
BUREAU OF LAND MANAGEMENT

SATURDAY, JUNE 24, 2006

CALIFORNIA DESERT DISTRICT OFFICE

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CONDENSED TRANSCRIPT AND CONCORDANCE

PREPARED BY:

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(1) UNITED STATES DEPARTMENT OF THE INTERIOR
(2) BUREAU OF LAND MANAGEMENT
(3) California Desert District Office
(4) 22835 Calle San Juan De Los Lagos
(5) Moreno Valley, California 92553
(6) (951) 697-5220
(7) Saturday, June 24, 2006
(8) 8:00 a.m.

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(1) BUREAU OF LAND MANAGEMENT
(2) CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL MEMBERS
(3)
(4)
(5)
(6) Tom Acuna Jon McQuiston
William A. Betterley Dr. William Presch
(7) Howard J. Brown Ron Schiller
David Charlton Dr. Tom Scott
(8) Sheri Davis Paul Smith
Thomas J. Davis Carol Ann Wiley
(9) Roy Denner
(10)
(11) ATTACHMENTS
(12) Resolution/Motion submitted by Jon McQuiston
(13) Resolution/Motion submitted by Roy Denner
(14) Open Letter to BLM California State Director Mike Pool from
Sam Merk
(15) Council Member Report, Howard Brown, Nonrenewable resources

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(1) RIDGECREST, CALIFORNIA;
(2) SATURDAY, JUNE 24, 2006; 8:00 A.M.;
(3) BUREAU OF LAND MANAGEMENT
(4)
(5)

(6) MR. RON KEMPER: I'll call the meeting together
(7) for the Desert Advisory Council. I'd like to welcome
(8) everybody. I'm sorry I missed the tour yesterday, but I
(9) would like to thank all the staff that participated in
(10) putting on the tour. Reported by: Shelly McEac

(11) With that, I'll ask Bill Betterley to lead us in
(12) the pledge of allegiance.

(13) MR. RON KEMPER: Does anybody have any
(14) suggestions for changes on the agenda or things that you
(15) want to see put on the agenda that are not on the agenda?

(16) I can share with you that you will need to do a
(17) little rearranging because the people from the Nevada BLM
(18) office who were going to be here for questions and answers
(19) regarding the Nevada Act called this morning and they're
(20) not going to be able to make it. They apologized. They do
(21) want to put a presentation on at a later date. So that
(22) item will not be on the agenda.

(23) Can I have a motion to approve the April
(24) minutes.

(25) MR. ROY DENNER: So noted.

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(1) MR. BILL BETTERLEY: Seconded.
(2) MR. RON KEMPER: I have a motion and a second.
(3) Any discussion?
(4) All in favor of approving minutes, please say
(5) "Aye."
(6) DESERT ADVISORY COUNSEL: Aye.
(7) MR. RON KEMPER: Any opposed?
(8) Any abstentions?
(9) Motion carries unanimously.
(10) I don't see Hector. Is Hector here?
(11) MR. ROY DENNER: Not yet.
(12) MR. RON KEMPER: We'll go out of order, then.
(13) Any public comments for items that are not on
(14) the agenda?
(15) John Stewart.
(16) John, please state your name and your
(17) affiliation for the court reporter.
(18) MR. JOHN STEWART: Good morning.
(19) John Stewart. California Association of
(20) Four-Wheel Drive Club.
(21) One major comment or issue that has arisen is on
(22) March 29, 2002, administrative closure was issued for the
(23) Western Rand Mountains. That closure was appealed for
(24) Cal Four-Wheel.
(25) The WEMO rendered a decision and stated that the

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(1) closure will continue, pending implementation of an
(2) education program and a permit system for recreation users
(3) of the Western Rand Mountains. The IBLA status report from
(4) Cal Four-Wheel was received in May 2006, which advised
(5) Cal Four-Wheel of the decision to continue that closure,
(6) which prompts a very important question.

(7) If this closure is going to remain in effect
(8) until an education program and a permit system is developed
(9) for that area, number one, when will the BLM develop and
(10) implement the education program and when will they develop
(11) and implement the permit system?

(12) We're finding that within the BLM structure the
(13) issues relating access -- recreational access to the desert
(14) seem to fall to a very low level of priority. We are
(15) encouraging that the BLM not let this slip through as a
(16) non-priority item and actually look at this, along with
(17) continuing to work on the release of the long-delayed
(18) Furnace Creek plan and the Surprise Canyon Plan, which seem
(19) to be in some kind of a stall or ignore phase.

(20) So we encourage the BLM to move these things
(21) forward and actually get the access back out to the
(22) recreational public.

(23) MR. ROY DENNER: Mr. Chairman, could we request
(24) that Hector respond to that point of information? I mean,
(25) is the BLM doing anything to reopen that area?

(1) Washington.

(2) I received notice from the Washington office
(3) that they have received the federal register notice to
(4) amend the California Desert Preservation -- the California
(5) Desert Plan for Furnace Creek, and they are holding the
(6) federal register to publish notice to the public that we're
(7) going to amend it.

(8) As soon as I get notice on Furnace Creek, I will
(9) be putting together a news release with our Public Affairs
(10) folks and making sure that interested parties get copies of
(11) that news release so that they are aware of federal
(12) regulations.

(13) We have made one draft -- or two drafts
(14) actually, which is right now going through a revision. And
(15) then we're going to work with our corroborators -- and the
(16) corroborators consist of the District Advisory Consult,
(17) TRT, and Fish & Wildlife, Tim Shaw, the counties --
(18) Inyo County, and I'm probably missing another corroborator.

(19) One of the things that we're trying to do is
(20) make it very cooperative and collaborative. And so when we
(21) do collaborative efforts, they take a long time to do. And
(22) we're working through it. So we got all these things on
(23) our plate that we're working on, plus the other things on
(24) our plate.

(25) MR. ROY DENNER: Actually, I want to address

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(1) MR. RON KEMPER: I think we can request that of
(2) Hector, but I'm not sure exactly when Hector walked into
(3) the room. So I'm not sure he heard the entire question.
(4) But I believe it had -- in regards to reopening Furnace
(5) Creek and Surprise Canyon; is that correct?

(6) MR. ROY DENNER: No. It's an area within the
(7) Rands that was -- well, John, why don't you just give a
(8) summary real quick for Hector.

(9) MR. JOHN STEWART: John Stewart, Cal Four-Wheel,
(10) California Association of Four-Wheel Drive Clubs.
(11) March 29, 2002, there was administrative closure,
(12) in the West Rands Mountain. The closure was appealed by
(13) Cal Four-Wheel. The IBLA has upheld the closure stating
(14) that according to the WEMO record of decision the continued
(15) closure is pending implementation of an education program
(16) and permit system for recreation uses of the Western Rands
(17) Mountain.

(18) What I'm asking is: When will the BLM develop
(19) and implement a plan for the recreation program and a
(20) permit system for the recreation users in that area?

(21) MR. HECTOR VILLALOBOS: As soon as we can get
(22) started working on it. I don't have a schedule for you; I
(23) haven't developed a schedule. We're also working right now
(24) trying to get Surprise Canyon and Furnace Creek. Furnace
(25) Creek has gotten a federal register notice that was sent to

(1) this comment to the whole counsel. If this were a matter
(2) of having just discovered a species in an area that is open
(3) for recreation, it would be closed overnight. We have a
(4) situation here where a closure -- an administrative closure
(5) took place. And we're not talking about Furnace Creek or
(6) Surprise Canyon here. We're talking about an
(7) administrative closure in the Rands area with the release
(8) of the MEMO plan and the ROD. And certain actions -- not
(9) collaborative actions, but specific actions on the part of
(10) the BLM in Ridgecrest need to take place.

(11) One is to develop an education program, and the
(12) other is to develop a permit system for this area. That's
(13) not something that needs to be held up because of all of
(14) the partners involved or some collaborative process. I'd
(15) like to make a motion that BLM Ridgecrest give us, in a
(16) very short period of time, a specific schedule for
(17) implementation of the reopening of that administrative
(18) closure.

(19) MR. HECTOR VILLALOBOS: Can I address that?

(20) MR. RON KEMPER: First of all, I believe that
(21) Mr. Denner has made a motion.

(22) Is there a second to the motion?

(23) DR. TOM SCOTT: I second it.

(24) MR. RON KEMPER: I have a motion and a second.

(25) MR. HECTOR VILLALOBOS: I'd like to suggest that

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- (1) this permit system be a collaborative effort to involve
(2) recreation groups to help develop the education program.
(3) MR. RON KEMPER: You made mention of a permit
(4) system. You mean the education?
(5) MR. HECTOR VILLALOBOS: What I visualize
(6) happening out there to open the 23 miles that are closed
(7) right now is an education program -- because we have been
(8) monitoring the area, and we have been getting
(9) non-compliance still in that area.
(10) We have to find a way to educate the riders to
(11) get a higher level of compliance out there. They're going
(12) off trail, they're riding in the recreation areas, in some
(13) cases, that have cost the public hundreds of thousands of
(14) dollars.
(15) And so this is the idea: We want to link the
(16) rider education program to a permit system where one goes
(17) in and gets educated somehow by brochure -- by reading a
(18) brochure, by looking at a video, and paying for the cost,
(19) and they get a permit to ride in the Rands.
(20) MR. RON DENNER: Roy, Hector was suggesting that
(21) he would like to see some participation from the interested
(22) parties.
(23) Do you think it's in the best interest to put
(24) together a TRT to help put together the education program
(25) and provide some outside manpower and expertise?

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- (1) MR. ROY DENNER: Obviously, when we talk about a
(2) collaborative process, the people that use that area should
(3) be involved in whatever education program. Hector was
(4) using the excuse that he's got all these other agencies
(5) that he's dealing with that is preventing him from
(6) implementing this specific task.
(7) And certainly the recreation people are willing
(8) to participate in developing the program and the permit
(9) system. That's not a stumbling block at all. That could
(10) start tomorrow.
(11) MR. RON KEMPER: As I understood your motion, it
(12) was for Hector to develop a time schedule. But I would
(13) suggest that it might be more beneficial if we simply -- if
(14) the DAC would support a TRT to help develop that education
(15) program.
(16) And if you're in agreement, maybe we can amend
(17) the motion and move forward.
(18) MR. ROY DENNER: Sure. My objective is to see
(19) this move forward and not be put on the shelf and a year
(20) from now us still talking about reopening the
(21) administrative closure. I want to see some action taken.
(22) MR. JON McQUISTON: Either some folks from BLM
(23) or folks here may have a better recollection of the history
(24) of this issue. But the temporary closure, as I recall, was
(25) related to noncompliance of staying on the routes. And the

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- (1) original biological opinion associated with that area was a
(2) recommendation of closure, as I recall.
(3) With the pursuit of the West Mojave Plan,
(4) everything was kind of put in a coast track, for lack of a
(5) better term, until that was done. And, as I recall, in the
(6) biological opinion for the West Mojave Plan was a
(7) reiteration for the noncompliance of sticking with the
(8) original proposal and keeping it closed permanently, which
(9) we do not want to see occur.
(10) This happens to be in my district in terms of
(11) Kern County. So I'm very interested now that we have that
(12) to move forward. I do believe that, given the history,
(13) even during the ensuing period of noncompliance, that we
(14) will not be able to pass the administrative or regulatory
(15) hurdle without this education component and some sort of
(16) the permitting. I have no objection whatsoever. Even if I
(17) did, it doesn't really matter. It's up to this group's
(18) discretion.
(19) But I have, on a couple of occasions, spoke to
(20) Hector. We've got not only the Rands, but we've got the
(21) El Pasos. We've got several areas of route designation in
(22) the immediate area around here -- of putting together a
(23) group and working to assist in some of the route
(24) designations and implementations, the Rands just being one
(25) of them.

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- (1) So whether it's the pleasure of this group to
(2) have a TRT, or whether folks from here want to work with my
(3) office -- my question I wanted to ask Hector is: When you
(4) say, "As soon as we can get around to it," what is the
(5) limiting factor there? It's so overbroad. Are we talking
(6) about dollars? Are we talking about staffing? What do you
(7) need in order to start working further on this?
(8) MR. HECTOR VILLALOBOS: If I may answer that.
(9) BLM is not growing. We have the same people
(10) working -- or helping to work on all these other things
(11) that I mentioned -- Furnace, Surprise. We probably need
(12) the same people to work on the CAPA and the same people to
(13) help put together an education program.
(14) We just got done with a huge project, which was
(15) Pine Tree -- a big energy farm in Tehachapi. We're trying
(16) to wrap up another huge project up in the Coastal Springs
(17) area or the Little Lake area with deep roads coming in for
(18) geothermal exploration permits.
(19) And they're just stacked up, one after another.
(20) And my staff can only handle so much work and move so much
(21) work at a time.
(22) MR. JON McQUISTON: Is there anybody from here
(23) Friends of Jawbone?
(24) Is this something similar to what we've done in
(25) the Jawbone Canyon area where a large organization such as

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(1) Friends of Jawbone could offer -- we're talking about money
(2) for educational materials. I think that's an area where
(3) the County may want to invest in dollars.

(4) But in terms of some of the things that
(5) volunteers or people can throw some seed money, is that
(6) something that may work here, as well, and would that have
(7) a possibility of perhaps front loading this a little bit if
(8) we could talk to Friends of Jawbone or some other -- maybe
(9) The Gear Grinders? I don't know. But some recognized
(10) group that works with BLM, state holders, and so forth.
(11) All it takes is a little bit of money to get it started,
(12) and I'm willing to try and find that money.

(13) MR. TOM ACUNA: Ron, what I'd like to do is make
(14) a few points. The idea that there's illegal use going
(15) on -- we have an opportunity to make it -- provide users an
(16) opportunity to do it in a legal way. So I support that.

(17) My second point would be: I would encourage
(18) that we have a goal to complete this task by the fall and
(19) that by -- this next goal would be that we get together in
(20) between now and the next meeting as a technical committee
(21) working for BLM and Mr. McQuiston's office and we go ahead
(22) and find a way that works. That's what I would amend this
(23) to say. Fall is our goal. A technical review committee
(24) before the next meeting to work on a program.

(25) And then I'd like to conclude and ask this from

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(1) some of the hazards out there, such as the mine shafts that
(2) are out there. Include that kind of information in a
(3) brochure that they have to read, sign that they read it.

(4) And then that is the evidence that we have that
(5) will tell us they're educated. They'll get some kind of an
(6) identification sticker that they can either wear or put on
(7) their bike so our law enforcement officers know that they
(8) are permitted and have been educated.

(9) If they break the rules -- we might implement
(10) special rules for the Rands here so -- such that if they go
(11) off trail or go into a restored area, et cetera, that the
(12) fines might be heavier than normal. And so that's the type
(13) of information I wanted to include. It includes more
(14) management control and oversight and education. It ties
(15) law enforcement education and the client all together, and
(16) puts it on the rider to be responsible for reading that.

(17) I'm not an education leader. So I don't know
(18) what kind of material, but I know that organizations have
(19) done these kinds of things already and what -- I've gone to
(20) several meetings and have offered to take any information
(21) that can be offered by CORVA, by any of the organizations
(22) and environmental organizations.

(23) MR. RON KEMPER: I'm going to try to get Hector
(24) back on track just for a second, and then I'll get back to
(25) you, Jon.

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(1) Hector: Can you describe the process so I better
(2) understand what you need to do administratively? What are
(3) the steps involved to making this happen? What kind of
(4) documents do you need to prepare? How would you manage
(5) that? Kind of a quick vision how you might do that. That
(6) would be helpful to me.

(7) MR. HECTOR VILLALOBOS: Are we talking about the
(8) permit system or --

(9) MR. TOM ACUNA: Well, you're trying to come up
(10) with a program where folks are trained so that they would
(11) use these routes. I think that's the idea.

(12) MR. HECTOR VILLALOBOS: What I visualize is:
(13) something similar to what was done, I believe, for the
(14) dunes down in the Glamis area, which is pamphlets that
(15) were done for children, pamphlets that were done for adults
(16) where information is provided to the rider about the trail
(17) system, maybe a map that includes the trail system. The
(18) does and don'ts of the trail system.

(19) Something highlighting to folks that there's
(20) restored areas, and this is what they look like. There are
(21) open routes, and these are how they are identified with
(22) markers similar to what we saw out there. Observe our
(23) rules.

(24) There's people that I feel like -- for example,
(25) we can take an opportunity here to educate people about

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(1) I believe the question was: Administratively,
(2) what have you had to do? I think we can all support a
(3) permitting process; that we can support an education
(4) process. But, administratively, what do you have to do?
(5) Do you have to get the State to sign off? Do you have to
(6) get the district manager to sign off?

(7) Administratively, what is your process? Or is
(8) it something that you approve at your level?

(9) MR. HECTOR VILLALOBOS: I don't know. I would
(10) have to review, probably, at least the district office
(11) level and, perhaps, the state office level. If a special
(12) rule is done, that will have to go through a public
(13) process.

(14) MR. JON McQUISTON: Just to kind of get closure
(15) on this, we had a suggestion for a TRT, which makes a lot
(16) of sense, particularly tailored along what we've done in
(17) some of the other dune areas of having maybe three or four
(18) members of those stakeholders. I believe that probably
(19) would be a viable tool here.

(20) In terms of resources, I haven't had a chance to
(21) talk to Hector, but I know there's going to be a request
(22) before our Board this year in our budget cycle to
(23) appropriate \$100,000 by Kern County for some of the more
(24) dangerous mines that we have. We can actually help BLM
(25) financially with doing those.

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(1) I'm certainly prepared to go to our Board
(2) budgetarily for cost of the educational component, the cost
(3) of the maps, if we're looking at the Rands mountain area.
(4) And it may be a subset that has to be dealt with
(5) individually. But that's something that the TRT can
(6) wrestle with.

(7) But whatever this administrative process is, I
(8) think we ought to get a dollar figure and then start moving
(9) in that direction. And I'll try to champion the bucks to
(10) get it started through Kern County.

(11) MR. ROY DENNER: I'd like to amend my motion to
(12) recommend that the DAC form a TRT to assist the Ridgecrest
(13) field manager in preparing whatever is necessary to deal
(14) with administrative closures throughout the District to
(15) reopen recreation opportunities wherever possible.

(16) MR. RON KEMPER: Maker of the motion has amended
(17) his motion.

(18) Is there a second, as well?

(19) MR. TOM ACUNA: I do.

(20) MR. RON KEMPER: I have a motion and a second.
(21) Any further discussion?

(22) DR. TOM SCOTT: Just real quick. Does that lose
(23) our focus on the Rands, per se, if we make this for the
(24) entire --

(25) MR. JON McQUISTON: It expands it beyond the

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(1) dollars and our involvement would be Kern County.
(2) I would suggest that if the -- rather than
(3) having a TRT that's all encompassing of everywhere, if we
(4) focus on Kern County, we will hit the Rands, we will hit
(5) the El Pasos, we will hit the south of Ridgecrest. And if
(6) we put together a process that works, it certainly may
(7) serve as a model for elsewhere.

(8) And in terms -- I think I would suggest keeping
(9) it to those portions of the district that lie in
(10) Kern County, initially, just to make it manageable and
(11) financially supportable by our Board. And if we're
(12) successful, then I think it's transportable.

(13) MR. RON KEMPER: What I kind of understood, Roy,
(14) your motion to do was Hector's district.

(15) Is that other places other than this County?

(16) MR. JON McQUISTON: I suspect so. But just like
(17) we're doing with adopt-a-cabin, that's only unique to this
(18) district. And it's kind of plowing new ground. We're
(19) looking at new protocols, new involvement. And if we're
(20) successful, the DAC here has said then, maybe, this is
(21) transportable as a tool in other areas. I would see these
(22) two as being quite similar.

(23) MR. TOM ACUNA: I would support us not expanding
(24) this too large simply because, when you get something too
(25) big, you can't get anything done. So if it's this District

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(1) Rands.

(2) DR. TOM SCOTT: That's what I mean. If it's
(3) dissipation, that's something to consider, right?

(4) MR. JON McQUISTON: Any of the areas involved
(5) within our area of jurisdiction, I'll try to find dollars,
(6) whether it's the El Pasos, whether it's the South
(7) Ridgecrest. We've already discussed this to some extent.
(8) I think it's still a good motion. We can manage the
(9) details. If I can get my foot through the door, I can
(10) eventually get my whole body.

(11) MR. ROY DENNER: I would suspect that whatever
(12) process is developed for, say, the Rands would apply
(13) equally in other areas like El Paso. So if we're going to
(14) form a TRT to handle these administrative closures, we
(15) might as well address the whole district.

(16) MR. ROY KEMPER: Just a comment: It would seem
(17) to me that we're probably not alone in this process, and
(18) it's hard for me to believe in the 13 western states that
(19) this problem hasn't been addressed many times. So I would
(20) like to support a TRT, but I'd like to suggest that that
(21) TRT reach out and do a little networking.

(22) MR. JON McQUISTON: To the extent that this is a
(23) problem throughout the entire district and throughout every
(24) place that has a lot of public lands that have access for
(25) broader range of activity, my jurisdiction in terms of

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(1) or if it's this County, either way I'm fine with the
(2) processes there. I think the committee can develop a
(3) priority so that things actually happen. If you make this
(4) thing too big, we won't get anything done.

(5) MR. ROY DENNER: Another slight modification to
(6) my motion. It happens that there is a political element
(7) here, and we happen to have a member of the Board of
(8) Supervisors of Kern County on this council. Developing
(9) this process for -- to include other counties, believe me,
(10) will make it tremendously more complicated. Not all
(11) counties approach the recreation element the way
(12) Kern County does.

(13) So I would modify my motion to say: That
(14) portion of Hector's district which is in Kern County the
(15) TRT will address administrative closures within that area.

(16) MR. RON KEMPER: You amended a motion that
(17) amended a motion.

(18) Is it seconded, as well?

(19) MR. TOM ACUNA: I second it.

(20) MR. RON KEMPER: Anymore discussion?

(21) MR. RON SCHILLER: Can we have a reading of what
(22) the motion says.

(23) MR. RON KEMPER: You want to remake the motion?

(24) MR. ROY DENNER: I will restate the motion. The
(25) motion is for the council to recommend a TRT be formed to

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- (1) address the action necessary to reopen recreation areas
(2) that were closed by administrative procedures within the
(3) Kern County area of the Ridgecrest district.
(4) MR. RON KEMPER: Does that satisfy you, Ron?
(5) MR. RON SCHILLER: Yes.
(6) MR. RON KEMPER: Any more discussion?
(7) Hearing none, I'll call for the question: All
(8) in favor signify as saying "Aye."
(9) DESERT ADVISORY COUNCIL: Aye.
(10) MR. RON KEMPER: Any opposed? Any abstentions?
(11) Motion carries unanimously.
(12) MR. JON McQUISTON: Mr. Chairman, point of
(13) clarification: I don't know whether it's now, but before
(14) the day concludes, who will be appointed to that TRT? And
(15) I'm not sure when that is.
(16) MR. RON KEMPER: I'd like to put it as an action
(17) item at the end, if we can. Is that okay with everybody?
(18) That might give everybody an opportunity to
(19) think whether or not they want to participate in that.
(20) MR. RON DENNER: Well, I guess the only concern
(21) there would be if members of the public wish to participate
(22) on that TRT, and they may not be here at the end of the
(23) day.
(24) MR. RON KEMPER: The TRT is always basically
(25) made up of DAC members, with the DAC members pulling

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- (1) whatever outside resources they feel are appropriate.
(2) We went a little bit out of turn. And if I can,
(3) I'm going to go back to Hector and have him do a summary of
(4) the field tour and the field tour discussions of yesterday.
(5) MR. HECTOR VILLALOBOS: I had a couple of goals
(6) that we wanted to accomplish yesterday on yesterday's field
(7) trip. The first goal was to give you kind of a bird's-eye
(8) view of the El Pasos and the Ridgecrest area that composes
(9) the collaborative access planning area. It's a large area.
(10) We drove around it and through it yesterday before we got
(11) out of Burro Smith.
(12) The idea of the field trip was to give you an
(13) idea of the diversity of uses and resources in the
(14) El Pasos. We have everything there from wilderness to
(15) paleontology resources there, cultural resources, both
(16) historic and prehistoric. There's sheep grazing that
(17) occurs there.
(18) We have a lot of recreation use that goes on
(19) there. The recreation use goes from horseback riding,
(20) trail riding, hiking, four-wheel drive access into the
(21) area, rock climbing. I believe we have university people
(22) that use it for looking for and collecting vertebrae
(23) fossils in there. Lots of things occur in there.
(24) And, of course, you got to see a few of the
(25) cabins that are still standing out there. And they are

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- (1) being impacted by use and some vandals out there. And
(2) we've tried to come up with some ideas on how to protect
(3) them.
(4) That was the first goal: To give you an idea of
(5) what we're going to try to accomplish here is to finalize
(6) an access transportation system in the El Pasos and around
(7) Ridgecrest to provide for the recreation and other uses in
(8) there and also look at any conservation that we might
(9) consider for the resources out there. So it gives you an
(10) idea of what we're up against.
(11) It's a huge area. And our estimate is, I
(12) believe, around 600 miles of route out there that we can
(13) probably look to designate and amend the CDCA plan. And so
(14) we have a task before us. And I'm happy to hear that we're
(15) going to get a TRT that will be helping us look at how we
(16) approach that effort.
(17) The other goal that I had yesterday was to go
(18) into the Red Mountain and Randsburg area and show you the
(19) area that was tested back in December and share with you
(20) the results of those tests on the high arsenic level at the
(21) mine dumps out there and some of the other hazards that we
(22) have, and the exposure to the community concerns over the
(23) recreation use that's occurring there, and now we have the
(24) mining waste situation there, too. So we have a job to do
(25) out there.

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- (1) We're going to do -- we're planning to work with
(2) the community out there to keep them informed, let them
(3) know of the health and safety concerns that we're aware
(4) of -- it would be the responsible thing to do for the
(5) agency -- and to work with other agencies to develop a
(6) program, both short-term and long-term, to address those
(7) concerns in the Red Mountain and Randsburg area.
(8) And that was the purpose of the tour, and I hope
(9) that you were able to come away from that with some ideas
(10) on how you might be able to help and advise us on that.
(11) Thank you.
(12) MR. RON KEMPER: Hector, I have a question.
(13) Towards the end of your presentation you mentioned that
(14) your goal was to work with other agencies in regards to
(15) those areas.
(16) What other managing agencies have a management
(17) interest in those areas?
(18) MR. HECTOR VILLALOBOS: The agencies that I'm
(19) talking about are like the Department of Human Health
(20) and -- I forgot the acronym, but Department of Human Health
(21) and its agency for toxic substances. I can't -- I don't
(22) remember the acronym for that one, either. Those are the
(23) types of agencies that I'm talking about in the Red
(24) Mountain area.
(25) MR. RON KEMPER: Any questions for Hector

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(1) regarding his field tour summary?

(2) MR. BILL BETTERLEY: Hector, yesterday a lot of
(3) emphasis was put on the arsenic around the area of Red
(4) Mountain like it was something that's just discovered in
(5) the last two weeks. I don't know about many people, but I
(6) know that as far as the arsenic is concerned, it's been
(7) around for more than my lifetime.

(8) And all of a sudden we panic because they find
(9) parts per million up around 1,600 parts per million. This
(10) has been going on in mining for centuries, and all of a
(11) sudden we panic and have to do something about it right now
(12) when there's other very important things on the agenda
(13) plate.

(14) Why are we putting such emphasis on that? Is it
(15) the fact that the health organizations just found out
(16) that -- they woke up?

(17) MR. HECTOR VILLALOBOS: Well, I'm not a
(18) regulator, but I think EPA and other agencies such that --
(19) have a requirement for us to act on these things when
(20) they're discovered.

(21) MR. BILL BETTERLEY: But in the presentation
(22) yesterday, especially at Red Mountain -- Slim Ripple has
(23) been there for 90 years, and he grew all his own vegetables
(24) and everything else, and he lives there. And all of a
(25) sudden they want to panic and they know nothing about it.

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(1) I'm very much amazed.

(2) MR. RON KEMPER: Bill, I think your point is
(3) that it's been common knowledge that there's been arsenic.
(4) I know there's arsenic there.

(5) Is that what you're trying to say?

(6) MR. BILL BETTERLEY: But there's high levels,
(7) Ron, everywhere -- any mining area, whether it's Southern
(8) California, Northern California, anything east or west of
(9) Sierras. It's been around forever. And all of a sudden
(10) they've found something like it's a dinosaur and they want
(11) to -- I don't know whether they want to protect it or try
(12) to protect us from it.

(13) And, you know, there's a lot of us that have
(14) eaten vegetables that's been grown in soil that's been
(15) contained with arsenic for years. Probably 98 percent of
(16) every well east of the Sierras has got some kind of arsenic
(17) in the mine. But it has been going on for so many years,
(18) and people have all lived with it.

(19) I don't see why we're putting such an emphasis
(20) and resources to that particular problem when there's so
(21) many other things on the plate.

(22) MR. RON KEMPER: Thank you.

(23) MR. RON SCHILLER: I would like to ask --
(24) actually what concerns me is the timing of the arsenic
(25) issue. It just seems to occur at a time when there's

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(1) outside organizations becoming involved in a local issue
(2) regarding OHV use and controversy.

(3) And what I would like to know is what prompted
(4) the EPA to get involved in the first place? How did they
(5) become notified, and who notified who, and at what point?
(6) There may be an issue here because this issue seemed to
(7) arise at an opportune time for opponents of OHV activity.

(8) It's a long standing issue that's been known
(9) since I was a child here in Ridgecrest that there's arsenic
(10) in the dirt. There are concentrations of it on dry ledge
(11) beds and other areas.

(12) So, mainly, how did the issue arise to the
(13) current status that it has, and who pointed it out?

(14) MR. RON KEMPER: Hector, do you care to respond
(15) or have an answer?

(16) MR. HECTOR VILLALOBOS: Ron, there was no effort
(17) by anyone outside of the BLM to identify this situation.
(18) The BLM was actually -- we were looking for opportunities
(19) to address the physical mine hazards out there -- the mine
(20) shafts and other dangerous physical features out there that
(21) have resulted from the mining activity out there.

(22) We were sharing with our state office
(23) specialists that information. And in our effort to make
(24) sure that they were aware of what we were doing to
(25) remediate some of these issues -- the bat gates the other

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(1) day, and the backfilling of those features -- we got
(2) involved with the state office to share with them.

(3) And our state office experts also pointed out
(4) that maybe we ought to be looking at these tailings, also,
(5) because we all know mine tailings are a concentration of
(6) whatever they don't want to take out of the ground, and
(7) they're left behind. Commonly gold and other heavy metals
(8) are associated with arsenic. And they don't take the
(9) arsenic out of the ground, they leave it behind. And so
(10) it's still there, concentrated.

(11) There was no effort to use this as a way to
(12) hammer on some other situation out there. We're just
(13) trying to get the word out to the public to let them know
(14) that there is these deposits. It's a warning, almost, like
(15) cigarette smoking. It's out there, and we're making them
(16) aware, and there's some short-term steps that we can take
(17) to address -- to help people stay out of these areas.

(18) MR. TOM ACUNA: I totally agree with what you're
(19) saying, Bill, about it seems like everything was fine
(20) before.

(21) In defense of BLM, as we all know, the EPA
(22) enforces regulations that we don't like. They have a
(23) liability. They have to comply. There's a lot of risk out
(24) there. If something were to happen, they're going to be
(25) held liable. We all know that. I feel bad for them.

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- (1) MR. BILL BETTERLEY: Mr. Chairman, it's kind of
(2) like ten years ago or twenty years ago it was salt. God,
(3) everybody had to stop using salt. And then it was coffee.
(4) Well, now last night on the television it said, "You want a
(5) healthier life? You should drink at least two cups of
(6) coffee a day."
(7) I mean, they panic you up front, and then it
(8) dies out behind. And I can't see why we're putting so much
(9) effort into this when it's been around forever. Smoking,
(10) that's fine. Here's an old man that smoked half his life
(11) but, hell, he's still alive.
(12) MR. RON KEMPER: Thank you, Bill.
(13) MR. HOWARD BROWN: I have a question. You
(14) mentioned the collaborative access planning area, but you
(15) didn't really get into that very much.
(16) Is that going to result in another land-use plan
(17) that has even more road closures?
(18) MR. HECTOR VILLALOBOS: Ron, I believe what we
(19) need to do there is that we were going, originally -- and
(20) let me give you a little background.
(21) Originally we were going to do a route
(22) designation in the El Pasos which, like I mentioned, I
(23) think there's somewhere in the neighborhood of 600 existing
(24) trails that we know of. There's probably another 300 miles
(25) of trail out there that were never designated. We started

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- (1) to do that through the WEMO effort.
(2) And because there were so many resources and
(3) uses to kind of try and sort out and our inventory of all
(4) those routes was questioned, we decided in the WEMO to
(5) not -- to identify this collaborative area of planning --
(6) collaborative access planning area as a resolution in WEMO
(7) to take a thorough look collaboratively and to do a final
(8) route designation there in the El Pasos. And it will amend
(9) the CDCA plan once we get those routes identified.
(10) There are going to be some routes that the
(11) public has no need for anymore. There might be some
(12) duplicative routes, some dead-end routes. I'll explain,
(13) for example, on the southern end of the El Pasos off the
(14) 395 -- I'm sorry -- off the 14 and the Garlock Road where
(15) Red Rock State Park comes in, they're doing management plan
(16) there. They have some routes coming in and out that may
(17) not come in and out on the BLM side of the line. So
(18) there's some adjustments that might be made along there.
(19) We want to look at access to make sure we
(20) address for guzzlers. There's something, like, around -- I
(21) can't -- off the top of my head, I can't remember what
(22) the -- around 30 guzzlers, I think, in the El Pasos. We
(23) wanted to look at access to those. Watering for sheep, if
(24) they do have sheep grazing, for access there.
(25) Maybe doing some -- take some opportunities and

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- (1) designate some equestrian routes in through the area.
(2) Rather than to have both the equestrian and/or ATV and
(3) motorcycles on the same route, there may be opportunities
(4) to kind of spread the use out a little bit so the
(5) equestrians know they can have some routes out there.
(6) Mountain bikes is another very possible sport
(7) that is being -- that is occurring in our area, and we
(8) might be able to look for some exclusive mountain bike
(9) routes out there.
(10) MR. HOWARD BROWN: Relative to the discussion
(11) that we had before, informing the TRT to look at a
(12) timetable for educational and planning efforts to reopen
(13) areas, is this just another item to put on the list of
(14) impossible tasks because we don't have the manpower or
(15) funds to do them?
(16) MR. HECTOR VILLALOBOS: WEMO has identified that
(17) we need to get the CAPA done, I think, within five years.
(18) And because we want to make it collaborative, you can't do
(19) something overnight collaboratively with a number of
(20) corroborators.
(21) MR. HOWARD BROWN: Is this something that --
(22) this could happen over the next number of years, start to
(23) develop.
(24) MR. RON KEMPER: Can you answer that, Hector,
(25) the statement?

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- (1) Was that a question, Howard?
(2) MR. HOWARD BROWN: No, I'm okay.
(3) MS. CAROL ANNE WILEY: Back to the arsenic in
(4) Red Mountain, I would suspect that some of the concern is
(5) that this is an area where people live. The people of
(6) Red Mountain live right in the midst of these arsenic
(7) tailings. So I would just suggest that that's probably
(8) some of the big concern.
(9) MR. RON KEMPER: Any more discussion regarding
(10) the field summary?
(11) MR. RON SCHILLER: Yes. I would like to just
(12) comment on Hector's response to Howard.
(13) One thing that concerns me is that we tend now
(14) to go out and find reasons why we can't instead of finding
(15) reasons how we can. It kind of irks me a little bit. We
(16) have an existing route system out there.
(17) Hector mentioned maybe closing some of these
(18) roads and making them equestrian trails. I personally am
(19) an equestrian user of that area extensively. It's south of
(20) my house. My granddaughters and my wife and I spend a lot
(21) of time out there. We don't need to close roads to other
(22) people so we can ride horses out there. We're not limited
(23) on where we can ride our horses.
(24) I really don't think that we should ask somebody
(25) to give up their access so I can ride my horse on the road.

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(1) And when I do ride on the road, I have had, actually
(2) surprisingly, courteous riders. Much more courteous than
(3) the hikers I've encountered in the Sierras and that
(4) country. So I really don't see a problem there with
(5) closing roads and making equestrian trails.

(6) But it seems like we could streamline the
(7) process some if we just started with the existing route and
(8) say, "That's our base." Then we identify the roads with
(9) resource issues and go from there, instead of more
(10) paralysis by analysis.

(11) MR. DAVID CHARLTON: Dave Charlton, Renewable
(12) Natural Resources.

(13) Just a different perspective on things. Working
(14) for a federal agency, we're quite often concerned with
(15) safety. And I guess what happened here was somebody was
(16) going to be taking a look at some tailings, and they wanted
(17) to know what was there. So some testing was done for
(18) safety of anybody that might be involved with moving those.

(19) And maybe we can look at this as simply
(20) science-gathering data. And sometimes I think because of
(21) the net result of science-gathering data, there's an
(22) attitude of burying your head in the sand and not wanting
(23) to know what's going on around. But that's just a
(24) different perspective.

(25) MR. RON KEMPER: Thank you, Dave.

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(1) Anybody else?

(2) Thank you, Hector. Appreciate the summary.

(3) I do have a couple more speaker slips for items
(4) not on the agenda. I'll recognize Gary Hillier.

(5) MR. GARY HILLIER: Thank you, Mr. Chairman.

(6) The last time I think we were in Ridgecrest, we
(7) were greeted with a snowstorm, and Hector and his crew put
(8) on a virtual tour for us; and yesterday we got a chance to
(9) do a real one. I'd like to just take a moment to thank
(10) them for really putting together a good, comprehensive
(11) trip. Certainly the discussions that the council has
(12) already had this morning gives some picture of it. But
(13) really in terms of the logistics, the arrangements of what
(14) you showed the council, super job, well done.

(15) At a previous council meeting, I asked the BLM
(16) to put in -- or to include as an agenda topic the recent
(17) decision by the 10th Circuit Court of Appeals RT77,
(18) important access issues. At the time, District Manager
(19) Borchard responded that he didn't feel it was timely
(20) because there was just the 10th Circuit decision out and
(21) the applications were not yet firmly established, and that
(22) was an appropriate response.

(23) Since that time, on March 22nd,
(24) Secretary Norton, in one of her final acts before she left
(25) office, adopted an implementation policy for that. And BLM

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(1) has issued, at the end of May, two instruction memoranda to
(2) implement parts of that decision. And a meeting I had with
(3) the BLM director a week ago indicated that more would be
(4) forthcoming.

(5) So I, again, urge -- because this is such an
(6) important issue relative to public access, and there's a
(7) lot of misinformation out there. I became aware of the
(8) fact that six US Senators have formally written the
(9) department and raised the specter of things that don't even
(10) exist. And I do believe it's an important issue for the
(11) council to address.

(12) So, again, I renew my proposal or suggestion
(13) with the Bureau to include this dialogue at their next
(14) meeting so that a need -- the public and the council can be
(15) aware of not only the decisions but the implementation of
(16) the policy and how that's proceeding within the Bureau.

(17) Also at a previous meeting, I raised the issue
(18) of monitoring and the importance of it. I urge the Bureau
(19) to formalize it. This was partly the result of work that I
(20) had been doing with the BLM official wildlife service
(21) related to the desert tortoise.

(22) District Manager Borchard and I had a brief
(23) discussion on monitoring, in general, and have agreed to
(24) meet further. Our schedules haven't meshed too well over
(25) the last couple of months, but I do intend to continue that

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(1) dialogue because I really believe that it's important.

(2) Sometime during May, the California Department
(3) of Fish & Game issued wildlife action plans covering the
(4) entire state. They covered it in, I believe, seven
(5) bioregions. It was done with little fanfare, although
(6) there were a couple public meetings scheduled, one in
(7) Redding and one in Riverside.

(8) Unfortunately, I became aware of the action
(9) plans after the meeting in Riverside. I don't even know if
(10) anybody was there. Local governments, to my knowledge, in
(11) the state never received, even, a copy of it. I, in fact,
(12) got mine through my professional society. The comment
(13) period supposedly ended June 18th. I have been trying to
(14) reach somebody in Cal Fish & Game over the last ten days
(15) trying to find out not only if they would extend the 45-day
(16) comment period but, also, to get some dialogue going as far
(17) as what the implications are. What does Cal Fish & Game
(18) intend to do?

(19) Much -- well, from my review of both the Mojave
(20) bioregion statement and the Colorado bioregion, they spend
(21) a lot of time flogging BLM relative to land-use planning.
(22) I don't know the extent to which BLM participated in the
(23) development of those action plans, but I certainly
(24) encourage the agency to look into that. And I would also
(25) suggest, then, that somebody from Fish & Game be invited to

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(1) a future meeting to discuss not only the plans but what
(2) Fish & Game intends to do and what its interrelationship is
(3) with BLM. I think that's rather important.

(4) And I suspect that most of you didn't know that
(5) these existed, either. And they do carry some implications
(6) certainly in terms of their press on wildlife preservation
(7) and wildlife conservation.

(8) The Desert Tortoise Recovery Plan with you is
(9) proceeding. And, again, I think this is an area that the
(10) council needs to be aware of. There is a management
(11) oversight group meeting in August. A collaborative process
(12) is getting underway by the Fish & Wildlife Service. While
(13) they have the lead, certainly there is an implication
(14) relative to BLM land-use planning.

(15) And I suspect that, to some extent, some of you
(16) on the council may have been contacted by the assessment
(17) group. And there's enough going on on this that does
(18) involve public lands that I really believe that the council
(19) does need to be updated.

(20) Last, I'd like to touch on payment in lieu of
(21) taxes. A couple of years ago I was invited to make a
(22) presentation on the PILT Program to this council, and
(23) welcomed the opportunity to do so. Checks for fiscal year
(24) 2006 just got cut within the last week and are being
(25) distributed. There is an incremental increase due to

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(1) appropriations but no change in the equity issues that I
(2) discussed.

(3) But I do make a comment and really congratulate
(4) BLM for looking at areas like they did yesterday, like they
(5) showed the council in our last stop. They're looking at
(6) isolated tracts in developing areas that clearly should
(7) transfer from public ownership to private ownership. BLM,
(8) frankly, probably isn't even managing it.

(9) But there will be developed land, the land will
(10) go on tax roles, and it will offset some of the other
(11) acquisitions that BLM is proposing to do in the land-use
(12) program, and will serve to augment or at least balance out
(13) that. And so when they finally have to sell, certainly
(14) from a local government perspective, it's important.

(15) San Bernardino County, of course, has been the
(16) poster child. They have lost over 800,000 acres of tax
(17) pays over the last seven years with no off setting sells.
(18) But I congratulate the Ridgecrest field office for at least
(19) their movement in looking at and initiating some disposals
(20) that would certainly offset other actions within
(21) Kern County.

(22) That's all I have for now. Thank you.

(23) MR. RON KEMPER: Thank you, Mr. Hillier.

(24) MR. TOM SCOTT: Gary, I attended that meeting
(25) only because I was prompted by a constituent, and then I

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(1) went and found it on the Web page. And my comment to them
(2) was that there hadn't been a lot of interaction and they
(3) hadn't advertised the plan, much less the meeting. It was
(4) attended by probably 15 or 20 people. They said it was the
(5) largest appearance they had at any region.

(6) I believe it might be good for BLM to actually
(7) respond to this. I think there needs to be some kind of
(8) interaction because it was not prepared with the greatest
(9) amount of coordination.

(10) MR. DAVID CHARLTON: We were asked to respond at
(11) Edwards. And the document was prepared by people at
(12) UC Davis, to my understanding. And, I think, at our last
(13) meeting, we got a good understanding on some of the impacts
(14) the lack of funding is having on the off-road vehicle
(15) program.

(16) The point I got out of the document was we can
(17) see how the lack of funding to the BLM is impacting
(18) wildlife. And it does mention things like grazing being a
(19) major factor in affecting populations of wildlife in the
(20) state.

(21) It talks about attempts to reintroduce bighorn
(22) sheep. And they were doing fairly well until they came in
(23) contact with the sheep, and then they all probably died.
(24) So they are now trying to reintroduce sheep into that area
(25) for reasons like that.

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(1) MR. JON McQUISTON: Would it be appropriate for
(2) this council to do one of two things, or perhaps both?
(3) One, write a letter for the chairman to sign to Fish & Game
(4) with a copy to the resources secretary, just expressing
(5) concern, for lack of a better term, of lack of public
(6) notice, public participation; or, two, ask that they come
(7) and make a presentation at our next scheduled meeting to
(8) give an overview of this and what the purpose is, their
(9) goal, how is it going to interface with other management
(10) plans.

(11) Either one of those might be beneficial for us
(12) to weigh in and just say, "Hey, this group is an advisory,
(13) if you will, of millions of acres in Southern California.
(14) We have an interest in this, and we would like to learn
(15) more."

(16) MR. RON KEMPER: I absolutely agree with you,
(17) but I'm not sure that you actually made a motion.
(18) Are you just making a statement?

(19) MR. JON McQUISTON: I'm just making a statement
(20) for the purpose of suggesting if there's a consensus here,
(21) then I would say when we get to the action portion of the
(22) meeting today that a motion be made that would authorize
(23) you to sign out a letter on behalf of the Desert Advisory
(24) Counsel to California Fish & Game and the resource
(25) secretary.

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- (1) MR. RON KEMPER: We'll hold that over until the
(2) action items.
(3) Any other comments from the council?
(4) Sam?
(5) MS. SOPHIA MERK: One of the things I noticed
(6) on -- my name is Sophia A. Merk. Everybody calls me "Sam."
(7) I'm with NPL News, P. O. Box 527, Ridgecrest, California.
(8) One of the things I noticed that was not
(9) included on the agenda this time was Surprise Canyon. And
(10) I was a little shocked to find that out, because we're
(11) going on our fifth year -- or sixth year now.
(12) But, anyway, access to our public lands is the
(13) foundation of public land management in the California
(14) Desert Conservation Area. Since 1980 when the CDCA Plan
(15) was completed, access to public lands for all has been
(16) slowly but steadily decreasing.
(17) Public access to our public lands have been
(18) restricted, limited, or eliminated altogether, evident by
(19) the millions of acres transferred since 1980 from
(20) multiple-use designation to off-limits National Parks,
(21) wilderness areas, and numerous other land-use restrictions
(22) and limitations on access. Access is only allowed for
(23) agency personnel and research, i.e., the elite few. That
(24) does not represent the public.
(25) Even when lands are not designated for parks,

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- (1) wilderness and contain threatened and sensitive species
(2) such as the desert tortoise, access has been
(3) administratively cut off.
(4) For example, let's consider Surprise Canyon.
(5) The BLM's land-use amendments did not identify the Surprise
(6) Canyon area important for threatened species management.
(7) Yet BLM selectively chose to accommodate the elite few by
(8) closing the Surprise Canyon access road under the disguise
(9) of completing an environmental review and completion of an
(10) EIS. That was in 2001. Here we are, in 2006, and no EIS
(11) is even ready for draft public review.
(12) BLM claims that there is a shortfall of funding
(13) to complete the EIS. That is code words for "it is not a
(14) priority." BLM should not take on new projects such as Red
(15) Mountain Arsenic Issue until existing projects are
(16) completed, i.e., finish what you start before taking on new
(17) projects.
(18) We urge you to open the Surprise Canyon access
(19) road now. Thank you. A copy of this will be posted on our
(20) NPL news, and I'll give a copy to her.
(21) MR. RON KEMPER: Thank you, Sam.
(22) Sam, just for your information, even though it's
(23) not on the agenda as part of our round-table discussion,
(24) I'll be asking all the TRT chairs to report and give an
(25) overview to the council.

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- (1) Thank you.
(2) I'm going to start with council member reports,
(3) and I'll start with Roy Denner.
(4) MR. ROY DENNER: I have a couple of things to
(5) report. But first I want to suggest to the council that we
(6) take up Mr. Hillier's suggestion to have a report from the
(7) BLM on the status of the RS4477 ruling. That could have a
(8) major impact on access -- public access to public lands
(9) within the California Desert District.
(10) As he said, outgoing Secretary Norton made the
(11) ruling shortly before she left office, and what the status
(12) of that is I think would be interesting to the council.
(13) MR. TONY DANNA: Tony Danna, Bureau of Land
(14) Management, state office.
(15) Gary talked to me yesterday, and I had a chance
(16) to make a call to our office in Sacramento just to see what
(17) the status of this is.
(18) One of the things that was said by
(19) Secretary Norton as she left was somewhat of a ruling on
(20) this, but the interpretation of that had not come down to
(21) the agency. I understand there's been some activity this
(22) week. So this is being formed in Washington, and they're
(23) just now transmitting this information.
(24) So I expect within a few weeks that we'll be
(25) able to get some sort of direction out to the field on

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- (1) where California BLM is going on RS4477, specifically to an
(2) application that we have from San Bernardino County.
(3) MR. RON KEMPER: Thank you, Tony.
(4) I'm going to give the court reporter a 15-minute
(5) break, and then we'll pick up with the balance of the
(6) council's reports.
(7) Off the record.
(8) (Recess taken from 9:12 to 9:31.)
(9) MR. RON KEMPER: We're back on the record.
(10) We're doing council member individual reports
(11) and comments.
(12) MR. ROY DENNER: A couple of real important
(13) things, I think. One has to do with the management -- the
(14) Desert District Management Plans. For those council
(15) members who haven't heard or aren't up to speed on this, it
(16) starts with the Imperial Sand Dunes Recreation Area
(17) Management Plan and the biological opinion that was issued
(18) on that plan and the lawsuit by several environmental
(19) groups to overthrow that biological opinion.
(20) A ruling has come down from Judge Illston in the
(21) 9th District Court -- more than a ruling. She didn't
(22) simply say that the biological opinion was inadequate. She
(23) prepared a 47-page document just shooting that whole
(24) management plan to pieces, like rewriting the management
(25) plan saying that everything the BLM plans to do there in

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(1) the Imperial Sand Dunes is putting this Peirson's
(2) Milk-Vetch Plan into jeopardy.
(3) So right now there have been -- the judge has
(4) granted several delays in requiring a response from the BLM
(5) and Fish & Wildlife as to what they intend to do about it,
(6) and they're just about running out of time on this. And
(7) even at this point, it is my understanding that the BLM
(8) does not have a plan on how to respond to the judge's
(9) ruling. So we're going to be in a real crunch on that.
(10) It could lead to closure of that whole area
(11) because the judge's ruling was so negative. The OHV
(12) community is hoping that at least they will remain status
(13) quo with the operation in that area the way it is with the
(14) temporary closures in place until BLM and Fish & Wildlife
(15) can come up with a better BO.
(16) But more important to many of the people in the
(17) council is the fact that shortly after the judge issued
(18) this ruling, those same environmental groups issued a
(19) 60-day notice of intent to sue the BLM on all of the other
(20) management plans -- WEMO, NEMO, NECO -- saying that -- and
(21) in that notice of intent to sue they cite the Imperial Sand
(22) Dunes Plans as being -- as how inadequate that was, saying
(23) that that is probably one of the better of the plans, and
(24) I'm inclined to agree with that. So the 60-day period is
(25) about to expire. It's probably been 45 days or something

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(1) like that.
(2) So within a short period, the California Desert
(3) District is going to have to respond to this lawsuit on all
(4) of the other management plans, and that could go anywhere.
(5) If the court decides that those plans are inadequate, the
(6) whole Desert District could be closed to public access
(7) until good plans are developed for the entire California
(8) Desert District.
(9) The other thing that I wanted to mention that is
(10) significant to recreation has to do with our new Secretary
(11) of the Interior, Dirk Kempthorne. Those of us in the
(12) recreation community were pretty excited about him getting
(13) that post because he has made it clear that he intends to
(14) work with Congressman Pombo of the Resources Committee to
(15) modify the endangered species act, which we all feel needs
(16) to be fixed.
(17) However, just last week, the very first action
(18) that Kempthorne took was to issue a ruling that overthrows
(19) several years of work by recreation enthusiasts for the
(20) park service to create an atmosphere where recreation was
(21) considered equally important to conservation.
(22) In other words, Secretary Norton worked with us
(23) to suggest that plans within the park service should
(24) identify recreation as an important element, just like
(25) conservation. The very first thing Dirk Kempthorne has

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(1) done is thrown that ruling out and indicated that
(2) conservation trumps everything else and takes precedence
(3) over any other consideration, including public access and
(4) recreation.
(5) This just happened, and we're really pretty
(6) dismayed about this because it does not sound like somebody
(7) who's a friend of access to public lands.
(8) That's all I have.
(9) MR. RON KEMPER: Roy, we always enjoy your
(10) commentary because it's always so full of good news.
(11) Tom.
(12) MR. TOM ACUNA: Good morning, everyone. I'm
(13) Tom Acuna, and I represent the Transportation Utility
(14) Member here. I just wanted to make a few comments about
(15) utilities.
(16) The first thing I would like to say is even
(17) though the BLM seems to be short on staff, they have been
(18) making it a priority and have been working very closely, at
(19) least with San Diego Gas & Electric and Southern California
(20) Gas, with new projects -- maintenance projects. It seems
(21) like the new projects get a lot of press.
(22) But what I think is important -- and I just
(23) wanted to share a program that's kind of important to the
(24) members and to the group here -- to the audience -- is
(25) pipelines. They do need maintenance. And one of the

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(1) things that we're finding out in the desert is that these
(2) pipelines corrode over time in spite of our best efforts to
(3) take good care of them and keep that from happening.
(4) What the federal government now has is
(5) regulations that we evaluate pipelines regularly over a
(6) seven-year period based on location. They have this little
(7) device that goes through the pipe called a "pig." And they
(8) send this pig through the pipe, and they evaluate how this
(9) pipe is doing. And what happens is sometimes we find a
(10) place where the wall thickness of these pipelines aren't
(11) what they're supposed to be, and they're running at
(12) 8- to 900 pounds of pressure. You could have a big mess if
(13) you don't fix it soon.
(14) I would just like to comment that the Barstow
(15) office recently supported some work that we did called
(16) Line 235, and we found that they had a little problem. And
(17) thanks to this program agreement that Southern California
(18) Gas has with the Bureau of Land Management, we were able to
(19) make quick repairs to a major pipeline feeding a greater
(20) part of Los Angeles.
(21) So I think the BLM offices have been doing a
(22) fine job, even though they're short on resources. And I
(23) would just like to thank them publicly for that.
(24) If you have any questions about this, I'll be
(25) pleased to answer any questions.

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(1) MR. RON KEMPER: Thank you, Tom.
(2) Ron Schiller.
(3) MR. RON SCHILLER: Thank you, Ron.
(4) I'd like to welcome all the outsiders that don't
(5) live here in Ridgecrest. I hope your accommodations are
(6) fine here, and I hope you enjoy your stay. And I would
(7) like to thank BLM for the tour yesterday. I thought that
(8) was great.

(9) But I do have two problems that I would like to
(10) address that concern me very much and I find extremely
(11) frustrating. And, of course, we talked about them earlier.

(12) One is Furnace Creek. I've talked to a number
(13) of the Forest Service folks that were involved in this
(14) planning effort, and they've expressed some extreme
(15) frustration because of the lack of movement on this plan.
(16) As a result -- I have received a copy of communications
(17) between the BLM and the Forest Service as a result of a
(18) Freedom of Information Act request.

(19) I just want to point out a little bit of the
(20) things that are starting to frustrate some of the agency
(21) people with the Forest Service and myself, as well. I
(22) received a call from one of the Esmeralda County
(23) supervisors who has also expressed extreme frustration with
(24) the lack of movement on the Furnace Creek road issue.

(25) On February the 8th there was an E-mail to the

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(1) who was directly involved in this, he expressed that he was
(2) extremely embarrassed to be associated with this plan, and
(3) it had a considerable amount to do with his decision to
(4) leave the Inyo and go to work for another forest because he
(5) felt that it was a black mark on his career.

(6) This plan has a considerable economic impact on
(7) Esmeralda County. One of the county supervisors and one of
(8) the local businessmen have called me several times. That
(9) road is very important to the local area for visitors for
(10) deer hunting during deer hunting season. They make a lot
(11) of their income in the small town of Dyer, which is just a
(12) few buildings and a very small, rural community.

(13) The hunters come in and they rent the RV spaces
(14) at the little store there, spend money in the local
(15) community. And now we're going on the third year here
(16) without that as an economic benefit for Esmeraldo County.

(17) What I don't understand is why a plan amendment
(18) has to be done at all. I have here an access guide from
(19) the original 1980 plan that clearly shows that road in
(20) existence and usable by the public in a limited access
(21) designation.

(22) The NEMO, which covers that area -- the NEMO
(23) plan specifically exempted Furnace Creek from the process,
(24) and should have been -- is a separate issue. If it is --
(25) if the 1980 plan and that area has been designated as

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(1) Forest Service stating that the FONSI had been reviewed by
(2) the state office and is ready for signature at any time.
(3) Then later the Forest Service set up a full schedule of the
(4) roll out and everything was ready to go. We were told at
(5) one of the Forest Service meetings that the decision notice
(6) would be coming out right away.

(7) Then I was told that, just a few hours later,
(8) they were called and told that there was no way they could
(9) issue a FONSI decision and notice. On April the 29th the
(10) FONSI then was sent in to Hector for a signature. And
(11) then, a few hours later, on the 29th, there was another
(12) E-mail correspondence that said that now we had to have a
(13) plan amendment.

(14) And the issue had been raised at the Sacramento
(15) office, and there was other comments about believing the
(16) parties would appeal, and there won't be any time soon that
(17) the road will be open, and the agencies will have to
(18) implement other management controls to realign trails and
(19) stream crossings, and it would be some time before opening
(20) the gate.

(21) Then on March the 30th there was a communication
(22) to the Forest Service that said, "Well, we'll have a
(23) federal notice within the week." Three months later we
(24) still don't have a federal register notice.

(25) Talking to one of the Forest Service employees

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(1) accessible and it was exempted from NEMO -- and I am not
(2) aware of any plan amendments to change that -- why do we
(3) have to go through a plan amendment now?

(4) The other issue that I'm concerned about is
(5) Surprise Canyon. Surprise Canyon was closed in February
(6) 2001. We're going on five and a half years. That closure
(7) came out of an agreement in a lawsuit with the Center of
(8) Biodiversity, and that was a temporary closure pending an
(9) analysis, so to speak.

(10) The problem is when you continue to close these
(11) roads temporarily the roads go away. Furnace Creek --
(12) we've had several field trips up there, and we go up and we
(13) see all the vegetation that has grown in and where the road
(14) used to be. Well, if you cut off the motorized use and the
(15) public access, your road is going to deteriorate. That's
(16) just common sense.

(17) But when we continue to drag these things out,
(18) the temporary closures are eventually a doom for any future
(19) access because there's no amount of funding that's going to
(20) bring them back. So the public loses by default even
(21) though it's temporary and pending.

(22) That's enough from me. Thank you.

(23) MR. RON KEMPER: Thank you, Ron.

(24) Bill Betterley.

(25) MR. BILL BETTERLEY: Bill Betterley,

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- (1) member-at-large on the DEC, and I have no report at this
(2) time.
- (3) MR. RON KEMPER: Jon McQuiston.
- (4) MR. JON McQUISTON: I have no specific report,
(5) but thank you all for being here.
- (6) MR. RON KEMPER: Dr. Bill Presch.
- (7) DR. BILL PRESCH: I'm Bill Presch.
- (8) Member-at-large in education. I don't have anything
(9) specific to say at this time. Though I am the chairman of
(10) the TRT for Dumont Dunes. I will report later in the
(11) meeting under that.
- (12) And during the monitoring program discussion, I
(13) may provide some comments about the fringe-toed lizard work
(14) that I'm involved in.
- (15) MR. RON KEMPER: Sheri.
- (16) MS. SHERI DAVIS: Sheri Davis, public-at-large
(17) focused on film. I wanted to take a quick minute to
(18) explain that often my industry feels that if the land is
(19) open to the public, it should be open to them. And that's
(20) not necessarily the case.
- (21) And we had one example of Clint Eastwood's
(22) film -- he did *Flags of our Fathers*, which was the story of
(23) Iwo Jima. He filmed almost entirely out of the country.
- (24) And so he came back in to do *Red Sun, Black*
(25) *Sand*, which is about Iwo Jima told from the Japanese point

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- (1) of view. They found a number of locations in the Calico
(2) Mountains and started that process and ran into extremely
(3) unsanitary conditions in the areas that they wanted to
(4) film. It's a public OHV area, but it was just an area that
(5) was a difficult area, evidently, to clean and to keep
(6) preserved.
- (7) I have to commend Roxy and her team, because we
(8) had a potential train wreck happening with that film. And
(9) Clint Eastwood made a comment to us that he wished it was
(10) as easy to film in other areas of the state of California
(11) as it proved to be in the Barstow area. I want to thank
(12) you, Roxy, for that because her team rolled up their
(13) sleeves in spite of all of their work that they had and
(14) made it happen.
- (15) Another example where they stepped in is we had
(16) another production company who was sponsoring a cleanup in
(17) Stoddard Valley and wanted to film that to put it on their
(18) cable channel so that they can educate the public as to the
(19) cleanup of desert lands. Here again, it was open for use
(20) by the public but not for a production company. It
(21) required EPA. Roxy's team once again stepped forward and
(22) made it happen in a very short period of time.
- (23) I was instructed to thank you, Roxy, and your
(24) team by the Malpaso Productions for your professionalism
(25) and your attitude and saving that film for California.

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- (1) Thank you.
- (2) MR. RON KEMPER: Paul.
- (3) MR. PAUL SMITH: I'm Paul Smith. I'm a
(4) representative-at-large from the Twentynine Palms area, and
(5) part of my vision of what I'd like to do on the DAC is, to
(6) the extent possible, increase the role of nonprofits in the
(7) desert because I think they have a big role to play.
- (8) I was extremely pleased with our tour yesterday
(9) to see Burro Schmidt Tunnel and to see the Friends of Last
(10) Chance Canyon, a nonprofit working with it in close
(11) association with the BLM. So my hat's off, with limited
(12) resources, that you're working to find a way to do some of
(13) those things.
- (14) I was also very pleased to see what I considered
(15) a very responsible way of trying to recognize and measure
(16) and prepare to develop a plan to deal with the toxics
(17) problems that arise from the mining activities.
- (18) So I didn't view it as misplaced or wasted at
(19) all, nor did it appear to me that it was treated as an
(20) emergency measure that needed emergency action except in so
(21) far as there were personal safety issues, either through --
(22) particularly with something like over a 1,000-foot hole in
(23) the ground that was not very far from the highway that
(24) needed to be dealt with.
- (25) And I was very impressed by hearing about your

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- (1) prioritizing of how you're dealing with the hazard of
(2) having open-pit mines, which -- open holes in the ground.
(3) There are so many in the desert that you can't just start
(4) randomly going out and dealing with them. And the fact
(5) that, if I understood it correctly, you're prioritizing
(6) them so you're dealing -- you're recognizing the human
(7) safety issue. And you're also recognizing some broader
(8) mandates that you have in terms of dealing with things --
(9) biology issues, like bats.
- (10) So to me, I thought it was very interesting,
(11) very responsive to what your legal obligations are in a
(12) very intelligent way.
- (13) I'm personally aware of and watching and
(14) prepared to work closely with the Barstow office and
(15) Brad Maston of that office on the designation of the
(16) national scenic highways, byways, and back roads, which
(17) have two very important functions in the desert for some of
(18) our really beautiful areas.
- (19) One is to increase the tourism business, which I
(20) have a special place in my heart for, and also to increase
(21) the public awareness of the unique and wonderful beauty of
(22) the desert, which I think will increase the respect for its
(23) resources. Part of my vision is to see a national scenic
(24) highway and byway system extend from Anza-Borrego all the
(25) way through Joshua Tree National Park through the Naked

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- (1) Hills and all the way up to Death Valley.
- (2) I was very pleased to read the Palm Springs
- (3) report and see -- because I was unaware that this was going
- (4) on -- that they started this program in the Mecca Hills,
- (5) which obviously deserves this designation and obviously
- (6) suffers from a growing disrespect from campers there. And
- (7) I think this will elevate their level of appreciation for
- (8) what they see.
- (9) So I really applaud the Bureau of Land
- (10) Management for picking up a challenge and really running
- (11) with it. And I'm hopeful that our counties will be jumping
- (12) in at the appropriate time -- County of San Bernardino,
- (13) Riverside, and Kern County. I believe that there are other
- (14) areas other than just the route that I outlined which
- (15) knowledgeable people would identify as should be placed on
- (16) this.
- (17) For example, I'm looking -- thinking of 395 from
- (18) Four Corners up through Randsburg/Johannesburg area all the
- (19) way over to 395 as probably a very logical place for this
- (20) to be done. It's not all goofed up with signs along the
- (21) highway and all of that right now. And my guess is it
- (22) would very easily meet the eligibility requirements.
- (23) So I would like to encourage this body and the
- (24) BLM to continue to be very serious about getting this
- (25) underway. It takes a long time. And you've got some good

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- (1) leadership from the Palm Springs office and from the
- (2) Barstow office to, sort of, capitalize on it.
- (3) My area where I live, the Morongo Basin, is
- (4) extremely pleased to see the Barstow office assign a ranger
- (5) to that area. It's been a vacant spot. It's been
- (6) much-needed. Complaints and all sorts of things were made
- (7) to the Barstow office, and they responded.
- (8) I'm also pleased to see that the manager's
- (9) reports are including within them measurements of the
- (10) progress made by each of the districts to fulfill the
- (11) signage requirements under the major desert plan. I think
- (12) this should continue for two reasons: One, from a
- (13) management standpoint to make sure that those important
- (14) issues are not forgotten; and, secondly, this body should
- (15) be aware of those situations where funding constraints are
- (16) really stopping you from pursuing that.
- (17) So hats off to Hector for -- at least my great
- (18) appreciation for a really wonderful tour. That's the end
- (19) of my report.
- (20) MR. RON KEMPER: Dr. Tom Scott.
- (21) DR. TOM SCOTT: Tom Scott, representing
- (22) wildlife.
- (23) I was unable to attend the meeting yesterday --
- (24) the field trip. And I want to apologize. I think it was a
- (25) really good field trip from what everybody said.

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- (1) I took a short detour on my way up here through
- (2) the Jawbone area just so I could see what the place looked
- (3) like. And I want to report that I found a Golden Eagle
- (4) nest. So I think that there's still some hope. I like to
- (5) think that there's still things we can work out.
- (6) But that brings up something else I saw, and
- (7) that was a lot a bales of hay that were stretched out in
- (8) the desert. And I was uncertain exactly whether this was a
- (9) BLM policy or not. And probably more importantly there are
- (10) places that are signed -- old trails that are signed as
- (11) being closed, and then there were areas of hay bales. The
- (12) bales were always moved and the trails were active, and
- (13) those locations were -- looked like, I guess, these were
- (14) designed to stop activity.
- (15) So I guess -- I think that if it is a policy, I
- (16) would like to see some kind of test of efficiency between
- (17) the traditional signs and the straw bales.
- (18) MR. RON KEMPER: Carol Wiley.
- (19) MS. CAROL WILEY: I'm Carol Wiley.
- (20) Recently the Sierra Club Desert Committee did a
- (21) tamarisk removal in Surprise Canyon. We covered, I think,
- (22) the whole lower part of Surprise Canyon. We removed the
- (23) big ones with the traditional sawing them off and treating
- (24) them with chemicals, and then we hand-pulled millions of
- (25) the little ones, which I thought would be an easy job. It

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- (1) wasn't. Those little things really stick in the ground.
- (2) So we had to pull and pry.
- (3) Some of the BLM staff was there. They organized
- (4) the removal. Marty Dickes, I think, went back and made
- (5) sure -- even after this weekend event, she went back the
- (6) following weekend, I think, and removed everything that was
- (7) missed. So it should be fairly free of tamarisk now.
- (8) I've also worked with the Friends of Juniper
- (9) Flats that is working on the Juniper Flats region. It's a
- (10) limited use area. We are doing a lot of monitoring of the
- (11) area, reporting conditions of the trails and conditions
- (12) where there aren't supposed to be trails.
- (13) The Friends of Juniper Flats are putting
- (14) together pamphlets with hiking trails in the area, wildlife
- (15) in the area -- a lot of things like that. They do a lot of
- (16) trash removal and that kind of stuff. We're working with
- (17) Roxy's office now on helping with the signage and stuff
- (18) like that. So that's been a very successful project. I
- (19) think that's about it.
- (20) MR. RON KEMPER: Dave Charlton.
- (21) MR. DAVE CHARLTON: I'm Dave Charlton, renewable
- (22) natural resources and a botanical expert. It's been kind
- (23) of a quiet period. The desert has been having problems
- (24) with weeds, as I've mentioned. And now we're starting to
- (25) have some fire problems.

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(1) I think the most significant thing that has
 (2) happened since I was here at the last meeting was the
 (3) action plan. I see that as a wake-up call and sort of a
 (4) baseline on past threats, future threats, and that they
 (5) were sort of non-political and sort of science oriented.
 (6) It's about 25 pages for the Mojave Desert section. I
 (7) brought my copy and printed off some of the pages for the
 (8) table of contents and the Web site. It's really easy to
 (9) find in the state of California. And that's primarily what
 (10) I have to say at this time.

(11) MR. RON KEMPER: Thank you, David.
 (12) Howard Brown.

(13) MR. HOWARD BROWN: Howard Brown, nonrenewable
 (14) resources. I'll be pretty brief. I didn't go to the last
 (15) meeting because I was in Egypt for other reasons. But
 (16) people that I talked to there like to practice their
 (17) English; so it was an opportunity for them to talk to me
 (18) and me to talk to them. And I wanted to relate it to our
 (19) situation here a little bit.

(20) When I talked to people there about our land-use
 (21) policies, specifically the Endangered Species Act, they
 (22) think that we're crazy because we place these obscure
 (23) species of lizards and things above that of humans, whereas
 (24) the rest of the world, humans are basically on the top of
 (25) the heap.

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(1) And so one of the things that struck me was that
 (2) their history there goes back more than 5,000 years, and
 (3) you had these civilizations that ruled until they fell into
 (4) decline and were replaced by other civilizations. And here
 (5) America has been a superpower for maybe 100 years. And so
 (6) we look at these cabins that are 30 years old and are in
 (7) awe. It seems kind of odd. If you go to Egypt, you see
 (8) something that's 5,000 years old.

(9) But it made me wonder how long America will last
 (10) as a superpower and who's going to replace us. And I think
 (11) that when we place obscure species of weeds and toads over
 (12) humans, I think our time is not going to be very long
 (13) before we're replaced by another society that places human
 (14) value above obscure species.

(15) So I think we need to reform the Endangered
 (16) Species Act, which I'm getting into kind of general things
 (17) now, not specific. If we don't make some changes in the
 (18) way we do land-use policy, I think we're going to wake up
 (19) one day as a second-rate power.

(20) That all being said, someone asked me at dinner
 (21) last night, "Didn't you have some stuff on the role of
 (22) mining and the value of the minerals?" And I had presented
 (23) that in the past. But as it turns out, this stuff comes
 (24) out every year. So I had the latest figures -- and I'm not
 (25) going to review them all -- but basically in our society,

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(1) the gross domestic product is like \$23 trillion, and about
 (2) 25 percent of that is based on mine minerals. So without
 (3) minerals, we're not going to exist very long at all.

(4) In California, in 2005, nonfuel minerals were
 (5) \$3.7 billion, of which about two-thirds came from the
 (6) desert area. And of that, basically, nonmetallic minerals
 (7) are about 98 percent of that total value.

(8) Gold has decreased to about 1 percent of the
 (9) total mineral value. Even though the price has gone up as
 (10) much as \$700, the quantity has been cut in half virtually
 (11) every year. And so there's no current gold mining going on
 (12) in the desert. Whatever production there is is from
 (13) residual leaching, and I think it's just going to be
 (14) declining every year. And it's largely a result of our
 (15) land-use management plan.

(16) So, again, the Frazier Institute, which is a
 (17) Canadian think tank, does the mining industry surveys every
 (18) year, and that one is just out. Nevada rates very high in
 (19) terms of mineral potential and land-use policies combined
 (20) as an attractive place for mineral exploration. California
 (21) continues at or near the bottom of the list.

(22) I think the future of our society is based on
 (23) continued availability of mine minerals, and land-use
 (24) policies need to be reformed to encourage mineral
 (25) exploration and recovery of minerals if we're going to

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(1) continue to be the society that we are today. And that's
 (2) my report.

(3) MR. RON KEMPER: Thank you, Howard.

(4) I'm Ron Kemper. I represent renewable
 (5) resources, and am very proud to represent generations of
 (6) professional land managers and grazing interests, and very
 (7) happy to be the chair of this group. It's been a group
 (8) that works cohesively, and I would like to thank you for
 (9) moving in a positive fashion.

(10) One of the frustrating things sitting here as a
 (11) council member is that we constantly get reports on how
 (12) much money is spent. I think the last count was
 (13) \$100,000,000 on studies for the desert tortoise, and the
 (14) synopsis is we don't know any more today than we did
 (15) 20 years ago. That's very frustrating for those of us that
 (16) are the managers of renewable resources.

(17) With that I'm going to go ahead and give the
 (18) court reporter a break -- 15 minutes -- and we'll start up
 (19) in 15 minutes.

(20) (Recess taken from 10:07 to 10:20.)

(21) MR. RON KEMPER: Back on the record.

(22) Any of the council members have any questions or
 (23) comments regarding the field office reports?

(24) Howard.

(25) MR. HOWARD BROWN: Before we get to that, in

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(1) finishing off my report, I forgot to note that I did make
(2) copies of it, and would like to enter it into the record.
(3) And if anybody wants to see the histograms and stuff of the
(4) survey results and all that, I'll put it on the back table
(5) there. It's all in there.

(6) MR. RON KEMPER: Doran, would you deliver a copy
(7) of Howard's report to the court reporter so she can include
(8) it in the minutes. He's wanting it included in the record.

(9) While we're handing out the report, any comments
(10) from the council members regarding field manager reports?
(11) Ron Schiller.

(12) MR. RON SCHILLER: Regarding the Ridgcrest
(13) field manager's report, I posed the question in my council
(14) member report as to request an explanation of why a Desert
(15) Plan Amendment is required for the Furnace Creek Road. And
(16) I would really like to know why that is required, and how
(17) it was determined that a full-blown Plan Amendment is
(18) required.

(19) MR. RON KEMPER: Hector.

(20) MR. HECTOR VILLALOBOS: First let me say that I
(21) appreciate the work that the Forest Service has done to
(22) help address the issue at Furnace Creek. They've been
(23) working with us cooperatively, and I appreciate their
(24) support in trying to work with us on the environmental
(25) assessment that we've done up there.

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(1) Why amend? Why do we do WEMO and NEMO, and why
(2) are we doing CAPA? Those are all plan amendments. And
(3) we're doing a plan amendment for Furnace, and we're doing a
(4) plan amendment for Surprise, and it's required in our
(5) regulations that if we're going to designate a route open,
(6) limited, or closed, that we have to go through a thorough
(7) public review process that's defined in our regulations.

(8) MR. RON SCHILLER: Why couldn't that be
(9) incorporated in the EA with all the other public comments?

(10) MR. HECTOR VILLALOBOS: Because it requires a
(11) federal register notice, and we've done that. It's in
(12) Washington. We've done the environmental assessment that's
(13) going to be used for the decision-making process. The
(14) Forest Service has a different process than we. We're
(15) partners. We've been trying to identify and mitigate the
(16) issues there.

(17) The EA spells out several alternatives, and the
(18) public has had a chance to comment on those alternatives
(19) when we published that register notice. They'll be
(20) notified of these alternatives and the one that we're
(21) trying to identify as the one that we're going to be using,
(22) and it's a public-review process as required by our
(23) regulations.

(24) I can't -- and I can guarantee you, if I make a
(25) decision on that without following the process and our

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(1) regulations, we'll be right back in court.

(2) MR. RON SCHILLER: Well -- and that's fine. I
(3) just -- personally I'm frustrated with that. At one point
(4) I was told by one of the Forest Service personnel in a
(5) discussion with the BLM office -- and I don't know who or
(6) what -- but the Forest Service was told, "Well, it really
(7) didn't matter whether the decision was made. We wouldn't
(8) have funding for at least two years to reopen the road,
(9) even if the decision was to reopen the road."

(10) Those kind of things frustrate me extremely, and
(11) I really don't understand.

(12) MR. HECTOR VILLALOBOS: I want to get a chance
(13) to relieve your frustration a little bit. For example, we
(14) did perform maintenance on that road not more than three,
(15) four months ago, I think, on our side of the line. We went
(16) up there and performed maintenance on it. So at least we
(17) had administrative access into it.

(18) It is not eroding away or -- well, it is eroding
(19) away on the Forest Service side, I'll say that much. But
(20) on our side, it's maintained up to the gate at least. And
(21) the outer gate, there's areas that we've identified that we
(22) can -- we feel we can litigate with volunteers, perhaps,
(23) and maybe some additional funding to address the crossings
(24) and the riparian areas. So I feel pretty confident that
(25) we're moving along on this decision process.

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(1) And as you were worried about it becoming
(2) overgrown and/or the trail being eroded away -- and I
(3) understand your frustration, especially for Surprise -- but
(4) in Furnace, I would welcome an opportunity to go up there
(5) with you and show you what it looks like.

(6) And right now, especially on the BLM side, the
(7) trail is passable up to the gate. And we ran out there and
(8) did a little bit of maintenance out there to maintain that
(9) access.

(10) MR. RON SCHILLER: My concern is beyond the
(11) gate. But on another comment regarding the field
(12) management report regarding Item 20, the Bighorn Sheep
(13) pellet counts and determining the impacts of the closing
(14) the canyon to vehicles.

(15) I would like to point out that last Wednesday I
(16) was asked to lead a tour of dignitaries in some areas of
(17) the White Mountains. And one of the canyons we
(18) specifically took was Silver Canyon. And the reason we
(19) took Silver Canyon is so that congressional staffers could
(20) see the Bighorn Sheep by the road standing calmly there
(21) while we took pictures. And a whole group actually were on
(22) quads.

(23) So you might consider that in your determination
(24) regarding the impact of vehicles and the closing of the
(25) Surprise Canyon to vehicles in regard to the Bighorn Sheep

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(1) habitat.

(2) And there was a study done in the southern
(3) deserts by Southern California Edison that studied that in
(4) particular -- I'd be happy to give you a copy of it -- that
(5) found there was more impact on the Bighorn Sheep by hikers
(6) and by the biology helicopter than there was by vehicles
(7) passing by.

(8) That's all the comments I have. Thank you.

(9) MR. RON KEMPER: Paul Smith.

(10) MR. PAUL SMITH: I have two questions. First of
(11) all from the Palm Springs office I see that there's
(12) continuing work on the lining of the All-American Coachella
(13) Canals. And my recollection is that the canals, before
(14) this relining project just due to some canal failures, were
(15) providing a water source for some wildlife.

(16) Is that being monitored, mitigated? What is the
(17) status of that? That's one question.

(18) MR. RON KEMPER: Come forward.

(19) MS. GAIL ACHESON: Gail Acheson. I'm the field
(20) manager for the Palm Springs Southcoast Field office.

(21) The water agencies are required to do mitigation
(22) for the lining of the canal, and that includes 352 acres of
(23) desert riparian habitat. They have already acquired the
(24) Aqua Farms property down there. And BLM has been in
(25) negotiation with the Coachella Valley Water District and

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(1) the San Diego Water Authority to actually take on the work
(2) of doing the mitigation for them in long-term management in
(3) conjunction with those promises from ACDC.

(4) It's been an ongoing negotiation on how much
(5) they'll pay to have us do that. We're not actually taking
(6) on their responsibility, but we are proposing to take on
(7) the work because we're already managing in that area. I
(8) think we're very, very close to an agreement, and work will
(9) be starting to help start the mitigation here probably -- I
(10) would hope by the end of the year. But we're very close to
(11) an agreement now.

(12) We've got a long-term plan for five to ten years
(13) on how we would help do mitigation consistent with what
(14) we're doing. We had a meeting this past week, and it
(15) sounded like the water districts, BLM, and all the wildlife
(16) agencies are in agreement on what kind of process we would
(17) use and what the funding requirements would be for the
(18) long-term management of that area. So we're pretty excited
(19) about that.

(20) MR. PAUL SMITH: Thank you.

(21) The next question that I had dealt with the
(22) El Centro Plan where I see that two big-game guzzlers are
(23) being put into the Indian Pass Wilderness area. And I was
(24) just wondering what sort of environmental analysis has been
(25) made by Fish & Game or otherwise for the effects on other

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(1) species of wildlife and effects on vegetation.

(2) MR. TOM ZALE: My name is Tom Zale. I'm here
(3) representing Vickie Wood.

(4) We're actually working with California
(5) Department of Game & Fish on developing an environmental
(6) assessment that would analyze the impacts of that proposal,
(7) and we're also looking at alternatives. So we're in the
(8) process at this point of pulling it together, that EA.

(9) MR. PAUL SMITH: Thank you.

(10) MR. RON KEMPER: Howard.

(11) MR. HOWARD BROWN: I had a comment on the
(12) Barstow field manager report specific to the other resource
(13) issues -- resolution of downhill drainage of limestone on
(14) public lands. I have kind of a prepared statement.

(15) During the last three years, the mining company
(16) has been very proactive in attempting to resolve the
(17) issues. A modified operational procedure created sediment
(18) basins to capture the sediment on private land, mitigated
(19) visual impacts, revegetated mine-out areas, and submitted
(20) numerous plans to the agencies to resolve issues on federal
(21) lands. These plans included several bylaws and engineering
(22) plans in environmental assessment.

(23) During the last three years, not one of the
(24) documents has been evaluated, approved, or rejected by any
(25) of the agencies including the BLM. During the last six

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(1) months, the mining company has made several written,
(2) phoned, verbal, and E-mail requests to meet with the BLM to
(3) discuss and resolve the issues, but the BLM has not
(4) provided an affirmative response.

(5) So I think that needs to be part of your report
(6) that you didn't really include the mining company in the
(7) inclusion of the problems. And other people have lauded
(8) the BLM there for getting things done.

(9) So maybe this is an opportunity here to have a
(10) meeting that we've requested to try to resolve the issues.
(11) Until we have a dialogue, they're not going to get
(12) resolved. We need to define them and talk about them to
(13) resolve them. So maybe this is an opportunity to do that.

(14) MR. RON KEMPER: Are you addressing that to a
(15) particular field manager?

(16) MR. HOWARD BROWN: Yes. The Barstow field
(17) manager.

(18) MR. RON KEMPER: Roxy Trost.

(19) MS. ROXY TROST: I'm Roxy Trost, the field
(20) manager for Barstow.

(21) This has been an ongoing issue, Howard. This is
(22) actually currently under an investigation, and I can't
(23) really comment at this time on this project. So we can
(24) work one-on-one, and I know we have had conversations in
(25) the past with regard to this. It involves a lot more than

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(1) just the Barstow office at this point.

(2) MR. HOWARD BROWN: Right. But, I guess, in
(3) order to resolve the issues, you have to evaluate the plans
(4) to allow someone to take action to make mitigation. But
(5) until the plans are evaluated, nothing can happen.

(6) So we're being looked at as "you guys are
(7) letting this problem evolve," but it's only evolving
(8) because the agencies are not either approving or
(9) disapproving plans that have been submitted to resolve the
(10) issues.

(11) MS. ROXY TROST: Like you said, there's a lot
(12) more agencies involved in this than just the Barstow field
(13) office. So we're not able to make a decision or to discuss
(14) the plans while this project is currently under
(15) investigation.

(16) MR. HOWARD BROWN: So the problem will
(17) perpetuate.

(18) MR. RON KEMPER: Thank you, Howard. Thank you,
(19) Roxy.

(20) Roy Denner.

(21) MR. ROY DENNER: I have a couple of questions on
(22) the field manager reports. But first, for the record, I
(23) want to point out the obvious absence of a district
(24) manager's report and, even more pointedly, the obvious
(25) absence of the district manager at this session. I've been

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(1) the process of moving. That's why Mr. Borchard is not
(2) here.

(3) MR. RON KEMPER: Thank you.

(4) MR. ROY DENNER: He didn't know he was going to
(5) be moving his family when we scheduled the meeting? Enough
(6) on that one.

(7) A couple of questions: First, relative to the
(8) Barstow field office report, there's something about the
(9) office receiving an application for a 6,000-acre solar
(10) power plant and an ERI/EIS is underway.

(11) Do we have any information on the location of
(12) those 6,000 acres?

(13) MS. ROXY TROST: We don't at this time, Roy. We
(14) have had a couple of meetings with the proponent, and we've
(15) tried to direct them into a location that we feel, in our
(16) office, is more appropriate. We've directed them outside
(17) of our five open areas in Barstow, and also outside of our
(18) desert wildlife management areas. So currently they're
(19) looking up around Highway 40. That's all we know. They're
(20) looking at several locations.

(21) MR. ROY DENNER: We'd like to be informed sooner
(22) rather than later when the location is decided, because we
(23) don't need to lose 6,000 more acres of vehicle access.

(24) MS. ROXY TROST: We're aware of that. And we'll
(25) keep the council and the public informed on this project.

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(1) on this council now for something over seven years, and
(2) when I think back, there may have been an instance or two,
(3) but I can't recall ever having a council meeting without
(4) the district manager present.

(5) Don't we start out deciding when we're going to
(6) have our council meetings by the district manager
(7) conferring with the council chairman and then broaden it
(8) from there?

(9) I guess that's a question for you, Mr. Chairman.
(10) Have discussions been held, and have you heard why our new
(11) district manager, who I would think, since he's new, would
(12) want to become familiar with the council and its
(13) workings -- none of us were informed that he would not be
(14) participating today.

(15) MR. RON KEMPER: And neither was I.

(16) MR. ROY DENNER: Well, maybe that says something
(17) about where he places the Desert Advisory Counsel in his
(18) priorities.

(19) MR. DORAN SANCHEZ: Doran Sanchez, BLM Public
(20) Affairs.

(21) Ron, I believe he sent you an E-mail.
(22) Mr. Borchard is, as our district manager, in the process of
(23) moving his family from the East Coast to the West Coast to
(24) take up his new residency. He expresses his disappointment
(25) for not being able to be here, but he's relocating -- in

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(1) MR. ROY DENNER: I have a similar question for
(2) the El Centro field office. I talked to Tom briefly about
(3) it but, for the record, he might respond to this one.
(4) Sterling Energy is also planning to develop a 6,000-acre
(5) site somewhere in the El Centro Field office. You might
(6) tell us, Tom, about potential locations for that, if you
(7) would.

(8) MR. TOM ZALE: Tom Zale, again, representing
(9) Vickie Wood. To my knowledge, we haven't yet received a
(10) perfected application from Sterling, although we've
(11) scheduled a meeting for the middle of July. And, at that
(12) time, we expect that we probably will receive an
(13) application.

(14) As I understand it at the time, it's similar to
(15) what happened in Barstow. The staff met a number of times
(16) with Sterling and have directed them to locations that are
(17) outside of OHV open areas, outside of management areas for
(18) Flat-Tail Horned Lizards, outside of areas of critical
(19) environmental concern.

(20) There will be at least one area that the company
(21) proposes as their preferred alternative. And then we'll
(22) need to look at a reasonable range of alternatives as we
(23) start the environmental impact analysis on that.

(24) MR. ROY DENNER: Same request. The recreation
(25) community and the council would like to know sooner rather

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(1) than later where 6,000 acres is going to gobbled up in the
(2) desert district.

(3) The final question I have is relative to the
(4) Ridgecrest field office. Item 2 under "Tortoises."
(5) There's a comment about biologists relocating tortoises
(6) south of the Rand Mountains/Fremont Valley Management Area.
(7) Just a general question -- and they're putting transmitters
(8) on these tortoises to monitor their movement and that sort
(9) of thing.

(10) We've heard numerous reports from tortoise
(11) biologists to this council, and in all instances I can
(12) remember they say that it is a no-no to handle desert
(13) tortoises because once they are handled or touched by
(14) humans, they're no longer able to survive in the wild.

(15) Maybe, Hector, you can tell us how, in this
(16) instance, they were able to take tortoises from Point A and
(17) put them in Point B where, in every other instance, that's
(18) not allowable.

(19) MR. HECTOR VILLALOBOS: I think relocation of
(20) tortoises is allowed. We allow that. For example, when
(21) LEWP was doing some maintenance on their pipeline or
(22) aqueducts with Hyundai, there was an area that -- it's
(23) private land. And so I really don't know all the details
(24) of how they handle that. But the Department of Game & Fish
(25) and Fish & Wildlife coordinated with the BLM to follow up

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(1) on mitigation that they were doing with relocating
(2) tortoises. And, as far as I know, they have protocols, and
(3) we follow those protocols by practicing wildlife biologists
(4) that are trained with tortoises and how to handle them.

(5) MR. ROY DENNER: Maybe we could get another
(6) desert tortoise report at our next council meeting, because
(7) I looked back at the situation in Clark County, Nevada,
(8) where a developer moved tortoises off of his development
(9) land, and they put them into captivity there because they
(10) said they couldn't ship them to the California Desert
(11) District because they couldn't be handled and relocated
(12) like that.

(13) And in captivity, these tortoises bred so
(14) prolifically that they had a euthanasia program to kill
(15) tortoises over there when we're trying to do our damndest
(16) over here to keep them alive. There's some kind of a
(17) disconnect there.

(18) MR. RON KEMPER: Doran.

(19) MR. DORAN SANCHEZ: Doran Sanchez, BLM Public
(20) Affairs.

(21) Our district biologist will be here for our
(22) monitoring report this afternoon. Roy, I think Larry may
(23) be qualified to respond to your question.

(24) MR. ROY DENNER: Great.

(25) MR. RON KEMPER: And I have a question for the

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(1) Palm Springs area manager.

(2) I think this council took a lot of testimony
(3) over the last four or five years from the wildlife
(4) specialist who, at that time, was Randy Rister, who was
(5) very involved in the canal and Bighorn Sheep recovery. And
(6) Randy told this council on many occasions that lining that
(7) canal became a death trap for Bighorn Sheep. With the
(8) concrete lining, they'd get down there and couldn't get
(9) out.

(10) My question would be: Are we making any
(11) wildlife escapes out of the canal? I know, myself, as a
(12) rancher, even though my water tanks are only 18 inches
(13) deep, I'm required to provide a relief point where wildlife
(14) can not only get into that tank but they can also get out.

(15) But it seems like we've got this huge water
(16) canal that we're lining in the California desert that
(17) doesn't have -- it's done at such a steep angle that
(18) wildlife, once it goes in, it doesn't have an opportunity
(19) to get out.

(20) Has there been given any consideration,
(21) whatsoever, for wildlife and the lining of the canal?

(22) MS. GAIL ACHESON: I don't know the answer to
(23) that question.

(24) MR. RON KEMPER: Could you find out for us?

(25) MS. GAIL ACHESON: Sure. I'll let you know.

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(1) MR. RON KEMPER: Thank you.

(2) At this time if Dick Forester and Linn Gum will
(3) have the briefing on Red Mountain.

(4) MR. LINN GUM: Hi. I'm Linn Gum with BLM here
(5) in Ridgecrest. Dick Forester isn't here today. So I'm
(6) going to wing this one.

(7) Before we get going on this, I'll give you just
(8) a very brief history. We've been working on abandoned mine
(9) lands remediation for the last several years here in
(10) partnership with the State of California Abandoned Mine
(11) Lands Unit. And because of the successes, we've enjoyed
(12) closing up some 400 sites over the last three or four
(13) years.

(14) In December of 2005, a group of people came out
(15) to take a look at what we've been doing. And when we got
(16) through showing them what we've been doing around here --
(17) everything from installation, gates, or polyurethane foam
(18) pluggings to remediate these lands -- they asked me to show
(19) them what I considered to be my worst nightmare.

(20) I was aware of a shaft along Highway 395 out in
(21) Red Mountain that is about 75 feet off the center line of
(22) the highway. It's about 1,600 feet deep. It's on a BLM
(23) piece of ground, and there's no protection for it. So a
(24) person could careen of the highway, in theory, go down that
(25) shaft and wind up very dead, very deep in the ground. So I

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(1) took them out and showed them that.

(2) While we were there, the team said, "Gee we
(3) think we see some other problems around the area. Let's go
(4) take a walkabout." And we did. This fellow that you see
(5) on the screen here is Dr. Karl Ford. He's a toxicologist
(6) out of the Denver Service Center. We contacted him after
(7) our first walkabout there and grabbing of a few samples.
(8) He came out in January and started a sampling program in
(9) the area, and this is his presentation that we're about to
(10) take a look at -- a power point presentation. So we'll go
(11) from there.

(12) This is a discussion of his planning process,
(13) the discovery of the site in 2005, as we just went through.
(14) We notified management of the arsenic's potential risk.
(15) What we did in December of 2005 is take about half a dozen
(16) grab samples from various waste dumps around the area in
(17) close proximity to this shaft that I showed him.

(18) And those came back high with concentrations of
(19) arsenic in the realm of anywhere between -- the least we
(20) found was 600 parts per million, and the most we found was
(21) about 7,500 parts per million arsenic in the waste dumps.
(22) We notified these various agencies -- the National Response
(23) Center, the Department of Toxic Substance Control, the
(24) SWQB -- I can't remember what that one stands for -- and
(25) the Environmental Protection Agency on-scene coordinator to

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(1) report what we had found.

(2) And we got the National Science Technical Center
(3) and the United States Geological Survey contractors to come
(4) out and assist us with site characterization. So we
(5) prepared a sampling and analysis plan and a health and
(6) safety plan, and we scheduled that field work for February
(7) 2006. We investigated several areas that we're going to
(8) take a look at.

(9) We have about seven different polygons, and
(10) you'll see them described here as tailings next to town,
(11) the Kelly Mine Complex. That Kelly Mine Complex, for those
(12) of you who were with us yesterday out on the field trip, we
(13) stood on an overlook and looked over that Kelly Mine
(14) Complex. We looked at the head frame; we looked at the
(15) waste dumps and tailings at Highway 395.

(16) Area 3 is south of there. It's another area we
(17) found of high toxic concentration arsenic. I believe it's
(18) called either the Blakley or the Bakely Mine --
(19) something -- Barco Mine, maybe. It was deleted because it
(20) is very remote. There's no general access to the area.

(21) We took a look at the tailings in and around
(22) what we call "Red Mountain Wash," which is across the
(23) highway. We found that the tailings impoundment had a
(24) breach in the dam face of it. And over the years, there's
(25) been sediments during high, intense rain periods that had

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(1) migrated across the highway and down a wash that we called
(2) "Red Mountain Wash" to the south of the mountain of Red
(3) Mountain leading up to Cuddyback Lake some 13 miles. We
(4) picked up high levels of contamination over those 13 miles.

(5) We'll see a picture of either -- there it
(6) is -- the tailings from the Barklen Mill area. Here's a map
(7) of those areas. The areas where we were standing yesterday
(8) is in -- you see Area 1 in the central ground of this
(9) photo. If you go to the barren piece of ground where the
(10) "7" is behind it, that's about where we were standing on
(11) that barren piece of ground behind it, and we were looking
(12) to the south.

(13) We saw -- Area 1 was what I described to you
(14) yesterday as the tailings impoundment area. The Area 2 is
(15) where all the housing was, the so-called Kelly Mine Road.
(16) In Area 2 there are several waste dumps that are adjacent
(17) to the "No. 2" there in the picture and a little south of,
(18) within sight of that polygon.

(19) In the southeast corner of that area No. 2 you
(20) see a little square drawn around an area. That's the Kelly
(21) head frame. So that's what you're seeing in overview.

(22) This is Area 4. I said we had contamination
(23) that had gone across the highway and down south to
(24) Cuddyback Lake. This is the first area across the highway,
(25) Area No. 4, that we sampled that contamination. Areas 5

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(1) and 6 there are the Barklen Mill and the Barklen Mill site.

(2) In February we had this drill rig come out and
(3) USGS specialists and our own crew under the direction of
(4) Dr. Ford sample 250 sites and used X ray retraction
(5) analysis to make a determination of what kind of a content
(6) of contaminates we would find. We gridded an area of some
(7) probably -- along all of those polygons that we've seen. A
(8) little over 3,000 acres in size -- and gridded them off,
(9) getting samples of the mine waste from that grid and
(10) analyzing every one. We had 54 waste rock samples. We
(11) sent splits to the lab for confirmation of our own
(12) findings, and we used this geoprobe to a depth of about six
(13) inches to gather near-surface sample sites.

(14) These are areas of the polygons. This is the
(15) tailings impoundment. This is what it looks like on the
(16) surface. This is part of the drainage down by Area 5, the
(17) so-called Barklen Mill. This is a waste rock dump there in
(18) Area 2 by the Kelly Mine Road where all the houses are at.

(19) This is the Glory Hole or the so-called Glory
(20) Hole of the Kelly Mine, and that's about 100 feet deep
(21) right there. And the mine map shows that subterrain to
(22) that is another similar sized Glory Hole. So that's a
(23) pretty dangerous situation. It could possibly slump at
(24) some time in the future.

(25) Again, here's that polygon of the tailings

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(1) impoundment. This is Polygon No. 2 where the Glory Hole is
(2) right there and the head frame, all of the houses that are
(3) around this area. What this slide shows is all the sample
(4) points. That's what these little red dots are in the area
(5) that we gridded off. And we do have results from every one
(6) of those samples.

(7) Suffice it to say, if you could think about
(8) where we were standing yesterday -- about right here where
(9) my light is at -- this area right here next to the highway
(10) is the so-called Clare Mine. That waste dump sampled
(11) 7,500 parts per million arsenic. Right at where the
(12) Highway 395 shaft is right there. That's the shaft that's
(13) 1,600 feet deep that close to the center line highway.
(14) That dump that's there only sampled 600 parts per million.
(15) It was one of the cleaner dumps that we sampled.

(16) Across the highway, here's our grid sample down
(17) the so-called Red Mountain Wash. And these samples came
(18) back in the realm of 3,500 parts per million arsenic.
(19) Samples 5 and 6, the Barklen Mill and the Barklen Mill site
(20) came back in the realm of 4,000 parts per million arsenic.

(21) Here we go -- all of those numbers that we were
(22) just talking about. Interestingly enough, I draw your
(23) attention to a background right here. When you go and
(24) sample -- and we did sample several sites all around the
(25) Red Mountain area that were not associated with either a

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(1) So it just gives kind of a conceptual idea.
(2) Pets can bring in arsenic, as well. Your dog goes out,
(3) chases a rabbit, knocks it down; rabbit has been rolling in
(4) the dirt; dog has been rolling in the dirt; he eats the
(5) rabbit. So he's got some arsenic in him. He's got arsenic
(6) dust on him. He comes back into your house; you pet him;
(7) you don't wash your hands before you have that lunch
(8) sandwich. Son of a gun, you just ate some arsenic. Don't
(9) want to do that.

(10) This slide was talking about problems in the
(11) area, particularly in Area 1, that mine tail and waste site
(12) immediately adjacent to Highway 395. OHVers -- we know
(13) because we get calls from the folks out there all the
(14) time -- "They're running across the tailings piles.
(15) They're running across the waste dumps. They're kicking up
(16) dust. I've got to close my windows. I've got stuff coming
(17) in my house. Can't you guys do something? You need to
(18) stop actions in this area."

(19) Well, those areas are not defined under the
(20) California Desert Conservation Area Plan, nor are
(21) designated route guidelines as being designated routes.
(22) But people will ride where people will ride, as well.
(23) Those folks that want to be proactive with their OHV groups
(24) have a tendency to obey the rules that we put out.
(25) Ed Waldheim and his Friends of Jawbone group

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(1) shaft or a waste dump. It was just on the grid, a sample
(2) that was taken from the natural surface out there. That
(3) number came back at 136 parts per million arsenic.

(4) Now, the Environmental Protection Agency -- if
(5) we look at the bottom line -- says the remedial goal, which
(6) is defined as a healthful limit, is 0.39 parts per million
(7) for folks to be exposed there and live in that area.

(8) So the natural occurring background of 136 parts
(9) per million arsenic is two orders of magnitude greater than
(10) what the healthful limit allows. And when you start
(11) getting into the waste dumps and the tails impoundments,
(12) you're talking multiple orders of magnitude beyond the
(13) healthful limit as defined by the Environmental Protection
(14) Agency.

(15) This is a kind of a flow chart which shows
(16) from -- kind of cradle to grave, if you will -- how arsenic
(17) may be transported into your system as a living organism.
(18) It starts with the mine waste having a rainfall, surface
(19) water runs off sediment someplace. If it's in a drainage
(20) that supports fish, fish come into direct contact with it;
(21) you catch the fish; you ingest it.

(22) Likewise, here's the mine waste coming off,
(23) erosion occurs -- it's by the wind -- dust drifts out here.
(24) It's in the air. Son of a gun, you're inhaling arsenic
(25) waste dust.

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(1) strive so hard to help us in designating routes and keeping
(2) those OHV users on those routes because they're fearful of
(3) losing another 6,000 acres. They don't want to have that
(4) happen. So they try to obey the law.

(5) It's those that come out that either are naive
(6) or just don't care that get off those designated routes and
(7) get onto these tail piles and start kicking up the dust.

(8) Here is the picture of the dam breach that I've
(9) referred to. This breach -- dam breach is about right
(10) there. And that leads right between these properties, one
(11) BLM lot that's mixed in with the private lands there right
(12) out onto Highway 395. And I've personally driven by there
(13) when we've had major rain events out there and going across
(14) those tails that have been coming across the highway. So,
(15) yeah, I know that, heck, I've been contaminated a number of
(16) times. I know that now; didn't know that then.

(17) So what we're doing is putting together some
(18) remediation plans, and some things will occur in the more
(19) immediate future and some things will take a little bit
(20) longer.

(21) There's a number of risks. One of the things
(22) that the folks from the Agency for Toxic Substances &
(23) Disease Control, who were also partners with us on this
(24) issue, have done for us is to give us some risk analysis
(25) and risk assessment. Arsenic is a known carcinogen. Using

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(1) the EPA guidelines and video and technical notes on risk
(2) management, we really need to get the information out to
(3) the user public. These are the risks they're facing if
(4) they get into this area. We know that there's a potential
(5) cancer risk for OHVers when they're out there.

(6) There's potential cancer risk to off-site
(7) residents. We do want to go into the individual, privately
(8) held parcels in that area and set up some monitoring
(9) stations and gather data so we know exactly what that risk
(10) is from arsenic-laden dust that blows to the yard off of
(11) public lands.

(12) We know that there's risk to wildlife. Heck, if
(13) you go out there right now you see chucker and quail. We
(14) saw bunches and bunches of them yesterday. Those critters
(15) eat that dirt as part of their normal diet. And I'm afraid
(16) that if you're out there as a hunter shooting that and
(17) taking it home and cooking it up, you're probably going to
(18) be ingesting arsenic.

(19) MR. BILL BETTERLEY: Have you observed mortality
(20) of these animals out there?

(21) MR. LINN GUM: No, we have not. The mortality
(22) that I've observed out there is because they seem to die
(23) from lead poisoning. There's a lot of hunters. It's
(24) funny, we put guzzlers out there to help support the
(25) wildlife, and we get frustrated over the fact that they

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(1) might die off, but yet the hunters come along and blast
(2) them. Interesting balance.

(3) Our preliminary data indicates that not all of
(4) the arsenic that's out there is bioavailable. It's not
(5) released into the environment. It's locked up by something
(6) else. It's in the background.

(7) We do have some brochures, and I think we put on
(8) the table out here for folks, this very thing. This is
(9) from the ATSDR -- the agency for Toxic Substance & Disease
(10) Registry. They're out of San Francisco. They're part of
(11) the National Health Department. Anyhow, this guide, we
(12) would recommend you pick up and take a look at. It's got
(13) valuable information in it about arsenic and how it's
(14) available in the environment.

(15) I guess that's the end of this program. I
(16) thought I had a few more slides. The bottom line on this
(17) thing is is we've gone out to the public the end of May,
(18) had a public meeting -- or not a public meeting. We had an
(19) open-house discussion. Public meetings are something
(20) formal to us under NEPA. So we don't hold them often
(21) unless we go through the right process to identify or have
(22) them.

(23) So in May we had an open-house discussion with
(24) the residents of Randsburg, Johannesburg, and Red Mountain
(25) as to what we had found so far. Part of what's not

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(1) reported here, we've gone on into the Randsburg community,
(2) itself, taken a look around the land mind. We find even
(3) greater arsenic concentrations over there -- even more
(4) severe. Up to 13,300 parts per million arsenic.

(5) MR. BILL BETTERLEY: I happen to have sat on the
(6) Water Quality Control Board for quite a number of years.
(7) We had a presentation on this many -- a couple years ago.
(8) The upper limits of the amount of arsenic that you can take
(9) to be lethal is extremely high.

(10) Do you have any idea how high it is?

(11) MR. LINN GUM: I don't.

(12) MR. BILL BETTERLEY: 60,000 parts per million.
(13) The average person in a lifetime takes in between 3 and
(14) 30,000 parts per million with not many effects and has been
(15) since time. That's what the Ph.D. said that was giving the
(16) presentation there. Because most of the water wells from
(17) the Mexican border to the Oregon border have certain parts
(18) per million of arsenic in it. And they really are still
(19) testing how to take that out, whether it's osmosis or what
(20) it is.

(21) But when we talk about what you found between
(22) 0 to 7,000 parts per million, that really isn't a lethal
(23) dose, even though it's a scary thing if you don't know what
(24) it really is. And I would suggest, before we panic the
(25) people of Red Mountain, we let them know what they can take

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(1) in without a lot of problems.

(2) MR. LINN GUM: BLM is not a health agency.
(3) BLM --

(4) MR. BILL BETTERLEY: I understand that. But you
(5) can't panic --

(6) MR. LINN GUM: -- has a requirement to report on
(7) that, and that's what we've done. So we're hoping that,
(8) indeed, the agency for Toxic Substance & Disease Control,
(9) as they work with us, will be able to enjoin the
(10) Environmental Protection Agency to be that lead agency for
(11) us so that information, just as what you're presenting,
(12) they will present. They will say -- maybe they will agree
(13) with you. I don't know. 60,000 parts per million as
(14) lethal sure sounds like it to me.

(15) I got to believe that they wouldn't have come
(16) out here and gone through what we've gone through if it was
(17) not a serious matter. So we're relying upon them to guide
(18) as us we go.

(19) MR. RON SCHILLER: I have a question. This area
(20) is a historic mining area. This has been a long-lasting
(21) condition. Apparently you've known about this for a little
(22) while. I'm just curious when you talk about the ways it
(23) can be transmitted to humans -- your dog rolling in it, you
(24) pet the dog, and so on and so forth -- have you done any
(25) test on anybody or any persons to see what the level is?

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(1) There's many long-time residents there. Have you checked
(2) any of the wildlife -- the rabbits, the chuckers -- or
(3) anything like that to see if there's any contamination in
(4) the wildlife and that potential hazard?

(5) And, lastly, what is the arsenic content in the
(6) water right now at the Rand Water District Well?

(7) MR. LINN GUM: I don't know the answer, really,
(8) to the question as far as to what the arsenic content is in
(9) the Rand community. I know the EPA's limit, I believe, for
(10) us is 10 parts per million in our drinking water. So I
(11) must assume that the Water District is comporting with
(12) that.

(13) As far as testing of critters or people out
(14) there, that's the purview of the EPA to do that. So one of
(15) the things that we've dealt with in getting this
(16) information reported is to satisfy the need of our sister
(17) agencies that we would first introduce to them that there
(18) is this issue out there, and they would come in at a later
(19) date and go and gather all that health data that you're
(20) talking about.

(21) So right now we're in such an infancy stage of
(22) this that that's not occurred yet. So I don't have
(23) anything positive to report to you as far as data on
(24) critters or people. But it is something that we've
(25) discussed.

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(1) MR. RON KEMPER: Howard Brown.

(2) MR. HOWARD BROWN: I have a quick question.
(3) You used the term "arsenic-laden." Have you
(4) sampled the arsenic-laden dust to see what the arsenic
(5) content of the dust is?

(6) MR. LINN GUM: We've not done that yet. Indeed,
(7) we have talked to a number of the residents in the area to
(8) see if they would allow the installation of a monitoring
(9) station to do so. And we so far have got one party that's
(10) agreed. That's in our near-term remediation efforts that
(11) we will do out there, gathering that data.

(12) MR. HOWARD BROWN: Can you define "laden"?

(13) MR. LINN GUM: I got to believe from what
(14) Dr. Ford has said is anything that exceeds the
(15) instrumentation. I know we've had them here. They're
(16) called DataRAMS. They measure that toxic level of dust as
(17) it comes by. For workers that are in the areas, such as
(18) myself, if the DataRAM goes off, we're supposed to evacuate
(19) the area. The DataRAM is calibrated to 0.39 parts per
(20) million.

(21) MR. HOWARD BROWN: Anything greater than that
(22) would be defined as "laden"?

(23) MR. LINN GUM: That's my term. I don't know if
(24) that's a legal term. I would defer to the toxicologist to
(25) give you a definition as to what "laden" is. My laymen's

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(1) term, if you got arsenic in the dust and it's going off and
(2) dropping on somebody, that's arsenic-laden dust.

(3) MR. RON KEMPER: Jon McQuiston.

(4) MR. JON McQUISTON: Thank you for the
(5) presentation. I understand it wasn't your presentation.
(6) So I'll just give you -- you were passing it on for, I
(7) guess, the doctor whose name is there.

(8) Just in presentation there was -- one of the
(9) comments on the slide was the water is provided by the Rand
(10) Water District. Had I not known better, I would have
(11) assumed that they are generating their water there;
(12) therefore, there's some potential that all of these factors
(13) that are going on in this polygon area could be affecting
(14) the water supply. But that's -- but in reality, their
(15) water comes from Garlock, which is probably 10 miles away.

(16) MR. LINN GUM: Yes, sir.

(17) MR. JON McQUISTON: So we need some sort of
(18) explanation that their water source is at least 10 miles
(19) away from this area. There's an assumption that there may
(20) be a correlation between what we're testing and what's in
(21) the water. I think that needs to be clarified.

(22) MR. LINN GUM: I appreciate that point of
(23) clarification. We'll certainly do so.

(24) Of interest, along that line, the preliminary
(25) testing that we've done over in that area closer to Garlock

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(1) down Fiddler Gulch into Freemont Gulch, down the middle of
(2) Freemont Valley, shows returns of greater than 8,500 parts
(3) per million. So that's in closer proximity. So we have a
(4) problem on that side of the hill, too.

(5) MR. JON McQUISTON: But not knowing what the
(6) Rand Water District is testing at, all it's doing is
(7) basically saying there's a potential for a problem there.
(8) They would be in noncompliance with EPA, and there would
(9) have to be a public notice. So I think we need to be
(10) careful so that we don't inadvertently connect the dots.

(11) MR. LINN GUM: Very good point.

(12) MR. JON McQUISTON: The other thing you've
(13) mentioned is your risk assessment of BLM Technical Note
(14) No. 390.

(15) Is that something that we can get a copy of to
(16) give to our public health officer?

(17) MR. LINN GUM: I believe "yes" is the answer to
(18) that. I'll get with Dr. Ford and ask him if he can send it
(19) to me electronically. We have set up a Web site at our BLM
(20) Ridgecrest Web address, as well as at the California State
(21) Office, that we're sharing all of this information on --
(22) public information and notices and any of these types of
(23) reference data. So that would be the appropriate place --
(24) the perfect place for it to go.

(25) MR. JON McQUISTON: Would all of the reports and

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(1) studies and tests results be available for our public
(2) health officer?
(3) MR. LINN GUM: Yes.
(4) MR. JON McQUISTON: In so far as at the local
(5) level now -- Red Mountain is not in Kern County, Randsburg
(6) is. But I suspect there's a lot of similarities that you
(7) will find.
(8) MR. LINN GUM: Very much so.
(9) MR. JON McQUISTON: This type of data and
(10) analysis and epidemiological -- help me out here -- that's
(11) at the local level, this is the person that is the state
(12) agent for public health and public safety. I think they
(13) need a chance to see that.
(14) I recall right here in Ridgecrest -- I'm going
(15) to go back eight or ten years ago -- where some PCVs tested
(16) on the soil at our high school. And the immediate
(17) assumption is that we've got a huge problem. Come to find
(18) out, after our public health officer looked at all of this,
(19) yes, there is detectable amounts, but you go and buy a head
(20) of lettuce at the grocery store that's grown 200 miles from
(21) here, it's a lower level of contaminate than what you see
(22) in the soil.
(23) That's the part that's missing in this
(24) discussion, whether it's our public health or California
(25) Department of Health Services. I think to draw any

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(1) conclusions on the scope and magnitude of what the impacts
(2) are, there does need to be testing of people, there needs
(3) to be testing of animals, and put into the hands of our
(4) public health officials to kind of get some sort of "What
(5) is the real risk here?" What is an acceptable risk? What
(6) is an unacceptable risk? We're missing that whole
(7) component.
(8) MR. LINN GUM: That's the very reason why we've
(9) been interchanging and got participation so far from the
(10) Agency for Toxic Substance & Disease Control. This is
(11) under their purview exactly. And we're, as I say again,
(12) trying to enlist the Environmental Protection Agency to
(13) come and conduct the health --
(14) MR. JON McQUISTON: But even having EPSC
(15) involved is no assurance we're going to get an answer.
(16) I happened to also sit on an appeal board
(17) hearing over at a hazardous waste dump over in -- near
(18) Buttonwillow where DTSC had great concerns about what is
(19) the acceptable level of radioactivity and certain types of
(20) radioactivity. And the Department of Health Services, who
(21) has the statutory requirements -- they'd never set a limit.
(22) And so the Department of Health Services, I
(23) think at least in California -- I saw their sign or their
(24) little -- they're the ones that, I think, ultimately have
(25) to make the determination of what should be perfected

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(1) versus not.
(2) DTSC and DHS don't always -- I would say they
(3) don't always work in a cohesive fashion, where the agency
(4) that has the statutory requirement to define health and the
(5) agency that has the statutory requirement to detect health
(6) aren't always on the same side of the decimal point.
(7) MR. LINN GUM: I'm fearful that you're a little
(8) confused on my acronym here and that you're referring to
(9) DTSC, Department of Toxic Substance Control; correct?
(10) MR. JON McQUISTON: Yes.
(11) MR. LINN GUM: The agency I'm talking about is a
(12) federal agency, the Agency for Toxic Substance & Disease
(13) Control. And they're part of the National Health Service.
(14) So they are the health agency. That's why they were
(15) brought in right from the very beginning.
(16) MR. JON McQUISTON: So we have two agencies with
(17) the same name.
(18) MR. LINN GUM: That's right. We're working with
(19) the federal side of it. Their chief bosses are the CDC --
(20) Center for Disease Control -- out of Atlanta. Those are
(21) the people --
(22) MR. JON McQUISTON: That's why our health
(23) officers are important because they interface with all of
(24) those.
(25) MR. LINN GUM: Exactly. We have talked with

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(1) both the San Bernardino and Kern County health officers
(2) relative to this and are keeping them abreast of whatever
(3) findings are coming out.
(4) One other thing that you reminded me of, kind
(5) of, in our conversation is that I fell short a little bit
(6) of saying what it was that we were going to do in the
(7) immediate term. We do have seven or eight things that this
(8) investigation has told us we need to do immediately.
(9) One is we need to go out and fence off those
(10) 30 or so acres' worth of waste dumps and tailings
(11) impoundments that the OHV's are driving through. That
(12) will relieve the dust issue somewhat.
(13) A second one is that we're going to repair that
(14) cut in the dam face so that we won't have runoff coming off
(15) of that tailings pile. We're going to install some other
(16) erosion controls around there to contain it on site.
(17) A third thing is we're coordinating with
(18) Caltrans to install a box culvert under the highway right
(19) there so if, in fact, we do have another breach of that, it
(20) will go under the highway and down the drainage instead of
(21) over the highway.
(22) MR. JON McQUISTON: Do you have any knowledge of
(23) whether EPA, your DTSC, Centers for Disease Control, have
(24) anything on the horizon to actually come and test humans or
(25) animals?

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(1) MR. LINN GUM: I do not know that yet.
(2) We also have -- if you remember Polygon No. 4,
(3) that goes down a drainage, Red Mountain drainage. We've
(4) tested 13 miles out to Cuddyback Lake, and we find
(5) migration of these slimes and tails that total distance.
(6) And all along that path, our test results have come back
(7) around 2,000 parts per million arsenic.

(8) So we do have some designated routes that cross
(9) into that area that we're going to go in and find
(10) alternative routes to take people around if they need to
(11) traverse or go to the other side of that drainage. We'll
(12) probably install some culvert there, maybe put some cap
(13) material on, geotextile liners, bring in the important
(14) dirt so that we can provide adequate, safe crossings, and
(15) not shut down the designated routes. We're sensitive as to
(16) that. Same thing over by Randsburg on a couple of the
(17) routes there.

(18) Initially one of the first things we're going to
(19) do is to remove the waste dump of material by the 395 shaft
(20) and place it over on existing dumps, and then install a bat
(21) cupola on that shaft to make it safe so we don't have that
(22) horrendous accident take place.

(23) Another one that we did is we looked in the area
(24) all around Red Mountain, found about 30 very dangerous
(25) shafts ranging in depth from 400 to 1,800 feet deep, none

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(1) of which are marked. We're going to fence all of those,
(2) and then we'll get that onto a long-term remediation plan
(3) to either polyurethane foam plug them or install cupolas
(4) over them. That will be a longer-term deal. That's pretty
(5) expensive stuff as we go through. Each one could run us
(6) anywhere from \$5- to \$10,000 to remediate. So there's
(7) quite a number of them in the area that we need to do.

(8) And I think we had -- the last thing that I kind
(9) of alluded to -- closures on those routes. If, in fact, we
(10) can't find a better way to get folks around where we would
(11) let a route exist for a certain distance, we may have to
(12) close one. And I think that was the gist of it.

(13) We've got some funding -- emergency funding for
(14) this, and it's about half a million dollars. So we think
(15) that those things that I just talked about we'll probably
(16) do over the next -- between -- near-term, eight months;
(17) long-term, two years -- something of that nature.

(18) MR. JON McQUISTON: Thank you very much. I
(19) appreciate the comments and the presentation. And I think,
(20) to the extent I can get, whatever date is there will be
(21) very helpful in the long run.

(22) MR. LINN GUM: We'll make sure that if we don't
(23) get them to you directly we'll get them to Craig for you.

(24) Anybody else?

(25) MR. RON KEMPER: Tom.

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(1) DR. TOM SCOTT: I'd like you to summarize the
(2) question of stability and how stable things are. There's a
(3) lot of open soil. So even the absence of any motorized
(4) activity, there's still going to be wind blowing this
(5) material around.

(6) MR. LINN GUM: That's true. And one of the
(7) things that happens out here in the desert you probably are
(8) aware of is if we have a rainfall, that crust layer
(9) develops on the desert surface. It happens on those tails
(10) and wastes, as well. So if we can eliminate the traffic
(11) across it, we think that naturally it will do quite a bit
(12) towards keeping the dust down.

(13) One of the things, perhaps, on our long-term
(14) remediation plans we might talk about, we're not going to
(15) eliminate these waste piles from the area but maybe capping
(16) them with some kind of a tackifier or something to make
(17) sure that we try to hold the soil there.

(18) MR. RON KEMPER: First of all, I apologize for
(19) not making the tour yesterday. And my question has
(20) probably already been answered on the tour, but I suspect
(21) there's people in the crowd that weren't on the tour,
(22) either.

(23) The arsenic that we're talking about, is -- this
(24) is my perception -- naturally occurring arsenic within the
(25) tailings. It isn't -- arsenic wasn't added to the ore body

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(1) to do extraction of a metal.

(2) It's simply naturally occurring arsenic; is that
(3) correct?

(4) MR. LINN GUM: That's correct.

(5) MR. RON KEMPER: Is the arsenic -- because it's
(6) so concentrated at such high levels, is it -- and maybe
(7) this is a better question for Howard.

(8) Is that a minable level? Because arsenic has
(9) value, does it not?

(10) MR. LINN GUM: We have no market for arsenic.
(11) So even though we have a lot of it, you can't get rid of
(12) it. We have no market for it. It occurs naturally in the
(13) country rock out there. The milling process, after the
(14) extraction of the ore, is what causes the concentration to
(15) go up because it is a heavy metal. You extract the gold
(16) and silver values as much as you're capable, and what was
(17) left went into the tails. That's the stuff that we're
(18) dealing with now, is those concentrations after the milling
(19) process.

(20) MR. RON KEMPER: Thank you.

(21) Gerry Hillier.

(22) MR. GERRY HILLIER: Just a quick question. In
(23) terms of terminology, I just needed a little bit of help
(24) with the metrics that were expressed. All of your
(25) expressions were in parts per million. And when you gave

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(1) the EPA standard, it was 0.39 milligrams per kilogram.
 (2) Is that the same as 0.39 PTM, or does it
 (3) translate to something else?

(4) MR. LINN GUM: That is the direct equation
 (5) representation of it, in parts per million. We're really
 (6) talking about parts per million.

(7) MR. RON KEMPER: Roy Denner.

(8) MR. ROY DENNER: I actually read some of this
 (9) stuff you handed out yesterday, and I'm quoting from this
 (10) ATSDR Public Health Statement.

(11) It says, "Arsenic is no longer produced in the
 (12) United States; all of the arsenic used in the United States
 (13) is imported. Presently, about 90 percent of all arsenic
 (14) produced is used as a preservative for wood to make it
 (15) resistant to rotting and decay." And then it talks about
 (16) some other applications.

(17) So there is a market for it.

(18) MR. LINN GUM: Not a viable market that we can
 (19) produce here in America, though. If they're importing, I
 (20) believe what they're telling us right now is it's because
 (21) they can import cheaper than what we can produce here.
 (22) It's a matter of economics.

(23) MR. RON KEMPER: Maybe they didn't know we had
 (24) so much of it in concentrated amounts. Don't be afraid to
 (25) squeeze a little lemonade out of a lemon.

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(1) DR. BILL PRESCH: Arsenic-treated wood is not
 (2) allowed to be used any longer in residential homes. It's
 (3) still used for a commercial purpose. Commercial buildings
 (4) now have gone to aluminum or steel framing as opposed to
 (5) fire hazards as opposed to wood. So there's really been a
 (6) reduction in the rest of the world of using arsenic-treated
 (7) wood.

(8) MR. ROY DENNER: According to the article, it's
 (9) not allowed to be used for such items as playpens or picnic
 (10) tables. But it's still used to treat wood that is used in
 (11) fences and buildings and foundations and that sort of
 (12) thing -- at least that's what this says.

(13) MR. RON KEMPER: Anybody else?

(14) I do have some comment cards that have been
 (15) handed in. So the first person will be Sam Merk.

(16) MS. SAM MERK: Sam Merk, NPL News. Just a
 (17) couple quick comments.

(18) I attended the meeting at Randsburg for the
 (19) public, and I was deeply concerned about a couple matters.
 (20) The fact the BLM is taking the lead process in this, why
 (21) are they not going and using an ANEPA Process -- that's my
 (22) first comment -- because an ANEPA Process you can show
 (23) economic; whereas, you might not show it in some other
 (24) analysis. And until all the facts are in about something
 (25) that's, you know -- they haven't even done any result on

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(1) it. There has not been a reported death of somebody in
 (2) that community from arsenic poisoning.

(3) And also BLM promised that they were going to
 (4) put up on the Web site the RSI. And as far as I can
 (5) tell -- and maybe my data is incomplete -- but when I
 (6) looked it up, the Web site still does not -- it's still not
 (7) up. And I would like to know where Linn Gum got his
 (8) information on this Web site that's not out there for the
 (9) public.

(10) I would also like for BLM not to circumnavigate
 (11) some of the other avenues that they should be doing in
 (12) regards to putting federal register notices in and going
 (13) through the actual ANEPA Process and to do it right. And
 (14) share -- if there is a problem, we need to address it. But
 (15) just to scare people is not nice. Thank you.

(16) MR. RON KEMPER: Marie.

(17) MS. MARIE BRASHEAR: Hi, my name is
 (18) Marie Brashear. I'm a former DAC member. I chaired the
 (19) Society for the Protection and Care of Wildlife. I just
 (20) bought a house in Johannesburg, and I resent like hell the
 (21) Bureau of Land Management stirring up all kinds of problems
 (22) when we have no evidence that problems exist.

(23) Mrs. Kelly from the Kelly Mine died a couple of
 (24) months ago. She lived all of her life out there. She was
 (25) in her 90s. Now, maybe she just had all the right genes.

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(1) That's possible. But there are significant numbers of
 (2) other people who have lived all of their lives, worked in
 (3) that community in that contaminated dust, and they haven't
 (4) died.

(5) I think we're looking at a couple of things. I
 (6) want to correct one thing. I got notice the other day -- I
 (7) also am a member of the Mojave Desert Mountain Resource
 (8) Conservation and Development District. And we were served
 (9) notice the other day that the Environmental Protection
 (10) Agency has, for small water districts, raised the parts per
 (11) million on arsenic in water to 30, because small water
 (12) districts cannot comply, and the hazard is not there.

(13) We had a presentation from the public health
 (14) office of the State of California about six months ago. We
 (15) have sponsored three or four workshops on arsenic, and have
 (16) two more coming up.

(17) And I should tell you that the State of
 (18) California told us about the model of the cancer-creating
 (19) problems in arsenic that caused them to change the
 (20) standard, and it turns out that a model -- a computer model
 (21) told them that there was a possibility that one person in a
 (22) million -- we're talking about 23 people in the State of
 (23) California, 200-and-some nationwide -- might die from
 (24) cancer. Not will die; might die. They might die from a
 (25) whole lot of other things before they die of the arsenic

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(1) poisoning or from the cancer supposedly from it.
(2) Now, these are the words from a very arrogant
(3) Ph.D. from the State Department of Public Health. All I
(4) can see happening is the potential to generate some revenue
(5) to be spent to mediate some problems. And I think we're
(6) going to be seeing more of them.

(7) And I think a document that the public needs to
(8) see and every one of you need to see is whatever risk
(9) management reports this high came when they did the
(10) inventory in this district and in other areas throughout
(11) the California desert because, at some point in time, we're
(12) going to be asked to remediate all of those things on that
(13) list from the potential hazard of an outhouse producing
(14) toxic waste to God knows what.

(15) I think -- speaking for wildlife. I don't think
(16) plugs are necessarily a good thing. There has been some
(17) studies -- I don't know how detailed they are, and I've
(18) asked that I be sent the information -- but there's some
(19) concern in some areas where plugs are being used that the
(20) petroleum products that are part of the plastic that are
(21) injected will also migrate into water systems.

(22) Secondly, bat cupolas do not provide for barn
(23) owls and other species who nest in mines. So maybe you
(24) need to figure out something other than those two options
(25) if we're really concerned about wildlife. The bats, yes.

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(1) They can go in and out. But other animals who use those
(2) mine shafts for support and for housing can't. And I guess
(3) that's all I want to say right now. Thank you.

(4) MR. RON KEMPER: Thank you, Marie.

(5) MR. JOHN STEWART: John Stewart, California
(6) Association of Four-Wheel Drive Clubs. I noted reference
(7) in the presentation to designated routes that cross some
(8) areas where there's some potential -- and I'll stress the
(9) word "potential" -- arsenic contamination. As to whether
(10) it is really a contamination that's worth a health hazard
(11) is yet to be determined. But yet there was a mention of
(12) possibly rerouting around.

(13) I would encourage the BLM to really look and
(14) study this effort so we do not get caught up in the
(15) hysteria that is present with the other naturally occurring
(16) substance that is a potential carcinogen in the State of
(17) California, which is asbestos. While it has a scare
(18) quality to it, it really poses no health hazard and has
(19) posed no health hazard.

(20) Again, as has been pointed out, the arsenic
(21) issues are potential carcinogens not known with the
(22) potential computer models for the number of deaths. What
(23) is the real risk factor? And if they're really going to
(24) look at a risk management issue, is it mitigation or is it
(25) complete prevention? And I believe there is no amount of

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(1) money that can go through a complete prevention for every
(2) single potential cause of a disease.

(3) So is this something that is really worth
(4) looking at and looking at closely and not getting caught up
(5) in the scare tactics? Thank you.

(6) MR. RON KEMPER: With that, if there's no more
(7) comments from the council, let's go ahead and go off the
(8) record and break for lunch.

(9) (Luncheon recess taken from 11:36 to 1:10.)

(10) MR. RON KEMPER: The first thing will be an
(11) overview of the district-wide monitoring. This will be
(12) questions and answers, and will be handled by the field
(13) managers and, I believe, Dr. Larry LaPre.

(14) DR. LARRY LaPRE: How would you like to start?
(15) I can give an overview or -- want to do that?

(16) MR. RON KEMPER: Let's start with an overview,
(17) and then we'll get more detail as needed.

(18) DR. LARRY LaPRE: My name is Larry LaPre, and
(19) I'm a wildlife biologist in the Desert District Office.
(20) The first thing I have to say is that I made quite a nice
(21) handout of all the biological monitoring from each field
(22) office and pulled up in the parking lot and realized I left
(23) it at my desk at home. So I'll just have to promise to get
(24) that to you. Doran said he would help me out there.
(25) I investigated what each field office and what

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(1) the Desert District was doing with respect to monitoring
(2) and was quite pleasantly surprised that the Bureau does a
(3) lot of monitoring in the desert. We do monitoring in all
(4) disciplines, you might say -- wilderness monitoring,
(5) grazing monitoring, cultural resource monitoring,
(6) biological monitoring. The law enforcement does their own
(7) brand of monitoring.

(8) MR. RON KEMPER: Larry, I'm going to ask you to
(9) speak up just a little bit. You've got the air
(10) conditioning blowing on you and it's adding to the noise
(11) factor.

(12) DR. LARRY LaPRE: Thank you.

(13) So there's monitoring in all these subject
(14) fields. We do compliance monitoring, such as mine sites,
(15) gates -- we go check gates, cell tower sites, roads that
(16) are closed for one reason or another, sometimes for
(17) protection of Bighorn Sheep, for instance.

(18) So I wanted to start off by showing you what I
(19) believe to be the showcase project of the Desert District,
(20) and it's the wilderness monitoring. It might not be the
(21) topic you're most interested in, but it's really a fabulous
(22) program that's been going on for five years.

(23) The Desert District has 69 wilderness areas, and
(24) 65 of these have been monitored for vehicle intrusions, you
(25) might say, or dumping, or just general use from a trail

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(1) head. And they're shown on this, which I know you can't
(2) really see. But let me point out that these polygons are
(3) the wilderness areas, and this map has these purple dots
(4) that encircle the polygons. And every one of those purple
(5) dots is a site where there had been a road or a trail or
(6) some kind of disturbance into the wilderness.

(7) For four years the wilderness staff at each of
(8) the offices and from the Desert District went around the
(9) perimeter of those wilderness areas, recorded
(10) electronically the location of the intrusion, took
(11) photographs, and then sent in a restoration team to obscure
(12) the road or dumping or whatever was in there -- the
(13) disturbance there.

(14) The fifth year, which is now, all these sites
(15) are being revisited and then re-treated if necessary.
(16) About 20 percent of them require some re-treatment where a
(17) barrier has been broken down or a vehicle has gone back in
(18) over a restoration site. The others are holding real well.

(19) It's a state-of-the art project because you can
(20) put this map up electronically, click on one of the dots,
(21) and it will link you to the date someone went there,
(22) photographs of the site, the GPS coordinates, the
(23) before-and-after shots. It's really remarkable.

(24) And what's going on now, aside from revisiting,
(25) this wilderness staff -- this is under the direction of

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(1) DR. TOM SCOTT: What constitutes a trespass?
(2) What decision-making process do you have so -- in other
(3) words, at some point they're going to drive past a spot and
(4) say, "Well, no one has been in here." At some point
(5) they're going to say, "It's obvious that a whole caravan of
(6) people have gone through and destroyed something."

(7) What sort of decision-making process do you
(8) choose when a threshold has been crossed to become a dot?

(9) DR. LARRY LaPRE: Well, the Wilderness Act
(10) prohibits motorized equipment within a wilderness, and the
(11) boundaries of the wilderness areas are generally signed.
(12) So if you're on the wrong side of the sign with a vehicle,
(13) you could get busted. If it's just tire tracks that
(14) someone sees, that's presumed to be a trespass. It's a
(15) pretty clear black-and-white demarcation of the wilderness
(16) line and the rest of the world.

(17) DR. TOM SCOTT: But to become a dot -- I mean,
(18) there could be -- in other words, what we're talking about
(19) today is sort of thresholds and how do you know what you
(20) know when you know it.

(21) In other words, a dot is obvious; a map is
(22) obvious. But a lot of times there's gray. This is one of
(23) the areas where there may be the least amount of gray when
(24) we start talking about grazing permits and -- when do you
(25) cross the threshold that change has actually taken place is

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(1) Chris Rowhold. And Teresa Dawson is the staff person doing
(2) a lot of the work. She has prepared maps for the rangers
(3) for when they cruise the area. There's usually a perimeter
(4) road along these wilderness areas that they can inspect the
(5) site where that dot is, look and see if it needs anything,
(6) and go on.

(7) And then these maps also have the private land
(8) and the public land so the rangers know the extent of their
(9) jurisdiction.

(10) Any questions on that? I got through it faster
(11) than I thought.

(12) MR. PAUL SMITH: Did I understand you correctly
(13) we can sort of look at that and expect that once a year
(14) each of those areas is going to be inspected?

(15) DR. LARRY LaPRE: This is a project that started
(16) out with funding by the Off-Highway Vehicle Division of the
(17) State Parks. It's a partnership with State Parks and the
(18) Student Conservation Association, who did the restoration
(19) work, and the BLM.

(20) So the short answer is: As long as there's
(21) funding for it. But since most of the work has been done,
(22) our grant request to the State Parks has steadily gone down
(23) in value because not that much is needed. And we're
(24) transitioning to the rangers doing the controlling and
(25) reporting of anything that needs correcting. So, yes.

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(1) actually the crux of the question. So this would probably
(2) be a good place to explore it.

(3) DR. LARRY LaPRE: I don't think these sites were
(4) that difficult to identify. One of the differences in the
(5) California Desert Protection Act when it created these
(6) wilderness, there were roads in there -- trails, you might
(7) say, tire marks. And those were restoration projects right
(8) from the beginning when it became a wilderness.

(9) Now, in a number of cases there's approved
(10) corridors through a wilderness -- Kingston Wash, for
(11) instance, is one of those. So we don't restore anything
(12) like that. There weren't too many gray areas if -- what
(13) would we be deciding? Oh, that's a cow trail, or that's a
(14) mountain bike trail. It's pretty clear to tell the
(15) difference between vehicles coming in and other uses.

(16) MR. RON KEMPER: As a grazing permittee, I would
(17) have a concern in that I have many, many miles of pipeline
(18) within wilderness, and I have roads that follow those
(19) pipelines. And we travel them weekly checking for leaks,
(20) and we're allowed to do that.

(21) But if that's being counted as a trespass
(22) because there's been a vehicle down that pipeline road or
(23) to a range improvement such as a well or a fence line --
(24) things that we have to maintain with vehicles and not -- I
(25) fly a lot of my country on a weekly basis, but a lot of

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(1) guys still use their pickup truck. And they have to do
(2) that to do good a job, and they are allowed to do that.

(3) But if it's being counted as a trespass, then it
(4) appears that the public is not honoring that wilderness
(5) sign where, in most cases, it's simply a rancher who's
(6) making sure that his infrastructure is in place.

(7) DR. LARRY LaPRE: Well, I think now you're
(8) getting into the valid gray area that Tom was bringing up.
(9) Grazing is allowed in wilderness and use of the range was
(10) allowed in the same manner as prior to the Desert
(11) Protection Act.

(12) There was an exception for maintenance of water
(13) holes -- guzzlers, basically. So the Department of Fish &
(14) Game goes in and its volunteer groups -- the Society for
(15) Conservation for Bighorn Sheep, for example -- they go in
(16) and check the guzzlers.

(17) MR. RON KEMPER: I guess what my question is --

(18) DR. LARRY LaPRE: Well, I think we're aware of
(19) those. And I am particularly aware of yours because I went
(20) out to check it out.

(21) MR. RON KEMPER: I'm glad you did.

(22) DR. LARRY LaPRE: We're not going to obscure a
(23) road that you are using because our range people do talk to
(24) the wilderness people. If, for some accident, we do, you
(25) can call on me. We're quite aware of those exceptions,

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(1) Ron.

(2) MR. RON KEMPER: My only concern would be is
(3) that being counted as the public trespassing where they
(4) shouldn't be?

(5) DR. LARRY LaPRE: Well, the counting of trespass
(6) is not an official tally. It doesn't lead to law
(7) enforcement. It just is, "Oh, someone came in. We better
(8) make out the tracks." It's not a violation unless a ranger
(9) sees someone partying on the wrong side of the line.

(10) MR. RON KEMPER: Well, I heard earlier Hector
(11) talk about a lot of area where the agency felt that there
(12) was continuing trespass problems, people not honoring road
(13) systems and trail systems. I didn't want that to be
(14) confused with this.

(15) DR. LARRY LaPRE: That is separate and distinct
(16) from this kind of wilderness monitoring.

(17) MR. RON KEMPER: Roxy is waving her hand.

(18) MS. ROXY TROST: I was hoping that I could help
(19) answer Tom's question as how a dot actually makes it to the
(20) map. I can tell you how we do that in Barstow. We look at
(21) it on a subregion basis. So we break our field office out
(22) by subregions, and we identify what subregion we're going
(23) to be able to concentrate on for a fiscal year.

(24) For instance, this year we're looking at
(25) Juniper Flats. We had the orders and we had the superior

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(1) subregions. And we will go out and we conduct an inventory
(2) and look for any trespass that is visible on the ground.
(3) And that then becomes our dot for the restoration effort
(4) within that subregion.

(5) So we prioritize that effort at the beginning of
(6) the year as to which subregion we'll be looking at. And,
(7) again, that is based on the resources for that particular
(8) subregion.

(9) DR. BILL PRESCH: I think a program for
(10) monitoring the perimeters of the wilderness is wonderful,
(11) and you monitor that, as you indicated, with rangers.

(12) Do any do any monitoring inside the wilderness?
(13) Does anybody from the agency take time to go into the
(14) wilderness to find out what is going on inside beyond what
(15) you can see from the peripheral road to ascertain if there
(16) has been any kind of damage or exposure of weed species or
(17) any other kinds of things that might occur inside the
(18) wilderness?

(19) DR. LARRY LaPRE: Well, our next major
(20) wilderness project, which has already started in the Desert
(21) District -- it spreads to all offices -- is inventory and
(22) monitoring of all the Spring Stream's riparian areas, all
(23) of which -- in using Needles field office as a test -- have
(24) been visited electronically, recorded photographs, and sort
(25) of in the same manner as this. And if some have trash or

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(1) if they have invasive plants, then they get scheduled for
(2) restoration. You can't drive to those.

(3) And then within some of the wilderness areas are
(4) special status species. So the biologists do go out and
(5) check them, not necessarily on a regular schedule. In the
(6) Kingston Mountains at the top of Kingston Peak is this rim
(7) of white fir forest. It has unusual birds and so forth.
(8) So biologists go up there every year or every two years and
(9) look for them.

(10) The most distinct wilderness species are Bighorn
(11) Sheep, Golden Eagle, and Prairie Falcon. And we have --
(12) the Fish & Game monitors the sheep. The annual helicopter
(13) survey is over nearly all the ranges that have them, and
(14) not just the peninsula ranges in Palm Springs. That,
(15) actually, is more intense monitoring. So they do these
(16) sheep counts from a helicopter, and we get an idea of the
(17) Bighorn populations in each range.

(18) And then Barstow, in 2004, contracted for a
(19) helicopter flight over Johnson Valley and Stoddard Valley
(20) open areas and adjacent areas, which included Newberry and
(21) Robin Mountain Wilderness, and they identified all the
(22) locations of eagle nests and falcon nests and others in
(23) those wilderness areas.

(24) Then this next year, 2007, there will be an
(25) on-the-ground inspection of all those nest sites to see

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(1) what's in them. On the helicopter flight, birds would fly
(2) out of some and others you would just see a nest. So it's
(3) going to be a one-by-one determination of what's there.
(4) Now, Ridgecrest did that in 2005 with the
(5) El Paso Mountains and Red Mountain and Southern Sierra
(6) areas. There was a helicopter flight that identified these
(7) nests. And then '07, if we can get 10 pounds of paperwork
(8) done in time, all those will be checked one by one,
(9) otherwise, the spring of '08.
(10) So there is some monitoring of what is in them.
(11) It tends to focus on special status species or real high
(12) interest species like Bighorn and eagles. So Roxy led in
(13) nicely to what I categorized as "recreation monitoring."
(14) And that's where each field office does what she says they
(15) do in Barstow. You identify these polygons -- the
(16) recreation subregions.
(17) And especially in the West Mojave where the
(18) massive effort of doing open and closed routes was just
(19) completed, now is the time to follow up and put signs on
(20) the open ones and obscure the closed ones and monitor their
(21) use. For the West Mojave, it's mostly Barstow and
(22) Ridgecrest. There's a tiny little part of Needles. They
(23) prioritize polygons, just like Roxy said, and then go out
(24) to all those routes and put up signs. The restoration
(25) crews are either BLM staff or volunteers or Student

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(1) Conservation Association. It's just ongoing and will be
(2) ongoing for quite some time.
(3) I was going to say it tends to follow the
(4) politically most sensitive areas. I mean areas where the
(5) public is praising us the most or complaining the most. So
(6) Juniper Flats is a high priority for Barstow. And this
(7) area right above town is going to be a high priority for
(8) Ridgecrest because it has houses in there and trails near
(9) houses and so forth.
(10) But each office is going through their polygons
(11) one by one. For the most part that restoration work is
(12) funded by the State Parks, Off-Highway Vehicles Division.
(13) What I was prepared to speak on until I forgot
(14) my notes was the wildlife monitoring in each field office.
(15) And let me just start with El Centro, since they captured
(16) the entire wildlife budget for the district for two years
(17) to monitor the Peirson's Milk-Vetch at Algodones Dunes.
(18) There have been four years of monitoring of these
(19) Milk-Vetch plants at the sand dunes now.
(20) The first year was -- what was known is there's
(21) 5- or 10,000 plants out there that are just scattered
(22) around and they're going extinct. We did a method -- a
(23) transect method of counting them up in little squares that
(24) crisscross the dunes.
(25) The next year, '04, was kind of an average year.

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(1) We switched the methodology to doing complete cross the
(2) dunes transects -- hundreds of them. It cost \$900,000. We
(3) counted up all the plants. And, of course, it's not every
(4) plant on the dune, but it's every plant that you can see in
(5) your transect. They're pretty closely spaced. And there
(6) were more. I don't recall the number. It was 50,000 or
(7) 60,000.
(8) In '05, the high rainfall year, we did it again.
(9) Another \$900,000. A very high rainfall year. The dunes
(10) were covered with flowers, including Milk-Vetch, and there
(11) were 1.8 million.
(12) MR. RON KEMPER: How much money did you spend?
(13) DR. LARRY LaPRE: \$900,000.
(14) MR. ROY DENNER: Each year.
(15) DR. LARRY LaPRE: Yeah, each year. That's a
(16) ballpark. But I know it was \$900,000 --
(17) MR. RON KEMPER: About 75 cents a plant.
(18) DR. LARRY LaPRE: Yes, sir. They're worth it.
(19) It became clear to us, the BLM, that the primary
(20) factor affecting the abundance and distribution of the
(21) Peirson's Milk-Vetch is rainfall and not recreational use.
(22) It's quite clear in certain areas near the campgrounds --
(23) Competition Hill, the Buttercup area -- where there's a lot
(24) of vehicle use but there aren't many plants. That's clear,
(25) too.

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(1) And then there's '06. This year -- the results
(2) are not yet in. But the Sand Association has done one
(3) study. The BLM has done these transects again, but at a
(4) reduced level. The State Director just could not stomach
(5) that amount of money going to one project. It was about a
(6) \$200,000-project this year. And there's approximately
(7) 2 percent of the number of plants there were last year
(8) because it didn't rain.
(9) So we're seeing the variability in the species
(10) and learning a lot about its natural history. The
(11) two-year-old plants set a lot more seeds, which are viable
(12) in the seed banks for 10 or 15 years. The one-year-old
(13) plants dry up and die without setting many seeds, and even
(14) the ones they do do not have a very good survival.
(15) The Sand Association studies have been very
(16) good, and the BLM studies have been very good, too. This
(17) is possibly the most intensely studied endangered species
(18) for a plant in the country.
(19) Other things -- or if you have the question,
(20) "What does it mean to the lawsuit?" All of the monitoring
(21) data will be put back in front of the Fish & Wildlife
(22) Service for a new biological opinion, and I would expect
(23) the results of the biological opinion to be quite a bit
(24) different. The last one we had ignored the year 2005. We
(25) didn't realize the variability was that great. But most

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(1) people who have been around the desert would expect that.
(2) El Centro also has been monitoring the
(3) Flat-Tailed Horned Lizard, the species which has been
(4) proposed for federal listing and unproposed and proposed
(5) again and unproposed again. A ruling will come out next
(6) week on a final rule on whether this is a threatened
(7) species or not -- probably Monday.

(8) So we have this management strategy that
(9) establishes these three management areas -- here's where
(10) we'll protect the lizard. They're nearly entirely
(11) publically owned. There's one other experimental area
(12) which is one-third state, one-third private, and one-third
(13) public. That's not a conservation zone, that's a study
(14) area.

(15) So El Centro has monitored the populations of
(16) the Flat-Tailed Horned Lizards every year since 1997 in
(17) each of these areas. They go to one each year -- depending
(18) on funding. Some years they've done two -- exactly like it
(19) calls for in the Management Plan. I would say we're doing
(20) just what we said we would do. There's variation in the
(21) numbers of those Horned Lizards, too. We put little radios
(22) on them. We put little marks on them. In other words, we
(23) did the mark/recapture method at first.

(24) Now we're switching to what's called the
(25) "Occupancy Method" because it's 10 percent of the cost.

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(1) And within those management areas, the Flat-Tailed Horned
(2) Lizards are doing fine. There's becoming more and more of
(3) a problem right next to the Mexican border because there's
(4) so much traffic.

(5) Now, El Centro and the other officers also
(6) monitored the Fringe-Toed Lizard, of which there's three
(7) species:

(8) The Coachella Valley Fringe-Toed Lizard. It's a
(9) threatened species. It has its own reserve in the
(10) Thousand Palms area.

(11) The Colorado Desert Fringe-Toed Lizard. It's in
(12) Algodones Dunes and other sandy areas -- Superstition
(13) Mountains.

(14) And the Mojave Fringe-Toed Lizard which is in
(15) scattered and separated localities in the Mojave Desert.
(16) It's pretty widespread. But the local population is at
(17) sandy areas. So all those species have been monitored by
(18) all the offices, including one member of the Advisory
(19) Committee.

(20) When I say "we monitor," that means we, the
(21) paperpushers, contract someone to monitor or we, the staff
(22) biologists, actually go out there or we partner with an
(23) organization, such as the Center for Natural Land
(24) Management, to do the Fringe-Toed Lizard monitoring.

(25) And in a nutshell those populations are highly

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(1) variable. There're less in the riding areas of the dunes
(2) than there are in the wilderness on a per-acre basis. But
(3) they're still what, in technical terms, is called "all over
(4) the place." It's a pretty big lizard population.

(5) I don't know if I should go through the litany
(6) of all the other wildlife monitoring projects. Ridgecrest,
(7) Bob Parker, the biologist there, prepared a huge list of
(8) things they've done of bird studies, tortoise studies.

(9) In Needles and El Centro they're doing bird
(10) studies along the Big Wash Systems in the Eastern Colorado
(11) Desert. They've been quite interested in finding some
(12) Arizona species flying over the river and finding some kind
(13) of birds where you wouldn't expect them.

(14) So in case you're interested in the desert
(15) tortoise, "we monitor" has turned into the BLM provides
(16) money to the desert managers group who then spreads it
(17) around among the Fish & Wildlife to do the range-wide
(18) line-distance monitoring.

(19) Fish & Wildlife now has five years' worth of
(20) range wide monitoring with the line-distance technique.
(21) The first two years there was some problems with it. It
(22) depends on encounters with live animals. Where previous
(23) methods you could count a shell, a scat, tracks, as a sign
(24) of a tortoise.

(25) The line-distance you have to find the live

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(1) tortoise. And in some places, they're hard to find, and
(2) you don't get enough of them to be statistically
(3) significant. That happened in the first year.

(4) Then there's the science-ruled-by-statistics
(5) problem, where all the transects have to be randomized.
(6) But now we know how to do a stratified sample, which means
(7) you take out the mountains.

(8) So of the five recovery units -- and really I'm
(9) reporting Fish & Wildlife Service results, but BLM did give
(10) them money -- \$300,000 in 2005. The East Mojave area has
(11) an increase in density -- the East Mojave recovery unit --
(12) based on these five years. The Northern Colorado Desert
(13) has a stable population. And the other three, which is
(14) Eastern Colorado, West Mojave, and -- maybe it's just the
(15) two -- they have declining populations, with the West
(16) Mojave recording the biggest decline.

(17) We, the BLM, have contracted with USGS
(18) separately from these Fish & Wildlife studies to do
(19) particular sites with funding from the State Parks. So at
(20) El Mirage we did some tortoise studies -- quite
(21) interesting. They basically showed all the patches of land
(22) where there were tortoises there. There are more of them
(23) than we thought. In the Jawbone area, the same thing.

(24) The density of tortoises appear to be pretty
(25) patchy in those areas. It's not a continuous uniformtype

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(1) of habitat such as in Superior Valley where the tortoise
(2) distribution was more uniform.

(3) Then, of course, every time we build a road,
(4) improve a road, improve a cell tower, a pipeline, we
(5) require there to be tortoise monitors. And we get reports
(6) from those.

(7) And I think Doran told me there was some
(8) questions about the monitoring. I'm a qualified biologist
(9) and all that; so I'm ready for them if you're ready to ask
(10) me.

(11) MR. PAUL SMITH: This is a big-picture question.
(12) I hear concerns about some of these protected areas in the
(13) desert like Joshua Tree National Park and some of the
(14) specific wilderness areas that there's a concern that they
(15) will become biological islands and not have sustainable
(16) genetic diversity.

(17) Is your monitoring lending any validity or
(18) credence to that, or is it so limited in scope that it
(19) doesn't address that? And one example might be: Are you
(20) looking at genetic diversity within the Bighorn Sheep
(21) population?

(22) DR. LARRY LaPRE: A better example is the
(23) tortoises. There have been pretty comprehensive genetic
(24) studies of Bighorn Sheep, DNA sequencing of the Desert,
(25) Peninsula, and Baja. And all populations in the Desert

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(1) were found to be uniform genetically. And, therefore, the
(2) Peninsula subspecies went away and the Baja subspecies went
(3) away and the Nelson subspecies went away. They're just
(4) called Desert Bighorn now.

(5) Now, the Peninsula Sheep are isolated in the
(6) peninsula ranges. They can go across the Mexican border,
(7) but they can't go out across Interstate 10. And they're
(8) called Peninsula Sheep because of being a distinct
(9) population.

(10) Now, with respect to the tortoise, the USGS is
(11) doing a lot of genetic work on the Desert Tortoise, and so
(12) is the University of Nevada, Reno. And they are doing DNA
(13) sequencing of all these microsatellites, whether it be
(14) mitochondrial or chromosomal.

(15) And the results so far from Christine Barry of
(16) USGS have generally supported a population genetic model
(17) that was in the 1994 recovery plan. There's two broad
(18) populations -- one west of the Colorado River and one east
(19) in Arizona. And then among the Mojave Desert population
(20) west of the river, there are generally the Northern
(21) Colorado, Eastern Colorado, West Mojave, and that other one
(22) I forgot.

(23) She has found pretty good correlation with what
(24) was called "Recovery Units" in the 1994 recovery plan.
(25) When these studies are finally published, there may be some

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(1) little adjustments to the boundaries. And the boundaries
(2) were pretty fuzzy, not specifically mapped in the recovery
(3) plan anyway.

(4) One thing on that you have one chromosomal
(5) marker, a microsattelite. Let's say on the Y chromosome --
(6) the male one. And that can tell the difference between you
(7) and me. That doesn't necessarily mean that we're distinct
(8) population segments or subspecies or species. If you have
(9) two or three or five, then you're getting more evidence
(10) that there really is a distinction between these
(11) populations. It's not that easy finding these chromosomal
(12) markers.

(13) Tortoise studies show these population
(14) differences using 16 markers. And once you're able to
(15) identify variability and enzymes, you get on a roll, and
(16) now they have 46 markers. Of course, for the human genome,
(17) you can do it all the way up and down the line. There's
(18) hundreds. But for a reptile, it's been pretty difficult.
(19) Great advances in this type of research have been made just
(20) in the last year. They'll be published within a year.

(21) That was probably too much of an answer for
(22) that. Maybe a more direct answer is if something is
(23) genetically isolated, you only have to move one or two
(24) animals every year between the two populations to maintain
(25) genetic continuity. Isn't that a remarkable fact? So we

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(1) could carry a tortoise across the freeway, for example.

(2) MR. TOM ACUNA: Dr. LaPre, I have a real quick
(3) question. It seems like the monitoring program is
(4) important to the -- acts as a barometer to the subarea
(5) plan's success. Is that true? And, if it is true, how is
(6) it working -- your program? Is it providing positive
(7) results that the plans are working, or is there weakness?

(8) DR. LARRY LaPRE: Well, there's two questions
(9) there. How it's working is the Fish & Wildlife Services
(10) has now set up a whole recovery office in Reno, where there
(11) are no tortoises, and a whole monitoring group where they
(12) have a person responsible for monitoring in Ventura, in
(13) Carlsbad, in Las Vegas, in Reno, I think in Phoenix, too.

(14) You might say the Fish & Wildlife calls the
(15) shots for the overall picture. And the recovery plan says
(16) you can't determine an increase in trends until you have
(17) 25 years' worth of data -- the generation of a tortoise.
(18) So the 5-year information I just gave you, some will say,
(19) "Oh, that's not effective." But, of course, there are
(20) thousands of transects that went into that work.

(21) Now, as far as telling how well are the plans
(22) working, we won't know for a while. We can track
(23) mortality, we can discover high density areas. But we
(24) won't really know until you get through a tortoise having
(25) babies and those babies growing up and reproducing

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(1) themselves. That's a problem with tortoises. It's a
(2) long-term type of monitoring.
(3) MR. ROY DENNER: We've always been told that
(4) once the tortoises are handled by humans, they can't be put
(5) back into the wild. And we hear about Clark County,
(6) Nevada, where the tortoises were relocated from the
(7) development area and they bred so well in captivity that
(8) they created a euthanasia program. They couldn't put the
(9) tortoises back into the wild.

(10) And in the field manager's report for the
(11) Ridgecrest area, they indicate that the tortoises relocated
(12) from the Hyundai site have been put back into the wild and
(13) are being monitored.

(14) I guess I'm wondering: Has the thinking been
(15) changed about handling tortoises and moving them to
(16) different places, and is that program working? Is it
(17) proving that we can, indeed, take tortoises from one area
(18) and concentrate them in another area and they will survive?
(19) What is happening there?

(20) DR. LARRY LaPRE: Yes. The thinking is
(21) changing, and we always think differently in California
(22) than in Nevada. What you said at first that you can't
(23) handle a tortoise and then, if you do, you can't let it
(24) back in the wild; I'm not going to buy that. If any
(25) person -- you included -- can move a tortoise out of harm's

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(1) way if it's about to get run over by a car, you can take it
(2) off the road and move it to the side without violating any
(3) law.

(4) On these construction projects, you have
(5) approved monitors, approved handlers that wear gloves, move
(6) them a specified distance away -- a quarter mile about,
(7) say, off of a pipeline road that Tom, is building, and then
(8) they watch them and see how they're doing. It's best to be
(9) safe.

(10) And we know it's not good to move a pet tortoise
(11) from your home to the wild because they've deacclimated to
(12) the desert, plus they may have a disease. It's not obvious
(13) because you're feeding them so well; whereas, when they
(14) start getting hungry out in the desert, they could be
(15) subject to various diseases.

(16) On the -- I don't know too much about the
(17) overabundance of tortoises in the conservation camp in
(18) Nevada, but I did hear that same thing. There are
(19) relocation programs going. They're still called
(20) "experiments." There's one at Hyundai. There's been
(21) several in Nevada with follow-up studies that have shown
(22) pretty good success.

(23) And the biggest one of all will be by the Army.
(24) They've been doing a few years of preliminary studies
(25) already where tortoises in the translocation area are

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(1) marked with radios and they're finding out where they live
(2) now and how far they move and how they interact with other
(3) tortoises. And tortoises in the recipient areas also have
(4) radios to find out the same thing.

(5) When the Army gets ready to train -- and this is
(6) supposed to be in the spring of '07 -- these tortoises are
(7) going to get moved from the translocation area to the
(8) recipient area. They'll probably still have their radios
(9) on. We'll see how they do.

(10) Each one of these tortoises will be tested for
(11) disease. If they test positive, they're going to go to
(12) their separate little camp at Fort Irwin. If they test
(13) healthy, then they will be moved. Even the diseased ones
(14) can be quite useful, like pregnant females because the
(15) disease -- and, of course, there's several diseases but the
(16) main mycoplasma disease does not transmit from mother to
(17) egg. So you can get 15 healthy eggs out of a diseased
(18) female, raise those eggs, hatch them, wait 10 years and
(19) then move them into the wild. And that is going on in an
(20) experimental way at Twentynine Palms and Edwards Air Force
(21) Base and Fort Irwin.

(22) But the best way to rebuild the tortoise
(23) population is where you move juveniles or young tortoises
(24) into an area that's been depleted. Just to pick them up
(25) and move them into another area, that's still considered

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(1) experimental. I'm not exactly sure when there will be
(2) enough solid results to call it a good way to operate.

(3) MR. ROY DENNER: Is it still true that in order
(4) to test for the upper respiratory disease the only place
(5) that does that -- is that still in Florida? That's what
(6) we've been told for a couple years, and we're wondering why
(7) they're not doing it on-site here.

(8) DR. LARRY LaPRE: Yes, it's still true, to my
(9) knowledge. There aren't too many veterinarians that deal
(10) with reptiles, and there's only one or two that deal with
(11) tortoises.

(12) The gopher tortoise in Florida is either
(13) threatened or a high profile species, and that's why the
(14) vet there became famous for disease testing. There's --
(15) I'm not sure anything has gotten started out here. If we
(16) could get something up here at Cerro Coso that would be an
(17) ideal location.

(18) MR. RON KEMPER: Just to clarify: The tortoise
(19) doesn't have to go to Florida, does it?

(20) DR. LARRY LaPRE: No. They take a blood sample
(21) and FedEx it back and forth.

(22) DR. TOM SCOTT: I think these are great
(23) questions about the tortoise, but could we get back to
(24) monitoring? I think we should have a meeting on tortoises,
(25) perhaps.

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(1) DR. LARRY LaPRE: I wanted to describe the
(2) range-wide Fish & Wildlife thing, and I guess I opened it
(3) up about moving them.

(4) MR. RON KEMPER: Any more questions?

(5) DR. TOM SCOTT: What triggered monitoring? What
(6) triggers our monitoring programs? I know it's more than
(7) one thing. So give me a laundry list.

(8) DR. LARRY LaPRE: Logic triggers monitoring. If
(9) you perform an action, you want to know how well it works.
(10) So you monitor and see if it works. Then if changes are
(11) needed, you call it adaptive management and do that.

(12) That doesn't mean that all agencies have
(13) performed their duties at all times on every action they
(14) take. But all the Desert Plan Amendments, the regional
(15) plans, they all have actions, and those actions will be
(16) monitored.

(17) I like that answer of logic. Sometimes it's
(18) money, and sometimes it's public interest.

(19) DR. TOM SCOTT: Maybe we're getting a little
(20) further along here. How about persistence of monitoring?
(21) I know in some cases there's a view at the inception of
(22) something that, "We're going to monitor until the hills are
(23) no longer in existence, and we're going to do all this into
(24) the future." And then two or three years out we seem to
(25) lose a focus. We seem to lose direction.

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(1) How do we get persistence?

(2) DR. LARRY LaPRE: Well, the monitoring of
(3) threatened or endangered species is generally prescribed by
(4) a recovery plan, such as the 25-year time frame for the
(5) tortoise. So threatened and endangered monitoring of
(6) species has prescribed time periods.

(7) For other species -- and, in fact, on the
(8) Peirson's Milk-Vetch, a 5-year monitoring program was
(9) prescribed. For other species for the BLM, it's what --
(10) you go by what's in the plan.

(11) In 2005 when the West Mojave Plan was passed and
(12) the Red Rock Tar Plant is the species of interest, we're
(13) just going to monitor that until the plan gets revised
(14) again, and that's about 30 years. It's hard to say.

(15) DR. TOM SCOTT: I have one more question.

(16) What is the ratio of management dollars to
(17) monitoring dollars? If monitoring is so critical to
(18) management -- I know you can't answer this, but some of
(19) these proposal --

(20) DR. LARRY LaPRE: I think that 50 percent of
(21) that question couldn't really be answered here.

(22) DR. TOM SCOTT: One percent?

(23) DR. LARRY LaPRE: How would I or even a manager
(24) know that? However our admin people --

(25) DR. TOM SCOTT: These are rhetorical questions,

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(1) obviously.

(2) What is the litigation cost on BLM projects
(3) relative to monitoring costs? Does anybody have those
(4) numbers? I'm just saying that, because I think that we're
(5) not spending very much on monitoring, but we're really
(6) dependent on this. And it seems to get us into a lot of
(7) situations where maybe we should be putting more resources
(8) in. I realize I'm squeezing blood from a stone. But, at
(9) the same time -- that's the whole point of asking that
(10) question.

(11) MR. RON KEMPER: I think most of us knew where
(12) you were going.

(13) DR. BILL PRESCH: Dr. LaPre, you've described
(14) monitoring that's going on for flowers and vegetation and
(15) for animals.

(16) Is there much in the way of monitoring the
(17) soils? And by way of background, my own experience, I was
(18) on the Technical Review Team for Cattle for a while, and at
(19) some of our meetings it was discussed that the BLM had
(20) records of that sort of monitoring that went back, in some
(21) cases, 30 years.

(22) And I don't know if those are useful records or
(23) not, but I would love to be brought up to speed, and maybe
(24) the rest of us brought up to speed, on how are we looking
(25) at the soils in the desert and monitoring them and looking

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(1) at what's affecting them both positively and negatively.

(2) DR. LARRY LaPRE: Well, that is one of the
(3) toughest questions. We do monitor grazing and range. It's
(4) kind of like compliance monitoring to make sure the cattle
(5) are in the right place at the right time and the
(6) improvements are kept up.

(7) With respect to soils, there is only one soil
(8) scientist in the Desert District, and that's the boss --
(9) Steve Borchard. I mean that was his background. And he's
(10) talked to me about it, and he would like to get a soil
(11) scientist position filled somewhere in the District, either
(12) at the CDC or at the field office.

(13) I would have to say there isn't a lot done
(14) specifically for soils, but there are evaluations of
(15) rangeland health in which soil is a component. And then
(16) there's a number of things you do for the recreational
(17) trails and roads to see if you're causing too much erosion
(18) and so forth.

(19) You've probably found the weakest link in
(20) resource monitoring in the desert -- would be the soils.

(21) MR. ROY DENNER: I have an example to answer
(22) Tom's question about the ratio -- probably the maximum
(23) ratio. The cost in the Imperial Sand Dunes to monitor the
(24) Peirson's Milk-Vetch Plant, as Larry indicated, is about
(25) \$900,000 -- has been, for the past several years, \$900,000

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(1) a year. The total cost to run that recreation area is just
(2) under \$4 million, and that's not including the \$900,000 for
(3) the monitors.

(4) So the monitoring in that specific instance for
(5) a single plant is like 25 percent of the cost to do the
(6) management of the whole recreation area.

(7) MR. GERRY HILLIER: Larry, thank you very much
(8) for a really good report relative to the initiatives. And
(9) I really am interested and congratulate you, really, on the
(10) amount that is being done.

(11) When I raised this issue a meeting or two ago, I
(12) did have in mind a couple of specific areas, and I didn't
(13) hear you touch on those. Tom Scott just touched, I think,
(14) on one of them in terms of what triggers monitoring and its
(15) continuity. And one of the things that's specific is the
(16) desert tortoise.

(17) When the tortoise was first listed, there was
(18) some long-term study plots throughout the desert. They
(19) existed and may or may not still be being read. But their
(20) administration has transferred over to USGS, and I don't
(21) think there's data still being supplied to the Bureau.
(22) There's no correlation of the early data with the late
(23) data. And we are still sitting here 15 years after listing
(24) it, and we don't have a baseline for the species.

(25) And that's part of the concern that we have is

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(1) that we just simply are told, "Oh, there's no way to
(2) correlate the data," and we'll just have to do the best we
(3) can with LDS.

(4) We really -- speaking for the organization I
(5) represent, we really would like to see some thought given
(6) to some means of correlating, even if it's going out and
(7) specifically running some LDS lines in those plot areas.
(8) Phil Mettica tells me, "Well, we just can't do that because
(9) we lose our randomness."

(10) Well, it's like somebody else said in another
(11) context --

(12) MR. RON KEMPER: Lose your what?

(13) MR. GERRY HILLIER: Lose your randomness. If
(14) you identify ahead of time that you're going to go out in
(15) Section 14 in the southwest corner and do a plot there,
(16) then you're not following a random location of these lines.

(17) It's like somebody else said in a different
(18) context this morning: We sometimes look for more ways not
(19) to do something than to figure out how. And, I think, we
(20) would hope somebody would do that.

(21) Another area that I found -- or that I think I
(22) made reference to was the monitoring of the habitat,
(23) itself, not just the reflection of the animals. Again, we
(24) had a major action that took place 15 years ago with the
(25) removal of the sheep from all the critical habitats in the

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(1) West Mojave.

(2) To my knowledge, BLM has not gone out and looked
(3) at what changes in vegetation may or may not have occurred.
(4) And I know there's a difference of opinion as to what
(5) happens when you remove grazing animals from mediterranean
(6) annual subtypes and whether there are changes in vegetation
(7) or whether they can ever be affected.

(8) And, to my knowledge, in the conversations I've
(9) had with the range conservationists and the botanists in
(10) the field offices they're not going out there because
(11) there's no more stock out there. There's no reason to go
(12) out there. It would seem to me that it would cry out for
(13) going out there and looking at these areas to see if it
(14) meets some of the changes in the habitat that are
(15) occurring.

(16) And another specific area is the highway
(17) fencing, which is a very expensive mitigated measure that
(18) was recommended by the Recovery Plans. Early along, right
(19) after the Highway 58 fences went in, Bill Borman went out
(20) and did some studies relative to tortoise backfilling
(21) against the fences and the populations. There's a sink
(22) along the highway, obviously, as the numbers crash.

(23) The fencing he found did -- there was some
(24) backfilling. Tortoises moved into those areas, and the
(25) sink stopped being there. But then he completed the study,

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(1) published it, and moved onto other things. And, to my
(2) knowledge, there's been no continuation of monitoring to
(3) see whether the overall population had increased as a
(4) result of that mitigation, or whether, indeed, there had
(5) just been a redistribution of it.

(6) That's critical considering the extremely high
(7) cost to both the State in terms of Caltrans and potential
(8) for County Governments relative to building more
(9) tortoise-proof fences. Do they do any good?

(10) Those are the kinds of monitoring information we
(11) really need to have. And while I can appreciate a lot of
(12) compliance monitoring and everything, there are still some
(13) fundamental issues. I said earlier I intended to get with
(14) Steve Borchard on this. He has some reservations. He also
(15) has, obviously, some personnel and budgetary issues.

(16) But I think there's some questions out there
(17) that need to be answered, and I just wanted it on the
(18) record that these were some of the concerns that we had.

(19) DR. LARRY LaPRE: I'd like to address those
(20) points.

(21) The first is correlating the different
(22) methodologies. And I referred to it earlier as science by
(23) statistics or statistics ruled science. That's true to --
(24) as statistical validity, you need these plots set up in a
(25) nice random way and everything. But I personally see no

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(1) reason not to do wide-distance transects at every one of
(2) the study plots to see what the correlation is. Those
(3) study plots have a known number of tortoises and were used
(4) for years to calibrate surveyors.

(5) So a biologist walks around the study plot,
(6) tells how many tortoises he or she sees, and then you know
(7) how many are out there. So you can tell how good they are
(8) in looking. That was done for quite some time. I think
(9) it's still done. So I certainly support what Gerry said
(10) about that of correlating the methods to see how they
(11) relate to each other.

(12) Then on this monitoring of habitat. I've heard
(13) that sheep story a number of times. It's a good idea.

(14) On the highway fencing, as an example of you
(15) have some preaccident information and then you don't go get
(16) the postaccident information and have tortoises repopulate
(17) at areas near the road because now the fence is there, and
(18) they're not getting run over. That's essential. That's --
(19) I fully support that.

(20) So if there's something that the Advisory
(21) Committee can do in the way of providing advice to the
(22) District Manager on these issues that Gerry has raised, I
(23) certainly would support that. For the most part we say,
(24) "Oh, submit your comments to Fish & Wildlife because
(25) they're in charge now or to Caltrans on that fencing."

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(1) But if there's something that BLM can do to
(2) contribute to solving these problems that Gerry has brought
(3) up -- the methods correlation, the monitoring of habitat,
(4) and the pre- and post- -- I'd like to see that BLM do it.
(5) If the committee, itself, can think of particular advise
(6) for the manager, maybe Gerry can work something out and see
(7) where it goes.

(8) MR. RON KEMPER: If I don't have any more
(9) comments from the council, I do have some comment cards
(10) from the --

(11) Dave.

(12) MR. DAVE CHARLTON: I can add something to the
(13) rest of the story on the Bill Borman experiment. He felt
(14) that he had a conclusion there that, yes, they were
(15) backfilling. So he moved to ask himself another question.
(16) Are they using culverts?

(17) So he spent several years doing studies there,
(18) and he did find out -- he had five records of tortoises
(19) moving across 58 through the culverts.

(20) MR. RON KEMPER: If I don't have any more
(21) comments or questions from the council, I do have some
(22) comment cards.

(23) The first one is Bob Richards.

(24) MR. BOB RICHARDS: Thank you, Mr. Chair.
(25) Bob Richards, Twentynine Palms, representing myself.

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(1) For Dr. LaPre, when you were talking about the
(2) Desert Tortoise monitoring program, I thought I heard you
(3) saying that where the transects went up in the mountains,
(4) you disregarded that area. Maybe I got that wrong.

(5) But my personal experience -- I live on an area
(6) that's a gradual slope, and right behind it is some very
(7) steep, very rugged mountains. And over the last 10 years,
(8) I've probably seen more tortoises and tortoise shells up in
(9) the mountains than I have on the lower area. But maybe I
(10) misunderstood.

(11) DR. LARRY LaPRE: No, you understood. And you
(12) should actually be a biologist, if you're not, because the
(13) function of a good biologist is to always point out the
(14) exceptions. And there definitely are tortoises up in the
(15) mountains, even in rocks. And in Arizona, they prefer
(16) rocky areas. But it makes those transects almost
(17) impractical because they're so hard to find.

(18) MR. BOB RICHARDS: That's a valid reason. Thank
(19) you.

(20) MR. RON KEMPER: Sam Merk.

(21) MS. SAM MERK: I would like to move my comments
(22) to the public comment period.

(23) MR. RON KEMPER: Randy Banis.

(24) MR. RANDY BANIS: Thank you, Mr. Chairman. A
(25) question for Dr. LaPre, if I may.

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(1) Doctor, in the first part of your presentation,
(2) you discussed the data collection vehicle incursions in the
(3) wilderness. Your GIS stores record of vehicle incursions
(4) that you've discovered in the perimeters of the wilderness
(5) and you attach data to each of these instances to help you
(6) in explaining it further.

(7) Are you also collecting or noting data as to the
(8) absence or presence of wilderness signs? Signs that would
(9) tell the user, themselves, that this area is, indeed, a
(10) wilderness and is off limits. And I bring that question up
(11) because even as late as July 5, 2004, Residue Canyon, which
(12) is in the Argus Wilderness, had still not been signed as of
(13) July 5, 2004.

(14) Thank you.

(15) DR. LARRY LaPRE: That's a good point. The
(16) wilderness specialists cruise the perimeter and look at
(17) their signs or they put up signs. They say, "Oh, this
(18) would be a good place for a sign." But I don't think they
(19) monitor the signs, and I don't believe it's part of that
(20) database. I'm going to bring that up, because that is a
(21) good idea to see if the signs stay there or if they
(22) don't -- I know the ones in the Kingston Wilderness are
(23) huge, wooden edifices that have stayed there.

(24) Most of the boundaries signs are the smaller,
(25) metallic signs, and I could see where they go away. I

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- (1) don't know the answer to that, but that's a good point. We
(2) should put that so that it's tracked to see if -- and then
(3) it could, therefore, be scheduled for fixing.
- (4) MS. GAIL ACHESON: Gail Acheson, Palm Springs.
(5) Just to let you know, in our field office it's
(6) not a conscientious patrol for wilderness signs, but we
(7) do -- we get a lot of information in our office not just
(8) from our law enforcement rangers but from people that
(9) utilize the wilderness. They report to us, our specialists
(10) that are in the field. So we are constantly replacing
(11) signs.
- (12) So I don't know if you want to call it a data
(13) that we keep track of. But I know from the information
(14) that I receive from a lot of our partners, we are regularly
(15) notified when signs are down. We just made a purchase of a
(16) number of signs for replacements. So I'm sure some of the
(17) other field offices probably look at it the same way.
- (18) MR. RON KEMPER. Just a comment of my own.
(19) I've been spending most days in our desert and
(20) different wildernesses. I personally enjoyed the
(21) wildernesses long before they had signs.
- (22) MR. RON SCHILLER: I have a question for
(23) Dr. LaPre.
(24) I'm curious when you talked about monitoring the
(25) raptors and you talked about monitoring the tortoise and

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- (1) the various wildlife, how much of that monitoring are you
(2) doing within the wilderness areas?
- (3) The reason I ask that is because on several
(4) occasions I've attended meetings and it's, "Well, it's too
(5) hard to get over there," or "No, we don't go over there.
(6) We're checking over here where the vehicles are and we're
(7) monitoring that site for the raptors."
(8) So my question is: Is that being considered
(9) part of this monitoring process?
- (10) DR. LARRY LaPRE: That's a really good question.
(11) I know you've raised it before. I guess I would say
(12) there's a problem with respect to desert tortoise because
(13) they're not monitored too much in the wilderness. They're
(14) monitored everywhere else. There is less wilderness
(15) relatively that is desert tortoise habitat, other than the
(16) national parks. There aren't really good correlations of
(17) wilderness versus nonwilderness for the desert tortoise.
- (18) Now, on some of these other species, there have
(19) been studies designed to compare that. And the
(20) Fringe-Toed Lizard was one of those. It's quite easy in
(21) the Algodones Dunes where the wilderness is right north of
(22) the road and the mountain wilderness is south. So the
(23) lizard transects were done in both areas. And they're
(24) being done in the Mojave using the Ibex Dunes and the
(25) Kelso Dunes as control sites. There's not vehicle use for

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- (1) Dumont and Razor.
- (2) So sometimes those studies are done. And the
(3) raptors, they are just getting started on that. I can tell
(4) you that one study in Johnson Valley and Stoddard Valley
(5) and adjacent wilderness we found 13 Golden Eagle nests in
(6) the open area, which I know exceeds the number of nests in
(7) those adjacent wilderness areas.
- (8) That was really a worthwhile use of the money, I
(9) think. And those sites are going to be checked on the
(10) ground this next year. It says something about the way
(11) those areas are used and what are the impacts on those
(12) birds, that's for sure.
- (13) DR. BILL PRESCH: I'd like to ask some questions
(14) since I'm doing some Fringe-Toed Lizard work in
(15) San Bernardino County at the moment. Ibex Dunes and
(16) Death Valley is also in the Ibex Wilderness, and the other
(17) area is the Kelso Sand System.
- (18) I don't call it "dunes" because, in my work in
(19) the last year, we don't find any Fringe-Toed Lizards on the
(20) dunes. We do find them, however, in all of the area around
(21) the dunes if the habitat is correct.
- (22) Now, in Kelso Sand System and on the north side
(23) of the Union Pacific Railroad -- by the way, as I
(24) understand, is 1,500 yards on either side of the railroad
(25) track -- we have a ways to walk in order to get to our

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- (1) transects, up to a mile just to get to the start of the
(2) transect point.
- (3) So what I have initiated with my groups is to
(4) not only look at the provided transects that the --
(5) provided random transects that we're supposed to do, we
(6) also collect data on a straight-line point from our point
(7) where we park the vehicle to the initial start of the
(8) transect. I call those "observational transects." And we
(9) collect data on those observational transects relative to
(10) the Fringe-Toed Lizard.
- (11) We also have to walk from transect to transect,
(12) usually do three or four or five at a time, and each
(13) transect is 750 meters long, times 5 meters on either side.
(14) So we're covering an area of 7,500 meters visually. And
(15) those transects are anywhere from four-tenths of a mile --
(16) about 750 meters or more in some cases. And those, too,
(17) are considered to be observational transects. So in a day,
(18) we walk a lot of miles in wilderness.
- (19) Now, when we do Dumont and Razor, it's real
(20) nice. Since those are open areas, we can drive to the
(21) actual waypoint and get out of the vehicle and say, "All
(22) right. Walk 750 meters in that direction and you're fine."
(23) But when you're in wilderness, there is some
(24) reluctance to go into wilderness. And it does take some
(25) effort on the team's part to do that. But we're doing that

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- (1) with Fringe-Toed Lizards.
- (2) MR. RON KEMPER: Just a comment, Dr. Presch. I
- (3) remember when I first came to Ridgecrest four or five years
- (4) ago we did a really big tour, and one of the big things
- (5) that we talked about was a tortoise reserve. It was an
- (6) area that was fenced out from off-road vehicle use and from
- (7) cattle. And we asked them what the monitoring had shown,
- (8) and they said, "Well, we never monitored it again."
- (9) So for us that are in the ranch management
- (10) business, it's hard to decide whether or not decisions
- (11) you're making are good decisions unless you continue to
- (12) monitor and see if there's any difference. So we're
- (13) certainly in favor of monitoring.
- (14) But, once again, we're just wondering why spend
- (15) \$100,000,000 when we don't know anything more than we did
- (16) 15, 20 years ago. I think I can speak for the High Desert
- (17) Cattlemen Association in regards to the tortoise. If you
- (18) want to give us \$10,000,000 a year, I believe we can
- (19) recover the tortoise if we can raise cattle in the desert.
- (20) MR. RON SCHILLER: I didn't quite get finished
- (21) earlier.
- (22) But I did have a point on many times, many
- (23) occasions -- in fact, at that specific field trip you just
- (24) referred to -- there has been pointed out to the BLM that
- (25) there is a place called Water Canyon across from

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- (1) Highway 58, the tortoise preserve, that has had many
- (2) reports of tortoises along where the eagles and raptors
- (3) nest -- a lot of tortoise-littered areas on the ground. I
- (4) know it's been brought up numerous times.
- (5) But I just wondered if that's ever been checked
- (6) to determine what significance that is and if that's truly
- (7) the case.
- (8) DR. LARRY LaPRE: I'm not exactly sure what the
- (9) question is. But you mean --
- (10) MR. RON SCHILLER: Across Highway 58, from the
- (11) Hyundai track, the tortoise preserve -- way back, I think
- (12) as far as when Dr. Lutes was on the Advisory Council, there
- (13) was reports of numerous tortoise shells scattered on the
- (14) ground below where the eagles and raptors nest. And I've
- (15) asked that a number of times. I asked it at that field
- (16) hearing. I've mentioned it at a number of meetings.
- (17) But I'm curious: Has anybody ever verified that
- (18) as being a significant loss to tortoise? How much impact
- (19) is it having, and does it truly exist?
- (20) DR. LARRY LaPRE: It does exist. And I, myself,
- (21) found a couple baby tortoises underneath a barn owl's nest
- (22) where they were crushed in the pattern of the talons, and
- (23) their heads were pecked off. And others, including
- (24) Christine Barry, have found tortoises under eagle nests.
- (25) Raptors do eat tortoises, especially the small ones.

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- (1) It's believed to be quite a bit less of a
- (2) mortality factor than ravens because ravens accommodate
- (3) themselves to it. They learn to look for them, where it
- (4) appears that raptors just opportunistically go after one.
- (5) MR. RON KEMPER: Any more questions?
- (6) DR. LARRY LaPRE: Mortality is always highest
- (7) among juveniles, almost in any species, but tortoises in
- (8) particular.
- (9) MR. RON KEMPER: Come on up.
- (10) MR. JOHN STEWART: John Stewart, California
- (11) Association of Four-Wheel Drive Clubs.
- (12) First I have a general comment about the first
- (13) part with the wilderness restoration efforts. I note that
- (14) there was reference made to roads and then changed to
- (15) trails within the wilderness areas. It has always bothered
- (16) me that these wilderness areas were created and they
- (17) included roads, and then all of a sudden intrusions became
- (18) there, and intrusions became somewhat of a derogatory
- (19) reason and any means to start closing off areas to protect
- (20) these wilderness areas.
- (21) And as the previous speaker noted about the
- (22) signs in the wilderness, I believe until such time as the
- (23) existing routes that go into or were included within the
- (24) wilderness areas are sufficiently obscured and the areas
- (25) and boundaries marked sufficiently, to use the term

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- (1) "trespass" and "intrusion" is problematic in that how do
- (2) you determine it is a trespass if it is not adequately
- (3) signed and if the route exists? That's just maybe a
- (4) rhetorical question.
- (5) But overall the monitoring effort, yes, it's
- (6) important. It's an important management tool, and I really
- (7) am glad to see that so much work is being done and so much
- (8) monitoring has been accomplished.
- (9) With that said: Why are we not putting some of
- (10) this monitoring effort to work and actually reducing some
- (11) of those studies needed in order to reopen some of the
- (12) administratively closed areas pending monitoring?
- (13) With all this data collected somehow, we should
- (14) be putting it to work to actually make some management
- (15) decisions that accommodate on-the-ground actions.
- (16) Also, there was some mention made to recreation
- (17) monitoring. I hope they're looking at monitoring within
- (18) recreation to determine whether the quality and quantity of
- (19) recreation opportunity being provided to the public and
- (20) what the public is desiring.
- (21) Are you looking at the other side of the
- (22) equation? As in, if you want to reduce the resource
- (23) impact, you actually provide a recreation opportunity that
- (24) the public is desiring under the premise that if you do not
- (25) provide the resource impact managed for recreation, then

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(1) the public will create their own recreation opportunity
(2) and, possibly, that recreation opportunity may not be in
(3) agreement with what the Land Manager desires or deems is
(4) appropriate for that area. As such, providing a proper
(5) recreation opportunity using the monitoring efforts to do
(6) it actually gives the agencies an opportunity now to look
(7) at an area and gauge the impact of the area -- the
(8) recreation impact on the area and actually see, is there an
(9) overall degradation.

(10) When you start decreasing the number of routes
(11) available, I think you'll find that your monitoring will
(12) show more significant impacts on the existing routes
(13) because you're now consolidating use on those routes, which
(14) is a spiral in itself. Now you are not providing for
(15) resource protection nor for habitat protection nor for
(16) wildlife protection, and you're certainly not managing for
(17) a recreation opportunity for the public. Thank you.

(18) MR. RON KEMPER: If there's not any more
(19) comments, I'm going to call a ten-minute break to give our
(20) court reporter a few minutes to recover. Thank you.

(21) (Recess taken from 2:41 to 2:51.)

(22) MR. RON KEMPER: Back on the record.

(23) The next segment of the meeting will be TRT
(24) reports, and I will start, once again, on the right-hand
(25) side of the table. We have an ongoing off-road TRT.

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(1) Do you have any report?

(2) MR. ROY DENNER: If you're talking about the TRT
(3) for the Imperial Sand Dunes Recreation Area, this is the
(4) slow season out there. We haven't had a meeting now for a
(5) couple months as we go into the summer. So other than the
(6) lawsuit and the judge's decision on the biological opinion
(7) that I referred to earlier, there's nothing much more to
(8) report on the ISDRA TRT.

(9) MR. ROY KEMPER: And Paul Smith on Surprise
(10) Canyon.

(11) MR. PAUL SMITH: I'm happy to give this report,
(12) but remember it's not a question and answer session. Two
(13) DAC meetings ago the Technical Review Team submitted a
(14) written request to the District Manager, Steve Borchard,
(15) for a number of items. We have received those. Copies of
(16) those have been delivered, really, today to the members of
(17) that Technical Review Team. There's a few items that will
(18) still be added into it, but that's the bulk of them.

(19) Those are background documents designed to
(20) acquaint the Technical Review Team with the technical
(21) issues that will have to be dealt within the administrative
(22) draft of the Environmental Impact Report. We probably
(23) won't see that for five months. It's sort of, I think, a
(24) pending guess at this point in time. There's nothing that
(25) we can do to speed it up. I think it's in the hands of

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(1) Death Valley National Park and the BLM. But I don't even
(2) really know that for sure.

(3) But I believe, hopefully, with these documents
(4) that your Technical Review Team will have sufficient
(5) background information that if they want to go walking up
(6) that canyon and see what it's like, that would be great.

(7) I would like to just give my observation on one
(8) of the reasons for the delays is it has to do with the hand
(9) of God up there, because the baseline data that Dick Crow
(10) was using to develop the Environmental Impact Report was
(11) back roughly in 2002 and 2003, and there have been such
(12) tremendous storms since then that a lot of that baseline
(13) data has been significantly altered. So that's kind of a
(14) guess as to part of the reason for the delay.

(15) And I'm just kidding. If somebody has a
(16) question, I probably don't know the answer, but

(17) MR. RON KEMPER: And I believe the other TRT has
(18) to do with the selling of excess BLM land.

(19) DR. BILL PRESCH: I'm chair of the Dumont TRT,
(20) and we have met. Our last meeting was May 16th at Barstow.
(21) We had quite a good turnout. And at that meeting, we had a
(22) report from the subcommittee of the Dumont TRT. The
(23) subcommittee charge was to look into the possibility of
(24) proposing some additional supplemental rules for the
(25) activities that went on at Dumont Dunes, some of which had

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(1) to do with the saving of space around camp areas, whether
(2) or not there should be some rule opposed to metal stakes
(3) for those kinds of boundaries. There was a discussion
(4) about various vehicles that are used at Dumont Dunes, such
(5) as golf carts and other quads, which were not held to be
(6) safe due to lack of seat belts and/or lack of helmets on
(7) some of the riders.

(8) And the subcommittee, after looking at the
(9) issues and dealing with -- and discussing these issues with
(10) the law enforcement agency at the Barstow field office,
(11) came to the conclusion that -- given the California Vehicle
(12) Codes and other rules already in place for Dumont Dunes
(13) that could be applied to Dumont Dunes that it was a
(14) recommendation of the subcommittee that, at this time, we
(15) not try to adopt any additional rules but, rather, to
(16) enforce the rules which are currently in place. And that
(17) motion was approved unanimously by the TRT.

(18) In conjunction with that motion there was a move
(19) to establish a new etiquette/educational campaign involving
(20) the Friends of Dumont Dunes. A motion was made to work in
(21) conjunction with Friends of Dumont Dunes to spearhead this
(22) educational program by adopting many of the
(23) educational-type brochures and programs that Imperial Sand
(24) Dunes currently has with the Sand Association, one of which
(25) was the checkered flag, which I provided -- thank you to

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(1) the American Sand Association.
(2) Every member of the TRT now has a checkered
(3) flag, and I hope you have it on your vehicle. I have it on
(4) my vehicle when I'm in the dunes now and wear it proudly,
(5) even though it is a State vehicle. I haven't figured out
(6) how to put it on a BLM vehicle, but we'll tape it on or do
(7) something next time -- as well as a number of the brochures
(8) I passed out, and I showed examples of the trash bags --
(9) the checkered flag trash bag and so forth.
(10) And we did get, of course, the approval to adopt
(11) the slogan at Dumont Dunes that is currently used at
(12) Imperial Dunes -- "If you want to stay and play, take your
(13) trash away."
(14) And so we talked about some educational ideas,
(15) perhaps putting a booth at the entrance to Dumont Dunes.
(16) There is a chokepoint, as you all know. It's unlike
(17) Imperial Sand Dunes where you can get in at multiple
(18) entries. There's only one way, really, in and out of
(19) Dumont. Although with my Fringe-Toed Lizard work, I have
(20) found some other ways, but that's besides the point. And
(21) putting up some kind of an information stand or booth,
(22) perhaps, on big weekends, and put it in an area adjacent to
(23) or within, by, next to, around, somewhere where currently
(24) BLM sets up and where the sheriff sets up to help, perhaps,
(25) soften the view as you come into Dumont. And there's also

(1) another? And try to get them involved as a user group in
(2) actually deciding where in the dunes they may fit better
(3) than where they currently are.
(4) And many of the vendors have expressed an
(5) interest in this because they, too, are kind of tired of
(6) living in the middle of the dust bowl as everybody goes
(7) driving back and forth. And, of course, the speed limit is
(8) 15 miles an hour, as we know everybody does, right?
(9) And those were the issues that we will continue
(10) discussing. Our next meeting is scheduled for Tuesday,
(11) July 18, 2006, ten o'clock -- that's a Tuesday -- at the
(12) BLM Barstow field office. We will also have a presentation
(13) at that office of -- or at least a discussion on the
(14) House of Representatives Bill 5149 to make the Amargosa
(15) River part of the Wild & Scenic Classification. And I
(16) think Roxy may have some comments more about that.
(17) But we will have a presentation at that meeting
(18) to discuss its possible implications at the crossing to get
(19) into Dumont. There is a little trickle of the Amargosa
(20) that goes across there. And it's my understanding that
(21) that would be classified as a recreational area of the
(22) river, which should not impact BLM's attempt to widen that
(23) concrete pad a little bit and get rid of that traffic jam
(24) that occurs there. So we will have that.
(25) We will also have an update at the meeting as it

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(1) been some efforts in that direction.
(2) And so the motion was made and passed. And
(3) Terry Allan, who is now on the Dumont Dune TRT and is also
(4) a director of the Friends of Dumont, will be reporting back
(5) to us at our next meeting about their discussion at their
(6) director's meeting in terms of support of this particular
(7) idea.
(8) They also seem to think they have some sponsors
(9) that would be able to help out, especially in the
(10) Henderson, Nevada area, since many of the users -- there's
(11) some discussion as to exactly how many, but somewhere
(12) between 40 and 60 percent of the Dumont Dunes users come
(13) from Nevada. So we may be able to get some sponsorship for
(14) some of these items.
(15) And we had some other discussions at that
(16) meeting relative to the movement of the Vendors Row out of
(17) the middle of the current major camping area and moving it
(18) to -- maybe towards the side or towards the edge in order
(19) to cut down the amount of traffic going through camps and
(20) in or around camping areas, et cetera.
(21) And we talked about the possibility of bringing
(22) in the vendors when they apply for their permit for next
(23) year to provide with the permit material a questionnaire
(24) asking them about their involvement -- would they be
(25) willing to move? If so, would they prefer one spot over

(1) relates to Dumont Dunes because of the petition by the
(2) Center for Biological Diversity listing the distinct
(3) population segment of the Fringe-Toed Lizard that is
(4) purported to exist in Ibex, Dumont, and Coyote Holes, not
(5) one that is in my study, but one we have visited and plan
(6) to go back and look. We think they may be there, and we
(7) want to go check that out, as well, again -- at least once
(8) more if not more often. So we'll have some update on that.
(9) And around July 17th should be the ending of the
(10) 90-day period for Fish & Wildlife to make their decision as
(11) to whether or not the petition to do a listing study has
(12) merit or not. If they choose to say that it does, then
(13) they can begin their one-year study that's required by law.
(14) If they say no, then that is essentially the end of the
(15) petition until such time as it's either refiled or they
(16) sue. So we go to court.
(17) So that's kind of what we'll be talking about at
(18) the next meeting on July 18th. So I think the Dumont Dunes
(19) TRT is making progress, and I think we've had some good
(20) interactions with the staff at Barstow. I think all of the
(21) members, certainly most of the users that are on the TRT --
(22) and I think there's five of them who would be considered
(23) the OHV user group -- are pleased and happy with the way
(24) we're going. They seem to show a lot of excitement and
(25) enthusiasm for our education program. And they have spent

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- (1) a lot of time talking with their members and other
 (2) groups -- other dune groups that use the dunes. And I
 (3) think we're moving forward in a positive manner on that
 (4) TRT.
 (5) Thank you.
 (6) MR. RON KEMPER: Roy Denner.
 (7) MR. ROY DENNER: Mr. Chairman, we have another
 (8) TRT -- the cost recovery special recreation use of permit
 (9) TRT. John Stewart is the chairman of that TRT and he's
 (10) working with Roxy on the initial work for it.
 (11) John, maybe you want to make a report.
 (12) It's particularly timely because the Barstow
 (13) office is talking about a cost to put on a race in the
 (14) neighborhood of \$300- to \$500,000 for a motorcycle race.
 (15) Roxy, maybe you want to address that. You guys
 (16) want to tell us what is going on with that TRT?
 (17) MS. ROXY TROST: I handed out to each of you a
 (18) draft policy, and this is actually a draft of a draft.
 (19) There have been some changes to it already, but I wanted to
 (20) make sure that everyone had the opportunity to take a look
 (21) at it. What the TRT has done is we've met several times,
 (22) and we've pulled together all the information, both from
 (23) the BLM handbooks from the Code of Federal Regulations and
 (24) from the Office of Management and Budget Circulars -- and
 (25) pulled that into one location, and that's what this draft

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- (1) policy is in front of you.
 (2) There really hasn't been anything new come out
 (3) of this, but what we've found was there were more places we
 (4) wanted to explore rather than just cost recovery. Although
 (5) our task was just cost recovery, it expanded a little bit
 (6) beyond that.
 (7) So we decided, as a group, that we were going to
 (8) split it out into two different projects. One was to
 (9) develop the cost recovery policy for the District, and the
 (10) other part of that was to address some of the other issues
 (11) at hand. We found that the Las Vegas field office had gone
 (12) through an extensive public process in their discussions on
 (13) cost recovery. So we invited them to one of our meetings
 (14) and listened to their presentation. And everyone was
 (15) actually quite impressed with the things that they have
 (16) done.
 (17) So what we've decided is the second product that
 (18) you'll see coming out will be a little handbook that will
 (19) give examples of letters that we can hand out to the
 (20) public, and it really helps to clarify the process and the
 (21) types of documents that people will be seeing.
 (22) The other part of that is the monitoring of the
 (23) cost and being able to show the proponent exactly where
 (24) their money was spent. So some forms were developed
 (25) already in the Las Vegas office, and the group has agreed

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- (1) to adopt those forms, as well -- their forms, their
 (2) letters -- those kinds of things.
 (3) Another part of this, I think, was a training
 (4) experience, both for myself, for our TRT, and for the other
 (5) field offices that were involved in this process. So we've
 (6) agreed that we will hold -- once the policy becomes
 (7) finalized, we're going to hold a training session in
 (8) October for all the outdoor recreation planners and field
 (9) managers to attend at our Apple Valley Fire Center to help
 (10) familiarize them with this process.
 (11) I don't know -- Ron and John Stewart were both
 (12) there. They might have some more information they would
 (13) like to add to this process.
 (14) On another note, a few other of our members --
 (15) Dave Talkus and Jim Pelon -- were not able to make the last
 (16) two meetings. And that's why we're calling this the draft
 (17) of a draft. We want to make sure that they have the
 (18) opportunity to provide their input into it, as well, and
 (19) they haven't been able to do that at this point. So we
 (20) want to hear from them. And you'll be seeing a more
 (21) finalized product a little bit later.
 (22) MR. RON KEMPER: Roxy, what I would suggest is
 (23) that if you have people that missed two or three meetings
 (24) and if they're unable to respond to the writing of the
 (25) draft either by E-mail or by snail mail, maybe drop them

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- (1) from the TRT and move on. Don't let them hold up the
 (2) process.
 (3) MS. ROXY TROST: Well, they've made it to every
 (4) meeting up to this point, and I want to make sure that
 (5) they're comfortable with where the TRT has gone, also.
 (6) They were the primary partners in this process.
 (7) MR. RON KEMPER: But they do have copies of your
 (8) draft; correct?
 (9) MS. ROXY TROST: Yes.
 (10) MR. RON KEMPER: And they can certainly respond?
 (11) MS. ROXY TROST: Definitely.
 (12) MR. RON KEMPER: Ron, did you have something you
 (13) wanted to say?
 (14) MR. RON SCHILLER: Yes, I do.
 (15) Not being involved with -- normally involved
 (16) with the permitting process and organized activities, I had
 (17) a little trouble separating out issues in my mind. One of
 (18) the issues is, of course, the cost recovery and how the BLM
 (19) gets reimbursed for their activities to support an event.
 (20) The other aspect which I'm still not completely
 (21) clear on in my mind is the aspect of what is a commercial
 (22) event, when is a permit required, and other aspects as far
 (23) as public advertisement versus publicizing in other media.
 (24) But -- and, unfortunately, there was a little mix up, and I
 (25) didn't receive my draft until after I left for a commitment

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(1) on Wednesday. I didn't get back until Thursday, late. So
(2) I haven't gotten to review the draft.

(3) But one thing that I still would like to bring
(4) up is the personnel charges for cost recovery. And it was
(5) explained to me that the agency charges the full-tilt,
(6) overhead hourly rate per hour for cost recovery for the
(7) various personnel working on the plan.

(8) And the question I had was: Under Subpart 2932,
(9) Special Recreation Permits for Commercial and Competitive
(10) Events, organized groups and recreation groups used as
(11) special areas -- it's under 2932.5. It states, "actual
(12) expenses" means money spent directly on the permitting
(13) activity which, in the case of the hourly rate charged, to
(14) me, is beyond the actual expense required for the event or
(15) the permitted activity.

(16) In other words, the rest of the charge is for
(17) the person's retirement, the person's insurance, the
(18) overhead for the building. That, to me, is beyond the
(19) actual expense and money spent directly on the events, even
(20) though it's been pointed out to me that circular A25 allows
(21) that. When I read the initial introduction of that on the
(22) first page, it specifically says that if it's addressed in
(23) the -- and, unfortunately, I went off and left my copy of
(24) the circular A25 at home -- but if it's addressed otherwise
(25) that it didn't apply.

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(1) And so I would still contend that that to me is,
(2) at least at this point, I feel it's inappropriate to charge
(3) the full tilt hourly wages. And that's all that we're
(4) looking at right now as far as this personal draft, I
(5) understand, but I was curious: Will this draft be reviewed
(6) by the public? Is it subject to public review?

(7) MS. ROXY TROST: This is actually everything
(8) that is already in BLM policy. So we're just putting it
(9) into one document. So the answer is "no." We're not
(10) making any changes to current policy.

(11) MR. RON KEMPER: Jon McQuiston.

(12) MR. JON McQUISTON: As a person who formally
(13) worked in the federal government and now in county
(14) government whereby we charge for fees and cost recovery, we
(15) often point to the federal circular you referenced here.
(16) I've read it on several occasions, and it is so broad and
(17) so discretionary, it's almost impossible to nail something
(18) down. I would, just as one person, say if we're going to
(19) go for cost recovery -- and a different way of saying what
(20) Ron Schiller just mentioned -- I would request you consider
(21) direct cost only. When you start getting into indirect
(22) cost and all of the things that can come there from
(23) mileage, to buildings, to phone lines, it gets extremely
(24) expensive.

(25) The other thing is within that circular -- and

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(1) I've wrestled with this and fight with department heads
(2) from time to time -- just in terms of being overbroad, it
(3) gives you such a broad scan in terms of a work year. You
(4) can take it at 2,080 hours per year, or you can assign a
(5) productive year where you back out things like sick leave
(6) annually. If you want to raise your rates, it's completely
(7) discretionary. You just say, "We're going to go from a
(8) calendar year to a productive year" and define your
(9) productivity in order to get the rate you want.

(10) There's so many ways in that circular that are
(11) so overbroad. I think when we're dealing with public and
(12) dealing with public access, it's just a whole lot easier to
(13) say we're going to charge direct rates on it. You're not
(14) going to close down the building; you're not going to turn
(15) in your vehicle; you're not going to unplug your
(16) telephones; you're not going to unplug your computers and
(17) then come up with some sort of hourly rate based upon the
(18) disciplines and what their direct costs are.

(19) In order to get some sort of predictable and
(20) continuity -- because if you don't -- we've got four
(21) planning areas within the CDCA and four managers, and every
(22) one of them can interpret that same circular different, and
(23) most likely will, because within its own words, it is the
(24) most discretionary, broad document. You just kind of pick
(25) and choose where you want to go. Thank you for letting me

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(1) share that.

(2) MR. JOHN STEWART: John Stewart, California
(3) Association of Four-Wheel Drive Clubs.

(4) I need to make a clarification on a point you
(5) mentioned there about the productive work year for the
(6) 2,080 hours. Unless it's changed since I retired from
(7) federal service and have participated in some commercial
(8) activity while in federal service, the productive work year
(9) for federal employees is based on 2,088 hours per year.

(10) So, yes, it does change your annual productive
(11) rate. And your overall dealing of direct cost is very easy
(12) to quantify, and yet if the indirect cost does become
(13) another matter, how to quantify that.

(14) Now, Ron and I ended up with the same E-mail
(15) snafu here. And I, in fact, left before even getting
(16) anything on E-mail. So I couldn't print it out or even
(17) read it because I've been on the road here the last three
(18) or four days. But I do share Ron's concern with the direct
(19) and indirect cost conclusion of that. And I know that we
(20) have had many discussions on this through the meetings with
(21) everybody.

(22) And I know that there is, I think, one
(23) particular group we do need to make sure is not
(24) disenfranchised, and this is the -- Sheri's group. She
(25) deals a lot with the public, and I would encourage Sheri to

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(1) take this back and really pay close attention because,
(2) while commercial activities do lend themselves quite a bit
(3) with the recreational aspects because of the motorcycle
(4) activities and some other activities in the open areas, in
(5) reality, this particular process will roll over into
(6) creating and clarifying the definitions that are in
(7) existence from the Washington office on down for what
(8) constitutes advertising, what constitutes a competitive
(9) event or recreation event.

(10) And this is by no means, I believe, a final
(11) document in that this addresses just cost recovery. And
(12) there is a greater scope of impact on here, which is the
(13) special-use permit overall which, again, is the cost
(14) recovery portion in this booklet that Roxy talked about.

(15) A lot of this has been hammered out through
(16) public meetings through the Las Vegas field office. We
(17) believe it's a very good start to look and apply within the
(18) California Desert District. And the fact that even the
(19) recreational specialists that have been at the meetings
(20) have also said, "Yes, this is a work in progress," is it
(21) perfect? No. We still have some rough edges to work out,
(22) but I think we're making good progress.

(23) MS. ROXY TROST: I'll attempt to address Roy's
(24) second part of that question with regard to the \$3-
(25) \$500,000 to conduct an event. He's referring to an event

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(1) many of the volunteers. I got comments back since then. I
(2) finalized the volunteer agreement and sent it out already.
(3) I've gotten many of them back, but I got another mailing
(4) list put together with the volunteer's help. And we
(5) probably have around 40 to 50 volunteers that I'm sending
(6) this agreement out to. Again, the agreement was reviewed
(7) by our archeologist.

(8) Another thing that the Adopt-A-Cabin volunteers
(9) are doing for me right now is that they volunteered to view
(10) the stoves that are in many of these cabins, or they're
(11) looking at surveying many of these cabins and reporting on
(12) the stoves and how they're built and that sort of thing.

(13) Some of the volunteers are fire -- have
(14) fire-fighting experience. And they're also looking at
(15) requirements to make some of these safer, and they're going
(16) to be providing me that information together with the
(17) surveying information for those cabins.

(18) Again, this is in light of one of the cabins
(19) burned down out there in the Mingus Meade area. And in
(20) light of that and in light of the safety review that we
(21) had, that's why they're undertaking that review for us.

(22) Another thing that has occurred -- action that
(23) has occurred is that we started doing some cultural
(24) resource surveys. Some of our cabins -- we started with
(25) the most remote cabins in the Inyos. I spent about four

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(1) that was conducted many years ago -- and I think we're
(2) talking about the same event -- which is the Johnson Valley
(3) Parker. In the West Mojave Plan, it was identified as an
(4) available activity. However, they did not do all of the
(5) analysis -- both the biological, the cultural, and all
(6) those kinds of things. They had a meeting in our office,
(7) it involved both Barstow and the Needles field offices.

(8) So some of the things that they would need to do
(9) are the biological surveys, the cultural resource surveys.
(10) And we're trying to assist them with that and trying to
(11) reduce those costs. I know one of the things that Needles
(12) is attempting to do is to actually put those costs into an
(13) OHV grant. It came up at our OHV leadership meeting as a
(14) possibility, and they are actually going to be submitting
(15) that to cover those costs.

(16) MR. RON KEMPER: Thank you, Roxy.
(17) Any other TRTs that I've forgotten about?
(18) Hector. The adopt-a-cabin program, do you want
(19) to go ahead and give us a short summary?

(20) MR. HECTOR VILLALOBOS: Some activity has
(21) occurred in the Adopt-A-Cabin program since we last met.
(22) We had a TRT meeting -- I don't know how long ago it was,
(23) but it was several months ago -- many months ago. And the
(24) meeting was over at the Mingus Meade Cabin site. We met to
(25) discuss a draft volunteer agreement that was reviewed by

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(1) days backpacking into the Inyos with our contract
(2) archeologist. I appreciate the help that we got from the
(3) state office to bring on the contract archeologist to start
(4) reviewing these cabins.

(5) We had a field trip out to the Inyos. We looked
(6) at the Bighorn Cabin, the Frenchy's Cabin, the Beveridge
(7) Cabin. We actually, with his oversight, we stabilized the
(8) Bighorn Cabin because it was getting twisted in the wind
(9) and about to get demised by the ailments out there. So
(10) with his help, we were able to stabilize it. We cleaned up
(11) some of the Frenchy's Cabin area. There was some stuff
(12) that we felt we could get rid of. And then he did a survey
(13) there, and he did a survey again of the Beveridge Cabin.

(14) It was a very arduous trip back into the Inyos,
(15) but I enjoyed it thoroughly. And he got a good -- a very
(16) good impression about what we're trying to do with these
(17) cabins, and I feel very positive about getting the help to
(18) stabilize these cabins down the road. He also came up with
(19) an idea of how to clean them. We did a little bit of
(20) cleanup at Bellridge, but also he came up with some
(21) recommendations on stabilization needs for Bellridge.

(22) Again, the field trip that we had this weekend,
(23) one of the things was to kind of feature other cabins. And
(24) we visited the post office that was stabilized by BLM
(25) people, and the Bickle Camp and the Burro Schmidt. And we

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- (1) got an idea of what the problems are there and what we need
(2) to do as we move forward through the survey.
(3) MR. RON KEMPER: Any other TRT reports? We did
(4) have a TRT -- Gail, come forward.
(5) MS. GAIL ACHESON: Gail Acheson, Palm Springs.
(6) I don't have much of a report, but I just did
(7) want to let you know that the TRT for the Mecca Copia Hills
(8) Special Management Area has not met yet. We've been trying
(9) to get our TRT members together, and we were going to take
(10) a field trip.
(11) So all we've done so far is have an internal
(12) staff meeting to try to get the folks together. We've
(13) contacted some of the members and said that we'll probably
(14) wait for a field trip until the fall. I hope you can all
(15) appreciate that. It's about 117 this week. We will be
(16) moving forward more towards the fall.
(17) MR. RON KEMPER: Thank you, Gail.
(18) In regards to the TRT on the sale of the BLM
(19) lands, it's probably, from a expeditious point of view and
(20) everybody's best interest not to try to reinvent the wheel.
(21) We had invited Southern Nevada to give us a presentation.
(22) They were supposed to be here today but, unfortunately,
(23) they were unable to make it. Hopefully they'll be able to
(24) make it to our next meeting or a TRT meeting before then,
(25) and we'll be more prepared to give you a report at that

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- (1) time.
(2) The next part of the agenda -- I think what
(3) we'll do is -- we can do one of two things. We can take
(4) public comment, or we can do action items, whatever is the
(5) preference of the council. I have been suggested that we
(6) take public comment.
(7) Sam Merk.
(8) MS. SAM MERK: Sam Merk, NPL News.
(9) Basically I just wanted -- oh, by the way, the
(10) Web site is up from what I understand. The Web site was
(11) given to me this morning by Craig Beck. But, anyway, it is
(12) up. I don't know how well it works yet. I haven't gotten
(13) home yet.
(14) One of the things I wanted to say is that I've
(15) been involved with the BLM for a very, very long time, and
(16) one of the things that is very -- that concerns me is that
(17) BLM seems to have lost the focus of the CDCA.
(18) When the first memos came out in '92 when it
(19) bioregionalized things and it was supposed to be better and
(20) greater for everybody, well, it's not, because what it's
(21) done to the public is made layers and layers of
(22) bureaucracy.
(23) The Inyo County supervisor -- I mean, they've
(24) got two bioregions up in their area, which makes no sense.
(25) They have to go through the field managers. And the person

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- (1) on top of it, the CDCA person, really knows less about it
(2) because he's just coming in. It's not his fault. But it
(3) does make it a very trying experience.
(4) And I've noticed that myself, even though I've
(5) been involved with the public for a long time and the BLM
(6) for a very long time, I am continuously being dropped from
(7) the notifications of all the actions that are going on in
(8) the Desert.
(9) So do I get in touch with the BLM Ridgecrest
(10) office? Do I get in touch with the Barstow office? Do I
(11) get in touch with CDCA? I don't know what the answer is to
(12) a lot of this. But I do know that without public response,
(13) good decisions are not made. And the only way to make good
(14) decisions is for the public to be notified. It's very
(15) difficult for the public to make a conscious decision and
(16) try to be involved with the bureaucracy that seems to be
(17) changing with no focal point anymore.
(18) I don't know how to solve this problem, but if
(19) people are interested -- making any decision in Barstow
(20) should basically be the same as the decision in Ridgecrest.
(21) But, as far as we know, in the A25 circular, which you guys
(22) just talked about, a person in Ridgecrest can make a
(23) different decision than a person in Barstow. So a person
(24) coming from the public doesn't know what to expect anymore.
(25) When Congress set up the CDCA, they had a viable

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- (1) interest, and they wanted to manage the whole area as a
(2) whole. But what we've heard today is that we're going to
(3) have biological islands. And I really think that it's time
(4) to look at the CDCA in general and take a look at that and
(5) start managing it. It's too bad that the director wasn't
(6) here today. I would have had some points I really would
(7) have liked to talked to him about.
(8) But there again I do think that federal register
(9) notices need to be put into the federal register, not just
(10) calling a meeting and then -- and not even having a
(11) stenographer there. And to me that was -- especially in
(12) the name of environmental concerns and safety for the
(13) people. If they're really truly concerned about the safety
(14) of the people, they need to do their homework. They need
(15) to do it the right way. So we don't have lawsuits come up
(16) about this in the future.
(17) Thank you very much for your time.
(18) MR. RON KEMPER: Thank you, Sam.
(19) Yes, sir. Please come forward. You had your
(20) hand up, didn't you?
(21) MR. STAN HAY: Stan Hay.
(22) And I'll speak first with my Ridgecrest Field
(23) Office Hearing Committee hat, and there's at least two
(24) other members of the Hearing Committee here. We have had
(25) quite a bit of discussion on this cost recovery issue, and

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(1) I would request that this draft be circulated to the
(2) members of the Ridgecrest Field Office Hearing Committee so
(3) that we can comment on it. Our concerns -- I must
(4) compliment Ron first for keeping us well informed on this
(5) issue. He has been reporting on it, and we appreciate
(6) that.

(7) But our main comment right now is that we need
(8) to know what is a commercial event and what isn't a
(9) commercial event. Speaking for the Sierra Club, we want to
(10) make sure that if we put a notice in our newsletter that
(11) we're going to have a hike that is not considered a
(12) commercial event. We are not doing any paid advertising;
(13) we are not making any money. We may charge people -- or
(14) ask people for a donation to cover expenses, but that's it.

(15) And also we have events such as the
(16) Over-the-Hill Track Club, which is a charity event. We
(17) have equestrian events and charity events that do little
(18) paid advertising. We want to make sure that those are not
(19) considered commercial events.

(20) And I really don't care what Las Vegas is doing
(21) as far as this issue is concerned. I want a policy that
(22) suits Ridgecrest and the California Desert. And I simply
(23) don't care about Las Vegas.

(24) I did want to comment also that Ridgecrest
(25) Resource Area Field Office is doing a really good job

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(1) providing recreation opportunities for off-roadway
(2) vehicles. They are doing this by maintaining some
(3) trails -- the main ones. And that encourages the use on
(4) some trails and discourages use on the rougher ones. So I
(5) think this is a good policy, and I thank Ridgecrest for
(6) doing this. I think concentrating the use is a good idea.
(7) That doesn't mean they close other trails, but they at
(8) least concentrate the use.

(9) And then speaking with my Sierra Club hat, I
(10) just want to comment that Congress has designated
(11) wilderness areas -- BLM didn't have anything to do with it.
(12) If Congress closed what looks like a good road or a good
(13) trail then it's closed, and I think that closure should be
(14) enforced. If there's no sign, that's tough. It's up to
(15) the user to know where they are.

(16) It's just like the idea of an officer gives you
(17) a ticket for doing 45 in a 25-mile zone and you say, "Well,
(18) I didn't see that sign," good luck. You're still going to
(19) get a ticket. So if there's use on what appears to be good
(20) roads and wilderness, regardless of whether there is a sign
(21) or not, the person should at least get a warning and maybe
(22) a citation.

(23) Thank you.

(24) MR. RON KEMPER: Any more comments?
(25) Marie.

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(1) MS. MARIE BRASHEAR: A number of years ago a
(2) former state director, Ed Hasty, told me that there is a
(3) rule in the books that will pretty much allow BLM to make
(4) any decision it wishes to make; therefore, compiling all of
(5) these various options that resource area managers can
(6) utilize to make any decision they wish to make seems to me
(7) to be encouraging decisions that may not -- and not
(8) providing the public with some comment period, even though
(9) it doesn't matter because the rule is still in the book --
(10) seems to me to be creating a situation that I have seen
(11) happen in Nevada.

(12) If we're going to use Nevada as a really good
(13) example, there's an event that happens in Nevada which
(14) isn't my kind of an event, but is an event that generates
(15) tons of money for a small BLM office for two weeks' work.
(16) It's called Burning Man. It's in the Black Rock Desert.
(17) It started some years ago by a bunch of yuppies from the
(18) Bay Area who got tossed out by the locals from the Saline
(19) Valley. They were told that their activities up there were
(20) not what we envisioned might should happen in Southern
(21) California. So they went to this isolated place, and BLM
(22) had to provide some management.

(23) Over the years -- because I am on their mailing
(24) list -- over the years with new added opportunities to
(25) increase the fees -- I think this year they're being

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(1) charged for their 10,000 people that show up for their two
(2) weeks -- a little over a quarter of a million dollars.
(3) Many of their activities are not commercial. They do
(4) charge a fee to cover whatever expenses they need for
(5) environmental impact statements that are now required. You
(6) name it, they pony up the money. But because they have to
(7) charge to pony up this money, they are a commercial event.
(8) I would hate to see something like that happen in our
(9) California desert. That's Point No. 1.

(10) Point No 2: Sam Merk makes a really good point.
(11) Congress, when it passed the Federal Land Policy &
(12) Management Act, said the California desert is a really
(13) special place here, and it should be managed as a unit.
(14) Those people who developed the original California Desert
(15) Plan, they had the benefit of input from all of the various
(16) sandbags and you name it. They knew what the projected
(17) growth was for the next 30 years.

(18) They created, despite what you might hear in the
(19) LA Times -- or read in the LA Times -- they created energy
(20) corridors and designated energy corridors. This is not a
(21) new concept as they would have you believe. All of this
(22) was then blessed by an administration that had nothing to
(23) do with developing it.

(24) In those days, on one or two occasions, the
(25) Secretary of the Interior actually came to a California

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(1) Desert Conservation Area Meeting because it meant
(2) something. It wasn't until the Bureau of Land Management
(3) came up with their new concept, and they tried to force the
(4) California desert into their new concept -- into their
(5) little boxes because they wanted to do resource area
(6) management. And the rest of the land they administer they
(7) then broke up and began planning, giving the authority to
(8) Hector and Roxy and so on. And so we no longer have a
(9) cohesive California Desert Plan. We have a series of
(10) smaller pieces that don't always even merge or mesh.

(11) And so I would ask that maybe this Board look at
(12) and recommend maybe to the current director of BLM and the
(13) new Secretary of the Interior that we go back to the old
(14) concept. Yes, we can have resource area managers, but
(15) they're answerable to the director of the California Desert
(16) Conservation Area. And that, maybe, the director of the
(17) California Conservation Area might -- that manager might
(18) have a tiny less amount of authority than, maybe, the state
(19) director. But they should be almost equals.

(20) And so I guess those are issues and thoughts
(21) that I would like you to consider for the future.

(22) Thank you.

(23) MR. RON KEMPER: Thank you, Marie.

(24) MR. JOHN STEWART: John Stewart, California
(25) Association of Four-Wheel Drive Clubs.

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(1) I'd like to point out one thing that we seem to
(2) overlook at times is if you look on the I15 corridor east
(3) you find Las Vegas, which is one of the fastest growing
(4) population metropolitan areas in the nations. If you look
(5) westward on the same corridor you find the Riverside,
(6) San Bernardino, Los Angeles population segment.

(7) And with this vast faction of the desert sitting
(8) in between, you have smaller communities that are starting
(9) to pop up. Apple Valley is experiencing tremendous
(10) population growth, as is Victorville, Barstow, and even
(11) here in Ridgecrest. We're seeing more and more houses
(12) become built. Along with these houses, come people. Along
(13) with these people, come a desire to get outdoors and
(14) participate in recreations on the public lands.

(15) One of the things I'd hope that the BLM and the
(16) Commission for the District Advisory Council keep in mind
(17) as we move forward in the future is that we need to look to
(18) the future in order to plan for the future. We need to
(19) plan to provide recreational opportunities when they are
(20) being desired. We need to plan in order to make sure that
(21) those recreational opportunities can coexist with existing
(22) habitat. Yes, there will be some give and take. We need
(23) to look at mitigation and mitigation efforts. We need to
(24) work to create new solutions for recreation mitigation.

(25) With our growing population and the growing

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(1) demands, it's going to be a challenge. We need to create
(2) new solutions.

(3) Thank you.

(4) MR. RON KEMPER: Any more comments from the
(5) public?

(6) Seeing none, we'll move into the action item
(7) portion of the meeting.

(8) Anybody that has a motion they'd like to make at
(9) this time, please do.

(10) Jon McQuiston.

(11) MR. JON McQUISTON: Thank you, Mr. Chair. I'd
(12) like to read a motion.

(13) "The Desert Advisory Council recommends BLM and
(14) other related agencies develop a means for
(15) correlation of old study plot data and current
(16) line-distance sampling techniques so the long-term
(17) population determinations might be made regarding the
(18) desert tortoise.

(19) "We further recommend other such habitat and
(20) population monitoring take place so that actions such
(21) as livestock removal, highway fencing, removal of OHV
(22) use, and other such actions may be evaluated.

(23) MR. RON KEMPER: I have a motion. Do I have a
(24) second?

(25) MR. RON SCHILLER: I second it.

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(1) MR. RON KEMPER: Any discussion?

(2) Seeing none, all in favor say "Aye."

(3) DESERT ADVISORY COUNCIL: Aye.

(4) MR. RON KEMPER: Any opposed? Any abstentions?

(5) Motion carries unanimously.

(6) Any other action items?

(7) MR. ROY DENNER: We talked about forming a
(8) TRT --

(9) MR. RON KEMPER: And I'm going to do that. But
(10) I don't know that that takes a motion from the -- it is an
(11) action.

(12) I have down here there was something about a
(13) letter -- you wanted the Chair to sign a letter for -- what
(14) was that in regards to?

(15) MR. JON McQUISTON: I will defer to Dr. Scott,
(16) but the letter to California Fish & Game and to the
(17) Resources Secretary dealing with a study being done, I
(18) believe, by UC Davis. And I didn't write the title of it
(19) down, but it sounded like some sort of wildlife management
(20) document --

(21) DR. TOM SCOTT: Wildlife Action Plan.

(22) MR. JON McQUISTON: -- that we send a letter as
(23) noted basically requesting that the public participation,
(24) the participation by local governments, special districts,
(25) et cetera, be widened. It seems like this is a fairly

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- (1) significant effort with fairly limited participation and
(2) notice.
- (3) MR. RON KEMPER: Can I ask a question, Jon? In
(4) regards to your motion, the council is here primarily to
(5) give direction or advise to the district manager and the
(6) secretary. Can we direct the question to the district
(7) manager to --
- (8) MR. JON McQUISTON: We can recommend or request
(9) that the district manager send such a letter. And in so
(10) far as this is not a policy issue, I myself do not think it
(11) will be inappropriate if the Chair, with the authorization
(12) of the council, were to write a letter on its own saying,
(13) "We'd like to be included in the discussion. We'd like for
(14) you, perhaps, to come and brief us at our next meeting."
(15) That's not a policy; that's a request to be a participant.
(16) So either one or both, I think would be --
- (17) MR. RON KEMPER: I just wanted a clarification.
(18) Go ahead and make your motion and I'll ask for a second.
- (19) MR. JON McQUISTON: My motion would be that we
(20) recommend the district director write a letter to
(21) California Fish & Game asking for wider public comment
(22) review, also requesting that the Desert Advisory Council be
(23) provided the relevant information with respect to this
(24) document.
(25) My motion would also, unless somebody from BLM

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- (1) here says it would be inappropriate, that you as chairman
(2) also sign a letter requesting that, perhaps, they come and
(3) be on our agenda at some future date.
- (4) MR. RON KEMPER: I have a motion. Do I have a
(5) second?
- (6) I have a second from Tom Scott.
(7) Any discussion?
- (8) MR. PAUL SMITH: I think that both of those
(9) correspondences should be made to the director with the
(10) request that he forward our request -- or deal with our
(11) request.
- (12) MR. JON McQUISTON: As long as they get it.
- (13) MR. PAUL SMITH: I'm all for it.
- (14) MR. JON McQUISTON: Whether he signs it out or
(15) the director signs it out as a request from us.
- (16) MR. PAUL SMITH: I think it would be
(17) inappropriate for us to have a direct correspondence to
(18) the Department of Fish & Game.
- (19) MR. RON KEMPER: But you don't have any problem
(20) with me signing the letter to the director.
- (21) MR. PAUL SMITH: None at all. I think that's a
(22) great idea.
- (23) MR. RON KEMPER: Any other discussion?
(24) Seeing none, I'll call for the question, "All in
(25) favor signify by saying 'Aye'."

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- (1) DESERT ADVISORY COUNCIL: Aye.
(2) MR. RON KEMPER: Any opposed? Any abstentions?
(3) Motion carries unanimously.
(4) Now, I don't think we have any other action
(5) items that need to be taken care of by motion.
- (6) MR. HECTOR VILLALOBOS: This is probably
(7) inappropriate, but I would like to recognize Doran Sanchez
(8) for the help that he's provided DAC all these years. I
(9) don't know if he's told everyone, but he's leaving for
(10) another position, and I think it would be appropriate to
(11) recognize that.
- (12) MR. RON KEMPER: We actually have a presentation
(13) for Doran later.
(14) We had a TRT -- and refresh me what the
(15) TRT -- it was going to be about wildlife and the --
- (16) MR. JON McQUISTON: It was going to deal with
(17) the route designation in the Rand, as well as the other --
(18) I'll defer to Hector, but we also have the --
- (19) MR. RON KEMPER: It was recreational
(20) opportunities within your district and Hector's.
- (21) MR. JON McQUISTON: Specifically route
(22) designation within the Kern County portion of the
(23) Ridgecrest field office.
- (24) MR. ROY DENNER: It had to do with administrative
(25) closures that took place prior to approval of WEMO on areas

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- (1) that now are eligible to be reopened if certain actions are
(2) taken, like an education program and a permitting system.
- (3) MR. JON McQUISTON: That is correct. With
(4) respect to the Rands, it would look at a specific
(5) educational component with respect to an area such as the
(6) south of Ridgecrest. I think it would be broader right now
(7) than a basic route designation process that has not
(8) occurred within some areas of the WEMO, and we wanted to
(9) use this TRT for both of those.
- (10) MR. RON KEMPER: And I believe that that motion
(11) has already been made, it's already been seconded, it's
(12) already been voted on. So we're just looking for three to
(13) five people on the DAC to serve on the TRT.
- (14) Working from right to left, Ron Schiller do you
(15) have an interest?
- (16) MR. RON SCHILLER: I'm already on five TRTs.
(17) MR. RON KEMPER: What's one more?
(18) MR. RON SCHILLER: Yes, I'm interested. I'm
(19) already on a number of TRTs. But we also might remember
(20) that there is a local group here, the Ridgecrest Steering
(21) Committee, which is a diverse group that should be part of
(22) this process, as well.
- (23) MR. RON KEMPER: And you guys, as TRT members, I
(24) would expect you to pull in all the outside resources that
(25) you need and then report back to the DAC.

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(1) Jon McQuiston, would you chair that TRT?
(2) MR. JON McQUISTON: I would be happy to because
(3) there's going to be a certain interface between that TRT
(4) and Kern County, and I'd like very much to be on it.
(5) MR. RON KEMPER: Going on my left, Paul, is that
(6) something that you have an interest in?
(7) MR. PAUL SMITH: I think I'm too far away.
(8) Tom, I think they can use somebody with your
(9) expertise.
(10) DR. TOM SCOTT: Agreed.
(11) MR. RON KEMPER: And then Carol or Dave, do you
(12) guys have an interest? No? Okay.
(13) So that ends up with -- one, two -- three? Is
(14) that right? That makes it a good tight group, and then you
(15) guys can pull in whatever resources you need.
(16) MR. JON McQUISTON: I think Hector would
(17) probably be on it by default.
(18) MR. RON KEMPER: Yes, absolutely.
(19) Any other suggestions regarding that TRT?
(20) So that will be it. And, Jon, you'll chair that
(21) and, as you always do, you'll get it well organized, I
(22) know.
(23) The next item on the agenda is to select our
(24) next meeting date and have topics -- location and topics.
(25) There was some talk last time of doing the meeting in Palm

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(1) Springs, and I know that we're to have the -- once again
(2) the sale of BLM lands as being one of the topics.
(3) Any other suggestions?
(4) MR. PAUL SMITH: I have two suggestions: One
(5) that we look for a presentation by the BLM on the
(6) development of the Scenic Highway Program. And the second
(7) that we have a presentation on RS2477.
(8) MR. RON KEMPER: And that may be enough for that
(9) meeting.
(10) I think we've kind of set what's going to be on
(11) the agenda and where it's going to be at.
(12) Lets talk about a date.
(13) MS. GAIL ACHESON. I would like to suggest that
(14) we maybe move it into October because of the heat because
(15) we'd really like to do a nice field trip for you out to
(16) Dos Palmas and some other places. But for a field trip, it
(17) would be much better to do it in October rather than
(18) September. It still tends to be very hot in Palm Springs,
(19) if that would be all right with the council.
(20) MR. RON KEMPER: Is October 27-28 okay with
(21) everybody? Well, we should have one more meeting before
(22) the end of year. So probably early October would work a
(23) little better.
(24) How about the 13th and 14th? Is that good with
(25) everybody?

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(1) October 13th and 14th.
(2) MS. GAIL ACHESON: We look forward to seeing you
(3) in Palm Springs.
(4) MR. RON KEMPER: Off the record.
(5)
(6) (Whereupon, at 4:01 p.m., the proceedings
(7) were concluded.)
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(1) STATE OF CALIFORNIA)
(2)) ss.
(3) COUNTY OF KERN)
(4) I, Shelly McEachran, a Certified Shorthand
(5) Reporter in the State of California, holding Certificate
(6) No. 12044, do hereby certify that I was present and
(7) reported in stenotype all the proceedings in the
(8) foregoing-entitled matter; and I further certify that the
(9) foregoing is a full, true and correct statement of such
(10) proceedings and a full, true and correct transcript of my
(11) stenotype notes thereof.
(12)
(13)
(14)
(15)
(16) Dated this 10th day of August, 2006, at
(17) Bakersfield, California.
(18)
(19)
(20) _____
(21) Shelly McEachran, CSR No. 12044
(22)
(23)
(24)
(25)