation
14 use permits. And those are the events that occur on
15 public land.

16 So it's different. There are two different
17 processes. This is going to be a short-term process.
18 I think Roy is correct. He does know the most about
19 this. He has been highly involved. I do think that
20 there are other potential people on this DAC that
21 might have an interest in it. For instance, this may
22 have an impact somewhat on the filming industry as
23 well. And Sheri, as you know, some of those
24 regulations have already changed, and we met with you
25 regarding that. So it could affect you.

1 I have a list here of just five people that
2 came up to me during the break and said they would
3 like to be a part of the TRT, not to mention people
4 that have contacted me personally in my office. And
5 my concern is that this group could become much larger
6 than we could wrap our arms around.

7 What I would like to propose is that Roy
8 does lead that and make that a part of this DAC.
9 However, all those people that have responded to me
10 still have their input. And they meet with that TRT;
11 however, the DAC members actually come back and report
12 that information to the larger body.

13 MEMBER MC QUISTON: Thank you.
14 Comments?

15 MEMBER DENNER: Once again, I agree
16 wholeheartedly with what you are saying. But the TRT,
17 when they hold meetings, should be public meetings.
18 Anybody is welcome to attend those meetings and give
19 their input. And as for the people who have expressed
20 interest to participate in this TRT, quite frankly, if
21 they didn't have enough interest to attend this
22 meeting -- and they certainly all knew about it -- in
23 my opinion the people who have stepped up to the
24 plate, half dozen people or so, that's a group we can
25 get our arms around. Since they took the time out of

1 the schedule and volunteered to serve on the DAC, the
2 other people that would like to have a say in what
3 goes on didn't have the time to come and participate.
4 They can certainly come to the TRT meetings and give
5 their input, although if they didn't come here, I
6 suspect they won't go there either. And let's go with
7 the nucleus that we have.

8 MEMBER MC QUISTON: I see no further
9 comments. Let me see if I can pose a couple of
10 questions here. I don't think it would be improper
11 under whatever our rules are, but can I just kind of
12 get a consensus of whether or not the DAC believes
13 there should be a TRT formed with Roy Denner leading
14 it dealing with the special use or special recreation
15 use permits? And that this particular TRT ought to be
16 open to members who are not DAC -- on the DAC?

17 Could somebody just kind of show me some
18 sort of the run-around or feedback? Give us some
19 indication.

20 MEMBER PRESCH: I will make that motion
21 and so move it.

22 MEMBER BETTERLEY: I will second it.

23 MEMBER MC QUISTON: We have a second.
24 Before we proceed on that, I would ask, could either
25 Roxie or anybody tell me that the three groups that

1 specifically came up here and asked to be participants
2 on this TRT, who were they?

3 MS. TROST: I have a list.

4 MEMBER DENNER: You mean what groups?

5 MEMBER MC QUISTON: Yes. There were two
6 or three or four people that said I want to be part.

7 MEMBER BETTERLEY: I think Roxie has a
8 list.

9 MEMBER MC QUISTON: Is there an interest
10 by the maker of the motion and the second to include
11 in the motion that these folks be included on the TRT?
12 As the maker of the motion, are you receptive to an
13 amendment?

14 MEMBER PRESCH: Yes.

15 MEMBER BETTERLEY: The second, yes.

16 MEMBER MC QUISTON: Just for the sake of
17 the record, I think the scope needs to be put into the
18 record. And again, I would reiterate that this TRT
19 would be limited to special use permits. And they
20 would be looking at standardizing both the permitting
21 process, the permitting cost estimating, and the
22 permitting cost reporting.

23 Lastly, let's move -- let's respond to
24 that. We have a motion and a second. Is there any
25 further discussion? All in favor? Aye. Opposed?

1 Seeing none, let the record note it was unanimous.

2 Now, since I learned that I do have some
3 inherent authority to appoint, are any other members
4 of this DAC that really want to assist Roy on this
5 TRT? Bill Betterley has expressed a desire.

6 MEMBER SCHILLER: I -- reluctantly, I'm
7 not sure I could attend too many meetings way down
8 south where Roy lives, but I think I should be very
9 interested in this issue because of some of the
10 constituent groups in Ridgecrest area. So I would
11 like to participate to some extent, but I don't know
12 for sure what that extent is.

13 MEMBER MC QUISTON: If you don't know,
14 then I don't know to what extent to appoint you.

15 MEMBER SCHILLER: Okay, put me in there.

16 MEMBER MC QUISTON: Let the record show
17 that the chair appointed Bill Betterley to be a member
18 of the TRT.

19 MEMBER SCHILLER: Me, too.

20 MEMBER MC QUISTON: Let the record note
21 that I have appointed Ron Schiller to serve also.

22 MEMBER PRESCH: I haven't talked to the
23 other TRT members, but as chair of the TRT Dumont
24 fees, it would seem to me appropriate that I be
25 involved in this TRT in a way to coordinate with Roy

1 about fees and where we are going and how special
2 events that I know occur in Dumont Dunes, Kawasaki and
3 a number of other companies are out there, I might be
4 interested in that in terms of our discussion and vice
5 versa, so in that sense, I would be willing to serve
6 with Roy.

7 MEMBER MC QUISTON: Do you have a desire
8 or just willing? Should I appoint you?

9 MEMBER PRESCH: Yeah, you better appoint
10 me.

11 MEMBER MC QUISTON: Let the record show
12 I will appoint Bill. Four seems to be as high a
13 number as I am comfortable with appointing there. If
14 the real chair wants to expand, I defer to his
15 judgment.

16 MEMBER DENNER: To respond to Ron
17 Schiller, I am not going to suggest that we have
18 meetings in San Diego, but I'm thinking maybe the
19 district office in Moreno Valley would be a logical
20 place to have our meetings. And then nobody has to go
21 too far but everybody is a little bit --

22 MS. DAVIS: Could I request that I be
23 notified of those meetings? I wasn't certain because
24 it's recreational fees we are talking about, but if we
25 are moving over into special use commercial fees --

1 MEMBER MC QUISTON: I would recommend
2 that all members of the DAC be informed of all TRT
3 meetings because, as Bill Betterley noted earlier
4 today, we are all invited to participate at those at
5 any time. And if that's not standard practice, I
6 would request that that become a standard practice so
7 we all have the option of being there.

8 MEMBER DENNER: I might add that the
9 members of the audience who have volunteered to
10 participate, I need to be sure to have your e-mail
11 addresses today. I probably have most of them, but
12 make sure that I get them for sure.

13 MEMBER MC QUISTON: I'm going to change
14 the order of the agenda at this time so we can get to
15 public comment first before we do our roundtable
16 wrap-ups. So at this point in time, I'm going to open
17 the Council meetings up to those members who would
18 like to make comments on items that are not on the
19 agenda. I have a card from Randy Banis. Are you
20 present?

21 MR. BANIS: Yes, thank you. Thank you
22 for allowing me so much time in front of the DAC this
23 weekend. I appreciate it very much.

24 I would like to place a few issues in front
25 of the Dumont Dunes TRT. These are questions. These

1 aren't answers and these aren't facts. But there are
2 things that have been brought up and answers that I
3 think need to be had.

4 And the key No. 1 thing is show me the
5 money. Where is the money going? How much money has
6 come in? I have heard estimates of upwards of
7 \$300,000. I have heard that as much as \$100,000 that
8 first month, being the big October Halloween, but it
9 doesn't seem that that kind of money is being spent.

10 What is the money being spent for? I
11 understand that the toilets aren't being cleaned as
12 frequently as the users would like. I have heard
13 there was a major \$50,000 improvement project for
14 widening the stream crossing and fixing the road, but
15 that came out of FEMA money, as I understand. That
16 didn't come out of that rec fee money.

17 I would like to see the DAC be aggressive
18 or the TRT be aggressive in getting accounting of
19 this, even including things like the log sheets, the
20 7123 account log sheets, which should show just the
21 stuff necessary for making the Dumont Dunes fee area
22 work.

23 I also have an issue with the compliance.
24 What kind of compliance levels are we getting there?
25 There are claims of up to 90 percent, but I have had

1 claims as low as 8 percent. And the contractor that
2 is collecting the fee, the contractor who has had the
3 fees -- this contract negotiated with, is there
4 incentive, real incentive, for them to collect the
5 fees? I understand it was \$100,000 up front, which
6 there is going to be up front expenses, of course, but
7 I think it's only 79 percent of the ticket revenue
8 goes back to the vendor. Such a low percentage of
9 revenue per ticket. Is there really incentive for
10 them to collect those tickets? And I heard there
11 aren't many ticket collection booths out there. I
12 hear they were removed from Little Dumont Dunes
13 altogether. And it's unclear as to whether Little
14 Dumont Dunes is included in this fee area, and I
15 believe it is.

16 I would like to see better signing in the
17 area, signs not just when you entered the fee area,
18 but you have a little bit of a drive from the paved
19 road, and I think it would be appropriate to see that
20 right off the highway for mom and pop who wants to
21 take a quick ride into those interesting dunes but
22 doesn't want to spend 20 bucks, they would know before
23 the ride into the site what the fees are.

24 Lastly, I would like to emphasize that
25 the Dumont Dunes location of Dumont Dunes, so close to

1 Death Valley National Park and right off 127,
2 particularly that entrance, has gotten a lot of use
3 with the closure of the Furnace Creek wash route into
4 Death Valley, so a lot of people coming in from the
5 south. It's part of almost a tour.

6 I know that with my club, we have annual
7 trips to different sites in Southern Death Valley, and
8 the Dumont Dunes was our first stop out at Baker for a
9 morning coffee break. And we used to like to caravan
10 just into the main road and sneak behind the first set
11 of dunes so we can have a cup of coffee and a little
12 refreshment, water, before we jump back into the cars
13 and go to the next stop.

14 It's not going to be worth \$20 a pop for us
15 to just go in there and do so. And unfortunately,
16 these people won't get that experience of these snacks
17 inside some of the neatest, tallest, most wonderful
18 dunes, more easily accessible to the touring public.
19 And Dumont Dunes is the center of Death Valley. The
20 people want to see it because it's a high point. And
21 I would like to see some provision for some more
22 casual use for a day user.

23 I know it's tough collecting all these
24 different kinds of fees and different dollars. And we
25 don't want to make that complicated, but I would like

1 the TRT to talk about that for me. And I appreciate
2 your letting me put some of these thoughts down into
3 the record. And I hope the TRT gets a chance to
4 straighten some of these out and bring the truth to
5 light and have a good plan for us there at Dumont
6 Dunes.

7 Thank you, Mr. Chairman and members of the
8 DAC.

9 MEMBER MC QUISTON: I'm sure when the
10 TRT meets, they be looking into those. Okay.

11 MR. PILON: Good morning again. During
12 the break, I was approached in regards as what is dual
13 sport. I would like to clarify that if I may, please.

14 Dual sport is a noncompetitive, nontimed
15 tour utilizing existing public routes of travel within
16 the California Desert District. This is a family-
17 oriented group. It is for the pleasure and the use of
18 California desert in a responsible manner. It's
19 usually a one-time, one-day pass group, whereas if you
20 stood at one spot maybe over a two-hour period, you
21 would see the beginning and the end of the group.

22 It is again for educational purposes. It's
23 also for pleasure purposes. It's also to get people
24 out of their house and enjoy public lands responsibly.
25 Thank you. P-i-l-o-n.

1 MEMBER MC QUISTON: John Stewart.

2 MR. STEWART: John Stewart. Good
3 morning, Commissioners, Jon Stewart, California
4 Association of Four-Wheel Drive Clubs.

5 There are a number of activities going on
6 in the counties and areas around the BLM lands that
7 will have an impact and that I have not heard
8 mentioned this weekend.

9 And two of those involve -- or one of those
10 actually involves two counties of Riverside and San
11 Bernardino. Both counties are in the process of
12 looking at ordinances which will have an impact on
13 private property and recreation and ultimately on what
14 happens on BLM lands. Now, the Riverside County deals
15 directly with specific noise issues. The San
16 Bernardino ordinance or proposed ordinance is a little
17 bit looser than what Riverside has had, but they both
18 deal with OHV operation.

19 And one of the things that needs to be
20 addressed or I believe needs to be addressed
21 throughout the entire Desert District is an enhanced
22 education program to combat illegal riding noise,
23 dust, and that. And part of that is providing an
24 appropriate opportunity for riders so that they can
25 have a place to go in small parks or small areas where

1 all these factors can be mitigated and actually put an
2 opportunity in place so that we don't have a lot of
3 law breakers running around.

4 Another issue is Desert Managers Group is
5 looking closely at a lot of the desert tortoise
6 issues. And I'm on one of the tortoise outreach
7 committees, groups there that one effort coming up is
8 to begin a public service campaign about the desert
9 tortoise and what people should do if and when they
10 see it. As part of this there will be a survey coming
11 out late summer, probably early fall, within the
12 communities around the desert area to try to establish
13 the public's baseline knowledge of what the desert
14 tortoises are and what the issues are that impact
15 them. So somewhere in the future, I think it would be
16 a good topic for the DAC here to address some of the
17 other issues that are ongoing that have not been
18 brought up in the past. Thank you.

19 MEMBER MC QUISTON: Thank you.

20 MEMBER DENNER: Yeah, me again. Just to
21 add to the nature of dual sport, Jim, I think maybe
22 the question really is why the word "dual." That
23 really has to do with the fact that it involves the
24 use of motorcycles that are designed generally, not
25 always true, but designed usually for off-road use,

1 but that have been equipped so they can get an on-road
2 license. So that's the nature of the dual thing. You
3 can ride them as a licensed vehicle on a public
4 highway, or you can take them off-road and do the
5 thing in the dirt with them. Dual action. You want
6 to add to that? Jim, thought you might.

7 MR. PILON: Okay. I'm going to expand
8 upon that. James Pilon. I'm going to expand upon
9 that a little bit, Roy.

10 Dual sport, initially the manufacturers
11 make these motorcycles coming off the showroom stock.
12 However, some people have had motorcycles that meet
13 the criteria according to the California Safe Vehicle
14 Code that are equipped to do this. The other item,
15 too, is that all motorcycles must be equipped with a
16 spark arrestor and they must be equipped with a
17 muffler system that meets or exceeds the California
18 state decibel note, 96 dB. So a lot of people, we
19 have heard a lot about noise this way. So in this
20 manner, too, we are being responsible to ensure when
21 they do use the public lands, they are used
22 responsibly.

23 MEMBER MC QUISTON: We are now going to
24 begin your Council roundtable. I am going to start
25 with you. Any concluding remarks or comments? And we

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1 will go around the table and then we will set a date.

2 MEMBER WILEY: I don't have any more
3 comments.

4 MEMBER BUGERA: Jim Bugera, and I have
5 no comment.

6 MEMBER DENNER: Guess what? I have a
7 comment.

8 MEMBER MC QUISTON: We had a train going
9 on for a moment.

10 MEMBER DENNER: First of all, we started
11 this by my saying I was going to try to be brief and
12 speak slowly. And somewhere in the program, that got
13 lost, so I suspect the recorder has deleted most of
14 what I had to say this weekend.

15 Second, I really thank the Council. I
16 apologize for taking so much of the floor time, but
17 these issues are near and dear to my heart. Next
18 meeting I will try not to be so vociferous.

19 Thirdly, I want to thank the members of the
20 audience that did attend the session, and please carry
21 the words back to your associates not to call me and
22 complain about what comes out of this meeting and what
23 we derive with regard to special use permits and TRTs
24 at Dumont Dunes, because they are not going to like
25 what they hear. Every single person that is involved

1 with OHV recreation in California got the message
2 about this meeting. And you can carry my message to
3 them that if they couldn't see fit to attend and
4 couldn't find a way to do it, don't expect to have a
5 say in what goes down here because we are not going to
6 have time for it. Thank you.

7 MS. TROST: Once again, Roy takes my
8 thunder, which is so typical. I always follow him.

9 I do want to thank the council, including
10 Roy. Your input has really been helpful for the BLM.
11 I want to thank the audience and those of you that
12 have volunteered to be on our TRT, and we look forward
13 to your participation in that process. Thanks.

14 MEMBER MC QUISTON: Thank you. I would
15 like to just express my appreciation to all of the
16 folks that take the time to show up. It's not fun or
17 easy giving up two days and part of the weekend to do
18 that.

19 I would like to thank my colleagues on the
20 Council for bearing with me and allowing me a certain
21 amount of discretion in trying to pinch hit for our
22 real chair. But primarily in the area, I always felt
23 we need public comment before we make a decision
24 rather than after. So I intentionally acted in
25 furtherance of that, and I hope that will become the

1 norm over the long term. But thank you all.

2 MEMBER BROWN: Howard Brown,
3 nonrenewable resources.

4 I think we covered a lot of important
5 topics today and made some good progress for a group
6 that is often polarized on a number of things.

7 I see the necessity to standardize the
8 process of fee determination and accountability, and I
9 think that's what the TRT will do. And as Harold had
10 brought up, I see the need to get consistency in
11 definitions of what use requires what type of permit.

12 But I also see the necessity to have checks
13 on the government's ability to charge fees to the
14 public for using public land just for raising money or
15 to cover operational inefficiencies. So I think you
16 can't get carried away in creating formats and
17 procedures or you get sucked down the drain. But I
18 think we have accomplished a lot today and lots of
19 unanimous votes, and that's pretty unusual. So I
20 think everybody gets a thumbs up.

21 MEMBER BETTERLEY: I want to thank Jon
22 for taking over as chairman of this DAC for the last
23 two days. And I do appreciate your input and I would
24 like to thank the audience that had interest enough to
25 be here and be present. Let us have some input from

1 their particular fields. Thank you.

2 MEMBER CHARLTON: I would just like to
3 echo Howard's comments.

4 MEMBER ARROW-WEED: Preston Arrow-Weed.
5 I happen to respect the government and those appointed
6 to serve the government and the people. And
7 therefore, there is another thing that comes up with
8 my people. We are a sovereign nation. We have a
9 government-to-government relationship. But at this
10 point, we will have a government-to-TRT relationship
11 or government-to-private-people and no longer can we
12 go to those appointed to hear our grievance or to go
13 to a Secretary of Interior also, probably. But we are
14 losing -- my people are going to lose that government-
15 to-government relationship which was guaranteed to my
16 people a long time ago.

17 I only come here to see that there is
18 justice for everyone, everyone, not just my people,
19 everyone. That's what I am here for. I don't say
20 especially my people because I'm here to see that
21 everyone has an equal share, no one doesn't get more
22 than the other. But if it goes that way, I will
23 object to it. Thank you.

24 MEMBER SCHILLER: Ron Schiller. I would
25 like to express my thanks to everyone as well, those

1 who attended today. Every time I attend one of these
2 meetings, I learn a little bit more and I appreciate
3 that education that I have gotten, Howard's paper, and
4 Roy. I would especially like to thank Jon McQuiston
5 and Roxie for following up and taking over for the
6 chairman and filling in. Thank you.

7 MEMBER DAVIS: And I, too, would like to
8 thank Jon and Roxie for taking over. And I want to
9 thank Howard for reminding us that if we can't grow
10 it, we need to mine it. So I think as a nation we
11 need to be very much aware of the fact that we are
12 becoming more and more dependent upon the rest of the
13 world rather than upon our own land.

14 I am disappointed because the first DAC
15 board meeting I attended, there were 250 off-roaders
16 there. And I'm thinking, what a weak turnout for a
17 very important issue. And so I want to say thank you
18 for you who came; right? Because we welcome your
19 ideas. But I also want to thank Roy for taking the
20 stand that, you know, if they don't come, they don't
21 have a voice.

22 And one of the things I would like to
23 challenge the people that are here with. It's easy
24 for us to look at all the problems, but we hope that
25 you come to us with suggestions of how to solve them.

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1 It's very easy to look at a problem. We can all see
2 those. It's very difficult to come up with a solution
3 that works. So I just want to thank you for being
4 part of this DAC board. I have learned a lot. Thank
5 you.

6 MEMBER MC QUISTON: Thank you all for
7 your comments. We will now look to setting the next
8 meeting. According to my calendar, it was tentatively
9 set up for September 23 and 24. And I believe it was
10 going to be held at Zzyzx Spring Research Station,
11 whatever the proper title is, Bill. And we also
12 earlier in the meeting yesterday discussed both the
13 tour and the one day for meetings. So with that, what
14 we previously discussed, I will open it up for
15 comments, suggestions and action.

16 Jim.

17 MEMBER BUGERA: Where will the meeting
18 be? Will it actually be in Zzyzx Springs? Would it
19 be to our advantage to stay at state line as opposed
20 to Baker?

21 MEMBER MC QUISTON: Why don't we ask our
22 host, if I --

23 MEMBER PRESCH: Bill Presch. The
24 meeting is actually scheduled for Friday the 23rd with
25 a field trip. And then the meeting would be Saturday,

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1 the 24th, and my proposal to Linda, I suggested that
2 it be held at the Baker Community Center where DAC
3 meetings have been held in the past. The function of
4 desert studies would be to provide accommodations, and
5 for Thursday night, if you wanted to come in. And
6 then Friday morning breakfast and Friday night dinner.
7 Saturday morning, breakfast and Saturday night dinner,
8 if you wanted to stay on to Sunday, provide Sunday
9 morning breakfast.

10 Now, it is a field station. And therefore,
11 you need to bring some items. Namely, some bedding or
12 sleeping bag. Your own personal hygiene gear.
13 Flashlights, et cetera, although we are lit up at
14 night. And then any type of personal refreshment that
15 you may require in the evenings, because I don't have
16 a liquor license. I'm on National Park Land.

17 So that was the plan that I put forth to
18 Linda. And I would be happy to provide any
19 information that you would want to or need as the time
20 approaches.

21 And I assume that since the area that we
22 would go on the field trip would be Dumont Dunes, so
23 that the TRT can give you their report there, standing
24 in the dunes. And then it was suggested that we run
25 over to Horsethief Springs to look at the riparian

1 effort restitution going on there. And this is all in
2 Needles office, I believe. And so presumably Needles
3 would provide us with transportation and help out with
4 this area. And for those who would not be able to
5 arrive Friday or Thursday night at the center, than
6 Friday we could all meet at the National Park
7 Information Center in Baker and proceed up on 27 from
8 127.

9 MEMBER BETTERLEY: Actually, I imagine
10 that some -- if they wanted to have a meeting actually
11 in Baker, they could even stay in Baker.

12 MEMBER PRESCH: If individuals wanted to
13 stay at Baker, you could stay in Baker -- a series of
14 hotels. There is a Hawaiian Motel, which does not
15 come highly recommended. But there is the Bun Boy --
16 well, if you like bugs you might want to stay there.
17 Bun Boy and the Wells Fargo motels. We can provide
18 telephone numbers for that. Or if you really want to,
19 state line is only about 50 minutes away if you want
20 casinos and all that kind of stuff.

21 MEMBER DENNER: You may be happy to hear
22 I will not be having a lot to say at that meeting
23 because I am not available that weekend. I think Bill
24 has a great program. I really hate to miss it.

25 MEMBER MC QUISTON: We have a date,

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1 location and promise for details to follow, some of
2 the specifics. Any other comments?

3 Seeing none, meeting is adjourned.

4 (The proceedings were adjourned at 11:13 a.m.)

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1 R E P O R T E R ' S C E R T I F I C A T E

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4 I, Judith W. Gillespie, a certified
5 shorthand reporter, do hereby certify that the
6 foregoing pages comprise a full, true and correct
7 transcription of the proceedings had and the testimony
8 taken at the hearing in the hereinbefore-entitled
9 matter of Saturday, June 25, 2005.

10 Dated this 17th day of July, 2005, at
11 Riverside, California.

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Judith W. Gillespie, CSR No. 3710

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