

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALI FORNIA DESERT DI STRICT ADVI SORY COUNCI L

REPORTER' S TRANSCRI PT OF PROCEEDI NGS

LOCATION: RAMADA INN
East Main Street
Barstow, CA

DATE AND TIME: Friday, April 1, 2005
8 a.m. to 4:47 p.m.

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

JOB NO. : 64231JG

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MEMBERS PRESENT:

- ROY DENNER
- CAROLE ANNE WILEY
- RON KEMPER (CHAIRPERSON)
- PRESTON ARROW-WEED
- JON McQUISTON
- RON SCHILLER
- PAUL SMITH
- BILL BETTERLEY
- JIM BUGERA
- DAVE CHARLTON
- HOWARD BROWN

STAFF PRESENT:

- LINDA HANSEN, DISTRICT MANAGER
- GEORGE MECKFESSELL
- HECTOR VILLALOBOS
- LARRY LA PRE
- DORAN SANCHEZ
- HAROLD JOHNSON
- BRAD MASTIN
- ROXIE TROST
- GAIL ACHESON

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I N D E X

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AGENDA ITEM:

- WELCOME (KEMPER)
- PLEDGE OF ALLEGIANCE

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1 Barstow, California Friday, April 1, 2005

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

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8 CHAIRMAN KEMPER: I will call the meeting
9 to order. I would like to welcome everybody. And I
10 will ask Bill Betterley to -- is he here? I will ask
11 Mr. Betterley to lead us in the pledge of allegiance.

12 (Pledge of allegiance.)

13 Has everybody had an opportunity to review
14 the agenda? I am going to assume that's a yes. Any
15 comments regarding the agenda? Any changes anybody
16 wants? Okay. The next item, I would like a motion to
17 approve the January 8 meeting transcripts or amend the
18 same.

19 MEMBER BETTERLEY: I will make the
20 motion to approve it.

21 MEMBER MC QUISTON: Second.

22 MEMBER BETTERLEY: Bill Presch is not
23 here.

24 CHAIRMAN KEMPER: He will be here
25 tomorrow.

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1 MEMBER BETTERLEY: There is a
2 correction, I believe, on page 4 of the minutes.
3 Exactly page 14, but page 4 of the minutes where Bill
4 says, "So the fish are here, but we think the major
5 problem with the effort was the temperature. The
6 temperature of the water was only 9 degrees." And
7 that has to be an error. The water can't be 9
8 degrees. It would have to be ice.

9 CHAIRMAN KEMPER: A bunch of cold fish.
10 You want to hold off on that portion of it?

11 MEMBER BETTERLEY: I would move the
12 whole thing.

13 MEMBER BROWN: I have also noticed a
14 couple of mistakes.

15 CHAIRMAN KEMPER: Howard.

16 MEMBER BROWN: On the same page 4, but
17 it would be page 16 of the transcript. Line 5, Omya
18 is misspelled, O-m-y-a. And on line 10, the "dust
19 field" mineral should be "industrial mineral." Those
20 are just typographical errors. If somebody could make
21 a note, I think we would be corrected.

22 CHAIRMAN KEMPER: Anybody else? I have
23 a motion to approve the minutes with the changes as
24 described.

25 MEMBER BETTERLEY: Corrections.

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1 CHAIRMAN KEMPER: Corrections as
2 described. All in favor, signify by saying aye. Aye.
3 Any opposed? Motion carries unanimously.

4 The manager has brought to my attention we
5 need to figure out whether or not we have a quorum.
6 My understanding is it's a majority of whoever is here
7 as long as we have one public official. Am I correct?

8 MEMBER MC QUISTON: That is correct.

9 CHAIRMAN KEMPER: So I think we are
10 okay. I will start off with Council Member reports,
Page 5

11 and I will start off with Roy Denner.

12 MEMBER DENNER: Most of the items of
13 interest to recreation that I would report on are
14 going to be subjects of a report today. For example,
15 West Mojave Plan and the ROD on the Ramp for the
16 Imperial Sand Dunes and that sort of thing. So I
17 really don't have any comments in addition to that,
18 but I will probably have a few when we talk about
19 those subjects.

20 CHAIRMAN KEMPER: Bill Betterley. Be
21 sure to introduce yourselves.

22 MEMBER BETTERLEY: My name is William
23 Betterley. I'm a member at large. And it's spelled
24 l-e-y. I have no report at this time. I have some
25 comments concerning the agenda.

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1 MEMBER BROWN: Howard Brown,
2 representing nonrenewable resources. Up until
3 yesterday, I really didn't have anything to say. But
4 yesterday I received my latest edition of Pay Dirt,
5 and it has the results of what they call the Frasier
6 Institute Survey of Mining Companies. And they look
7 at different areas in the world and different states
8 and determine their attractiveness for mineral
9 exploration based on government policies, regulatory
10 environment, political stability and mineral
11 endowment.

12 And basically, what they found is

13 attractive geologies does not guarantee mining
14 investment if the region's policies are bad. So
15 California, as it turns out in this survey, basically
16 came in dead last in the world due to regulatory
17 policies. And Zimbabwe and Venezuela and other third
18 world countries are much more attractive than
19 California because of the regulatory environment. So
20 that's I think something not to be proud of. But
21 California has been moving lower and lower on the list
22 each year, and so finally they have hit the bottom.
23 And I think maybe that's what people want, but I think
24 ultimately society will pay for that direction.

25 The other thing I wanted to mention is in

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1 the Surprise Canyon DEIS, that I would like to thank
2 Dick Crowell for providing that and the kind of
3 guidelines that he provided to look for when you are
4 reading the thing. And I think that's on the agenda,
5 so I think it will get talked about more.

6 But one thing that really struck me in
7 reading it was the section on biological scum. And I
8 thought the writers were really reaching to new
9 depths. And I think we really do need to get rid of
10 biological scum, and we can take it any way you want.
11 That's my report.

12 CHAIRMAN KEMPER: Howard. Or I'm sorry,
13 Jon.

14 MEMBER MC QUISTON: I'm Jon McQuiston,
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15 and I represent one of the two elected officials on
16 the Council. I'm the First District Supervisor of
17 Kern County, which lies within the West Mojave
18 planning area.

19 I have just one brief comment, and that's
20 to express my appreciation to the Council for the
21 letter of support at our last meeting. I asked for a
22 letter of support to the Desert Managers Group to
23 allow local government to be participants in the
24 Desert Managers Group, and the Council approved that.

25 And I want to also thank BLM and their

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1 support of that request. I went to -- I don't
2 remember it now. Down near the Salton Springs --
3 Borrego Springs, to the meeting there and spoke to the
4 group. And subsequent to that, they did approve the
5 request in allowing for local government to
6 participate on the Desert Managers Group, which Kern
7 County has already followed through with. Supervisor
8 Don Mayben, Second District Supervisor for Kern
9 County, will be the Kern County participant to that
10 group. So just a word of thanks and appreciation for
11 your support.

12 MEMBER CHARLTON: Dave Charlton,
13 renewable resources, and I represent the interest of
14 California Native Plant Society.

15 We went to a meeting, a segueway meeting
16 since the last time, talking about how we were going

17 to handle conservation efforts in the future. And
18 they were even talking about changing the name and
19 becoming more oriented towards habitat. The problem
20 is the word "habitat" is confusing because it brings
21 in a lot of other things.

22 There is a lot of attacks on the
23 organization and interest in plants despite the
24 wonderful wild flower year, and all of us are out
25 looking at wild flowers right now.

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1 Schools teach fewer and fewer of these
2 field classes where people learn to identify plants.
3 And so there are fewer young people involved in that
4 effort as time goes by.

5 And other problems are cropping up all the
6 time. Lawsuits that are now being started by project
7 proponents against botanists for stating facts as they
8 see them. And the most recent thing -- I don't know
9 the specifics of it -- is sort of the BLM itself. And
10 I would like clarification on that maybe later on. I
11 understand that they are setting up some rules for
12 organized and advertised field trips, and that's got a
13 lot of people pretty upset. And so it's all I have to
14 say right now.

15 CHAIRMAN KEMPER: Paul.

16 MEMBER SMITH: Paul Smith,
17 representative at large.

18 I just have one item to put on the report,
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19 and namely, that's the very favorable efforts done by
20 the BLM to deal with ORV problems in the Morongo Basin
21 and the surrounding environs there. Linda Hansen
22 appeared at a major conference sponsored by ORV watch
23 groups. And while she may be disappointed at some of
24 the reception she got there, it was a very favorable
25 thing that BLM actually made its presence known and

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1 was there to receive comments and input them into
2 their planning process.

3 Roxie Trost, head of the Barstow office,
4 which has jurisdiction over that area, and Russell
5 Scofield working in that area, have been very
6 effective in putting together a brochure program to
7 having an innovative brochure for dealing with ORV
8 problems in the basin. It includes a map so that
9 people will be finally well-informed for desirable
10 places to use their ORV. And on the drawing board
11 will be some very effective signage to follow up on
12 that.

13 For the first time in the desert that I'm
14 aware of, there is a major cooperative effort,
15 spearheaded by an ORV watch group out there and BLM,
16 in cooperation with the San Bernardino sheriff and the
17 National Parks Service. So as we speak, people are
18 working on that brochure. And I expect by the summer
19 we will start to see something that will maybe head
20 out into the public. So that ends my report.

21 MEMBER WILEY: Carole Wiley. I
22 represent the environmental community.

23 And Paul just took care of my report. I
24 attended the same conference and thought it went quite
25 well for looking at solutions of private property

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1 trespass and noise and dust and such things. So we
2 had County Board of Supervisors -- did you mention
3 that? -- planning departments, and law enforcement
4 were part of the program. So they were looking for
5 some solutions. That's it.

6 CHAIRMAN KEMPER: Thank you, Carole.
7 Ron.

8 MEMBER SCHILLER: Ron Schiller. I
9 represent recreation.

10 And I would just like to follow up on some
11 of the earlier comments made regarding the OHV
12 problems. We are starting to see more and more
13 communities having these type of problems, and I think
14 a lot of them, at least in my area, are more in the
15 private areas around people's homes and such, which is
16 really not public land.

17 However, it really casts a bad light on the
18 whole activity and makes people with more of a
19 negative attitude of things that are going on beyond
20 the private land on the public land. I think this is
21 a perfect example of the need to recognize that as
22 many of the economic reports have stated, that this

23 activity is going to continue to grow. I went down to
24 the Honda shop there in Ridgecrest, and I was
25 surprised of how many quads and ATV's that they are

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1 selling. Virtually everybody is buying them. And in
2 recognition of that, we need to start looking at more
3 opportunities and opening areas for these people to
4 use.

5 Most of the folks that I know that use
6 these are not interested in a concentrated, high-use
7 area type of experience. Most of them want to explore
8 the back country, go out with their friends, hunt,
9 fish. Some use them to access other activities such
10 as rockhounding, so I think the bottom line is as we
11 develop these management plans, we need to consider
12 more funds for this use or we are going to just
13 continue to confine more and more people into less and
14 less area. And as a result, it's going to do nothing
15 but get worse. Thank you.

16 CHAIRMAN KEMPER: Thank you, Ron. Jim.

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

19 And I would like to say on the off-highway
20 vehicle issue, that I have worked for Caltrans for
21 many years, and we have done the reseeding of all the
22 roads that we have torn into the desert, like the
23 Mojave 58 bypass. And I have reseeded that. And it's
24 a very, very simple and inexpensive process. And if

25 we ever came together, or if I came together with the
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1 OHV after each riding season, it would be very simple
2 to punch seed back into the area that was used for
3 recreation. It's a procedure that would regrow
4 everything that had been destroyed, all of the trails,
5 and provide food for the tortoises and whatever. And
6 I'm going to try to work and see and make the contacts
7 required to do this with off-road associations. As I
8 said, in my experience with it, it would be very
9 simple.

10 Another thing I would like to bring up
11 would be the American Bird Conservancy. I have a
12 letter from them to Secretary of Agriculture. And I
13 read as much as I could of the West Mojave Plan. And
14 in it I noticed they are going to use for raven
15 management a poison called DRC 1339. And the letter
16 tells how it takes three days to kill a raven. The
17 raven -- they have not been able to capture all of
18 them, yet they said carcasses are removed quickly by
19 predators and scavengers. And poisoned birds have
20 been shown to contain measurable amounts, enough to
21 kill the predators that feed on them.

22 And I know out where I live is where -- in
23 California City they are really doing this now or
24 getting ready to. And we have dogs and we have other
25 animals and little kids and schools. And we don't

1 need this kind of poison in a bird that's flying
2 around. It says that the single kernel of rice
3 impregnated with this poison will kill a blackbird.
4 And if a blackbird decomposes, it will get into the
5 plants and anything that eats the plants will die.

6 So I think we should really look into this
7 poison. This is a documented fact that this poison --
8 they have asked that it not be used. And I don't
9 think we should rush to this raven management until we
10 establish whether or not we are going to cause more
11 problems for the other animals, the blunt-nosed
12 lizard, the Mojave ground squirrel, things like that.

13 Thank you.

14 CHAIRMAN KEMPER: Jim, are you
15 suggesting that maybe we have a report on the poison
16 from some specialist at a following meeting or
17 something?

18 MEMBER BUGERA: Well, as it stands I
19 wouldn't want to vote in or vote on the project with
20 what I am seeing. I have about 30 Web pages full of
21 this, and it's all negative on places that have used
22 this poison and getting into the groundwater. It's a
23 very potent poison, yet it takes three days to kill.
24 But a bird can fly a very long distance, and I don't
25 think -- secondhand smoke seems to be a real big

1 issue. How about a bird that can fly 15 miles in a
2 day full of poison? That's why I am bringing that up
3 for consideration.

4 CHAIRMAN KEMPER: I'm Ron Kemper. I'm
5 the chair and represent renewable resources and
6 grazing.

7 I would like to welcome everybody here
8 today. And I will keep my report short. I think all
9 of us that live in the desert are very happy to see a
10 wet year. Probably the wettest we have ever seen.
11 And we are all lucky enough to see plant life that we
12 have never seen before. And the variety of -- and
13 diversity of plant life has been amazing this year.
14 However, I would like to counsel and caution the
15 agency that without past grazing practices, we will
16 probably have our worst fire season in this late
17 summer and fall. And I would ask them to seriously
18 consider contacting sheep grazers and other grazers
19 that could possibly help harvest this renewable
20 resource and curtail the effects of fire that we are
21 going to have in our environment this year.

22 Linda Hansen.

23 I'm sorry. Preston.

24 MEMBER ARROW-WEED: Thank you, Ron
25 Kemper. I remember your name this time. I didn't

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1 last time.

2 Since coming through Imperial Sand Dunes --
3 I want to talk about that -- Imperial Sand Dunes this
4 past week, I noticed there were a few people -- some
5 people hanging on in there until the dust storm came
6 and just drove them all off. And I said that's a
7 blessing. There were so many out there in the
8 Imperial Sand Dunes, and then the wind picked up and
9 many of them left after that. I said great. Nobody
10 else is going to do it. It might as well be the Man
11 himself.

12 And also, the pollution it causes will go
13 directly to my reservation to the east of that place,
14 should they increase the number of people that go
15 there. Sometimes they can't keep track of them there
16 is so many and so much dust. You can smell gasoline,
17 exhaust when it blows over in that direction on the
18 reservation. I think nobody has realized and no
19 studies given to the tribes as to what happens. I
20 don't think they are aware of that. I don't have
21 anything that says how much dust, how much exhaust or
22 everything that goes over that area during the time
23 they are using that, and we are sitting right there.

24 And I believe it's something -- a study
25 should be done to show them what happens when there

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1 are 250,000, 200,000 people running around in the
2 desert and all that pollution goes into our area. My

3 tribe is not really aware of that, but I see it. And
4 should they be made aware of it, I'm sure you will
5 hear something from them.

6 There is a lot of asthma going around so --
7 on our reservation, so I believe that that could make
8 it worse, not to mention the water that's been
9 contaminated already. We know about that. Nothing is
10 being done at all.

11 Also, I see some of the reports on
12 development. My concern is you have so much
13 development but not enough water to go around. It's
14 already been allocated to so many people. The
15 Colorado River where I live at downstream is just a
16 stream, almost. And goes into Mexico. No water,
17 hardly, and whatever goes by there comes straight out
18 to California. And you are giving it to a lot of
19 people living out there, and you are going for more
20 development and more development.

21 And you are going to take so much water out
22 that pretty soon you are going to be looking at the
23 Native American water that we have in agreement with
24 the United States. Our water will also be in jeopardy
25 too. Even my tribe is not aware of what could happen

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1 to them should an emergency need arise.

2 I was also -- one time I was at a disaster
3 planning meeting in El Centro, and they were talking
4 about what would happen should a disaster strike. You

5 have the water, you have the air and everything
6 polluted. You have to stay -- you have to be careful
7 for two or three days a week or so. I said if I was
8 the enemy, I would strike on the day that everybody is
9 out on the desert, 250,000. I told my people we are
10 going to have to worry because you are going to have
11 200,000 people looking for water and food and they are
12 going to run into our reservation.

13 I told El Centro, should that happen,
14 because we are all talking about disaster, if that
15 disaster plan hits with 250,000, I would blow up that
16 dam out there to get them where I need them. I don't
17 think we are aware of our security, and it's very
18 dangerous to be doing that. And I talked to the
19 people there, but I don't think they understood what I
20 was talking about, the danger I see. So to have so
21 many people there and all that pollution and the water
22 and your plans to get all you can, I think it's very
23 dangerous. I don't know if you should reevaluate it
24 again.

25 Everybody wants to have homes, but be

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1 careful. You are going into something that you can't
2 control once it gets out of hand. Everybody can get
3 what they want, but yet it can turn against you. Just
4 like that wind that came up that turned against
5 everyone. That's nature. It's something you can't
6 fight, should it turn against you. As mortal man, you

7 can do that, but when it turns around you, that's
8 going to be hard.

9 The disaster plan, they really don't have a
10 disaster plan in Imperial. They talk about it. I
11 went to visit them, and I said, "What are you going to
12 do about the people in Bard? They will have to go to
13 the reservation. We have to help them." We are alone
14 out there and the only one that can help us is the
15 military. We are going to work with them, and we are
16 writing another disaster plan. And I think our
17 biggest enemy to me would probably be 250,000 people
18 there. We get hit on that day. And we are going to
19 watch them, if they come in and try to get everything.

20 On the north end of the reservation, they
21 are coming into our reservation, sneaking in and out
22 in their vehicles. We haven't been able to stop them.
23 But they are getting closer. But that has to be
24 monitored, too, that you are on Federal Indian
25 Reservation. You can't be doing that.

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1 And I have tried to talk to the BLM in El
2 Centro. I have never gotten ahold of anyone. I give
3 them my name, but that's as far as it goes. But I
4 think they should come down and talk to my people. I
5 will tell them the dangers that exist on our
6 reservation. We should be protected too. The people
7 at Bard, it's not a reservation, but they are our
8 neighbors. So I think you better think about the

9 disaster plan, the water you are overusing, and it's
10 going dry. And the river, it's polluted. It's going
11 dry. And you want to build more. And I don't think
12 you are going to do it. You are going to destroy a
13 lot. You are just asking for it is what I am saying.
14 Just asking for it, and it will happen to you.

15 Already people are selling their land,
16 giving their water away, but they want more, they want
17 to build more. People from San Diego want to live
18 over there and travel over there, and there is no
19 place to live. The pollution is very high. The air
20 quality is very poor, and we are not doing nothing
21 about it. Nobody is paying attention to it.

22 That's all I got to say.

23 CHAIRMAN KEMPER: Thank you. Linda
24 Hansen, District Manager.

25 MS. HANSEN: Linda Hansen. And I'm the

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1 District Manager for the California Desert District
2 BLM. Good morning.

3 There has been a lot of activities since
4 the last time the Advisory Council met, so I'm going
5 to try to walk through some of the more important
6 milestones and issues I think you are aware of, but to
7 make sure you are up to speed as much as possible.

8 When we met in January, we had just had a
9 ruling out of Judge Illston's court regarding the
10 planning for the California Desert Conservation Area,

11 the NEMO and NECO plans, with a court-ordered closure
12 of the NECO washes, that they are called, within that
13 area, with the need to wait for a biological opinion
14 to be reviewed and released from the Fish and Wildlife
15 Service.

16 That biological opinion was released
17 yesterday to the agency. I have one copy here in
18 print. It's 203 pages and a lot of analysis and a lot
19 of information that's gone into that. It does address
20 the new required standards, which if you will recall,
21 it was either -- I don't know the last meeting last
22 year or whether it was the meeting in January that we
23 talked about the new standards for adverse
24 modification that the Fish and Wildlife Service were
25 going to review.

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1 This opinion does address those, which was
2 the basis for the need to go back to the court. So it
3 has been released. And effective today, the wash
4 closure has been lifted. The order was signed. And
5 you should see that or your constituents will see that
6 today in the news release. And also, I have a copy of
7 it here if anybody wants to look at it.

8 Also during the last few weeks since we met
9 last, the Imperial Sand Dunes -- we were in, of
10 course, an additional review period with the Court and
11 waiting for a biological opinion to be issued from the
12 Fish and Wildlife Service. That biological opinion

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13 was also issued recently. I think it was
14 February 22nd. I couldn't remember the exact date.
15 And with that it went back to the court and to the
16 plaintiffs in the case. The Judge Illston requested a
17 case management process be put in place, along with
18 that. That was developed.

19 And out of that case management process, we
20 have an order by the Court for the case management,
21 which allowed the agency to go ahead and sign its
22 Record of Decision. The Record of Decision for the
23 recreation area management plan for the dunes was
24 signed on March 24th. It is available online. You
25 can see it if you want to.

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1 The one portion of that that will
2 remain until this goes back through the Court again
3 are the administrative closure areas. So while the
4 Record of Decision that was signed would look at
5 implementing the adaptive management process and the
6 other actions that are in the plan, until such time as
7 this goes back through the Court with a review of the
8 biological opinion, with a review of the Ramp and its
9 application of that biological opinion, those
10 administrative closures will stay in place.

11 The judge has agreed to a case management
12 schedule which will allow him to hear all of those
13 prior to the first of October next year -- or this
14 year, I'm sorry -- which would be basically prior to

15 the opening of the season as we know it for the
16 Imperial Sand Dunes. So hopefully, we will have a
17 further disposition of the question of whether or not
18 the sand dunes will have an adaptive management area
19 open and available for use next year or not before the
20 first of October. So that's kind of where that sits
21 right now.

22 Yes, Preston.

23 MEMBER ARROW-WEED: The law enforcement
24 in that area, I don't think it's gotten any better.
25 As a matter of fact, I work with law enforcement for

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1 my reservation. I'm a Captain of Security, and I also
2 work with Imperial County sheriff's department. I
3 know I talked to one of the lieutenants there, and we
4 were talking about the sand dunes at a certain period.
5 And he said I went out there personally and wrote
6 about 118 citations in one day. And that's not
7 counting what the rest of them wrote.

8 But it doesn't matter. There is no law
9 there. You can bring all the law you want. The only
10 thing you can do to bring in law and order is probably
11 the National Guard, because they still violate the
12 law. They still fill up the hospitals in Imperial
13 Valley. I know they do. But a lot of that is never
14 really mentioned in the public, how many arrests were
15 made, how many times they used the emergency.

16 But law enforcement is a problem from what

17 I see. And they have to concentrate in that area,
18 taking away because when that happens, I really can't
19 call for backup when I'm in the reservation because of
20 that. Maybe once. But that happens a lot. And
21 again, of course, most of them are violating the laws
22 by not following the certain things you are supposed
23 to. By staying out here, they are still doing it. So
24 it's a lawlessness out there, and I think they should
25 obey the laws like everyone else. Thank you.

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1 MS. HANSEN: I would agree. We still
2 have some law enforcement issues out there and a
3 little bit later I will talk a little bit more about
4 some of the things we have done with law enforcement,
5 and maybe that will be helpful information.

6 Most of you know also that the West Mojave
7 Plan, the final EIS has been released -- finally. It
8 was today, actually, the Federal Register notice was
9 to be published, which begins the review period for
10 the final, with a closing time of May 2nd. If any of
11 you want a copy, haven't gotten a copy, there are hard
12 copies available on the table out here. It's also
13 available by the Web page. You can get a CD if you
14 would prefer that. It's a little bit more manageable
15 perhaps. I think this weighs about 13 and a half
16 pounds or something like that. And it's lots of good
17 bedtime reading because a lot of it will put you to
18 sleep.

19 However, you will have more information on
20 the West Mojave Plan. That is one of our agenda items
21 for this meeting. But I just want to say that I
22 think, given the complexity of the plan itself, what
23 it tries to deal with in terms of not only the public
24 interest but private interest and the need to be able
25 to coordinate our activities with counties, cities and

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1 others, this is a pretty phenomenal document. And I
2 think it's been put together fairly well. And I hope
3 you find in here information -- shaking your heads;
4 okay. Anyway, the agency feels that it's done a
5 pretty good job of addressing the issues that we met
6 out there.

7 I'm also pleased to announce to all of you
8 that we have selected a new field manager for the El
9 Centro field office. That's been a long time in
10 coming. I hope that you will agree that it's
11 important that we find the right people to match with
12 these field offices, their issues and needs. And I
13 think over the last couple of years we have been able
14 to do that with some of our new field managers, with
15 Gail and Roxie and with Larry Morgan moving into the
16 field offices.

17 And I believe the same will be true of
18 Vicki Wood. Vicki comes from the Winnemucca field
19 office in Nevada where she has been associate for a
20 couple years and also the acting field manager there.

21 They are organized slightly differently than
22 California. So when she was the field manager in
23 Winnemucca, she has a field area similar to what used
24 to be districts in Nevada.

25 She has had involvement with the Black Rock

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1 - High Rock National Conservation Area. That's also
2 the site for another big event annually with the
3 Burning Man Event. She has had opportunity to be
4 involved with that and see how those kinds of things
5 work. That is a fairly active state in terms of a
6 variety of development issues that they have, grazing,
7 minerals, wilderness development and other kinds of
8 things. So I think she comes from a good background
9 from that perspective. She is also very open to
10 working with public groups, and I think she is happy
11 to be coming. So we expect to see her about the
12 middle of May in El Centro.

13 I guess to just comment a little bit on a
14 couple of the things that the board has brought up,
15 which were basically on my list of things to talk
16 about anyway.

17 One, the ORV Watch meetings. The way that
18 invitation kind of came to the agency I think was a
19 little bit confusing to us. And in the beginning, we
20 weren't quite sure who was the right person to have
21 there. So if there was any -- I think there was a
22 perception on the part of the public that the agency

23 was not interested in engaging in discussions with
24 them, and that is not correct. I think what we tried
25 to do was to have the right people there to talk about

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1 the right issues and the right things that they were
2 concerned about.

3 And obviously, as recreation opportunities
4 or as people continue to buy recreational vehicles,
5 you know, whether they are motorcycles, ATV's,
6 whatever they might be, SUV's, people are taking them
7 out and they are wanting to use them to get out into
8 the country. And I think what we are seeing is just
9 an over -- not an over, but a very large increase in
10 the use of motorcycles and ATV's around communities
11 like Joshua Tree, like Morongo Valley outside the park
12 and so on.

13 I think we do have a real issue, but I also
14 believe that that's an issue that needs to be dealt
15 with in a very community-oriented, cooperative way
16 with local counties and sheriff's departments who have
17 authorities and responsibilities for dealing with the
18 private land issues where they interface with other
19 things. It's not that BLM doesn't want to be there
20 and doesn't want to be a good partner or work with the
21 county sheriffs or supervisor or others in terms of
22 dealing with zoning issues or law enforcement issues
23 or whatever they might be. But in all honesty, we are
24 stretched pretty thin.

1 Hesperia looked at one. Apple Valley.

2 MEMBER BETTERLEY: They are all looking
3 at them.

4 MS. HANSEN: Some of the cities are
5 unincorporated, and I think that's maybe where the
6 county sheriff needs to come in.

7 MEMBER BETTERLEY: The sheriff is also
8 the chief of police in those cities, so it's working
9 very well with them.

10 MS. HANSEN: I personally have had
11 conversations with some of the law enforcement
12 representatives for a couple of counties. We talked
13 about the need to have cooperative agreements back in
14 place. Years ago we had cooperative agreements.
15 Those kind of fell apart. There was a parting of the
16 way or a parting of philosophy, if you will, on what
17 federal agencies needed to be -- what part they needed
18 to play on private lands or in enforcement of state
19 and county laws versus what we do under our mandates
20 with the Federal Land Policy and Management Act, which
21 is where our enforcement comes from.

22 So I think there is a real desire on the
23 part of counties to look at those again so that we can
24 have a much better coordinated effort towards dealing
25 with some of those issues.

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1 Also, I guess just to talk about another
2 kind of partnership, we have gone quite a ways with
3 our partnership in the development of the United
4 Desert Gateways Communities Partnership. That
5 includes three chambers of commerce from El Centro,
6 Brawley and Yuma, who are the makers of the basic
7 group, along with the BLM and some other constituency
8 groups who help with that. They have done
9 presentations.

10 Recently, they did one at a national
11 recreation forum that we had, OHV forum in Ontario, a
12 leadership kind of forum. I think they have a very
13 good model to show on how communities work with things
14 like we need to deal with down in the Dunes.
15 Obviously, there is a great need for education. There
16 is a great need for better information about the way
17 to use and be in the Dunes. There is a need to have a
18 very strong and cooperative management there, not only
19 for the federal portions of that, but also for the
20 County of Imperial, other relationships that we need
21 to maintain with agencies like the Border Patrol and
22 maintaining a safe environment in the Dunes for the
23 people who do come to visit there, and we do get large
24 visitation.

25 During the time between October and April,

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2 Dunes, our visitation can go up to as much as 200,000
3 on a busy weekend. That's a lot of people and a lot
4 of people management, and we have done our best to
5 bring in the right mix of federal and local and state
6 agencies. And I know we do also work with the tribe
7 and their tribal police.

8 MEMBER ARROW-WEED: Him and I talk all
9 the time. I have been up to him, and I talked about
10 it. I have talked to the tribal police and the
11 sheriff's department. I know the sergeant there. I
12 know the lieutenant in the area up there in Brawley.
13 We talk about that. We have a law enforcement
14 committee meeting. I sit on that committee meeting
15 also. I'm a Captain of Security in that area. But
16 I'm responsible for other sites that come near the
17 sand dunes there, scattered sites in the western
18 Winterhaven.

19 But Winterhaven and Bard are forgotten
20 because El Centro politicians have a 60-mile buffer
21 zone. Of course, they have other pollution in El
22 Centro, but they have 60 miles down there are
23 forgotten people in Bard, and Bard never stands up and
24 says something, really.

25 CHAIRMAN KEMPER: We need to let her

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1 finish her report, and then if you have comments you
2 will be recognized.

3 MEMBER ARROW-WEED: Go ahead, then.

4 MS. HANSEN: I will try to make this a
5 little bit shorter.

6 I want the board to know that there are
7 those kinds of efforts ongoing. I don't think that it
8 escapes the notice of our agency that we have those
9 kinds of issues or problems, nor does it escape our
10 notice that even as we finish the plans for the
11 California Desert, that the increase of the demand for
12 the use of the desert is immense, and it's not going
13 to go down any time soon. And the way or however we
14 can come to the best way to work together to manage
15 those, I think it's just going to take us all. It's
16 not something that the BLM can do on its own.

17 So having said that, I will conclude my
18 report. Thank you, Mr. Chairman, for your patience.

19 CHAIRMAN KEMPER: Thank you, Linda. We
20 are running a little ahead of schedule, so do we have
21 any questions for the District Manager regarding her
22 report? And I will start with Preston.

23 MEMBER ARROW-WEED: The plan that you
24 have or disaster plan for Winterhaven, Bard or the law
25 enforcement, you know, we don't really -- we don't

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1 really have no support in our area on the reservation
2 when that comes about, when people, 200,000 people
3 come down there.

4 Also, I would like to know why Arizona is
5 involved in California when it comes to issues of sand

6 dunes. They are always involved in California. We
7 don't go into Arizona, tell them how to handle their
8 desert or have fun. Those guys protect themselves,
9 but they are talking in California. The Chamber of
10 Commerce, they are talking about bringing in -- they
11 don't mind bringing in a lot of people because they
12 make money in their own business, but I don't see how
13 they get involved in California when they are
14 Arizonians.

15 CHAIRMAN KEMPER: Are you done, Preston?

16 MEMBER ARROW-WEED: Yes.

17 CHAIRMAN KEMPER: Thank you. Roy?

18 MEMBER DENNER: Roy Denner, recreation
19 representative.

20 I wanted to comment on this United Gateway
21 effort, Linda. I think it's really unique and perhaps
22 a trend-setting effort. Several of us attended the
23 National Recreation Forum that Director Kathleen Clark
24 put on last year in Las Vegas. And the message she
25 gave to all of the recreation representative was that

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1 the BLM can no longer manage recreation areas the way
2 they have in the past and provide the resources to
3 keep those areas operating and functioning safely like
4 they have in the past without help from the public.
5 The budget isn't there and the resources are being cut
6 back across the board.

7 And in several areas, people have picked up

8 on that message and actually taken action. And I
9 think the United Desert Gateway things with the
10 Imperial Sand Dunes in probably one of the most
11 popular OHV areas in the universe has been very
12 effective. The American Sand Association, primarily,
13 took the ball with that. That's an OHV group, and
14 several other of our groups supported those folks in
15 their efforts. And they have now gotten the local
16 communities on board. They have gotten politicians to
17 support the effort. They have gotten your attention.
18 I know you have been instrumental in getting funding
19 to put this organization together, and it's
20 functioning really well.

21 They are doing a lot of things to
22 counteract the problems we have out there in the
23 Imperial Sand Dunes. They are doing surveys of the
24 public of what they want, need, and are willing to do
25 in terms of revising the way they use the area out

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1 there. And they are also doing an education program
2 to let people know what they should and shouldn't do,
3 and how they can do it, and the fact that if they
4 break the law, they are going to go to jail. All of
5 the OHV leaders that are represented out there,
6 believe it or not, support that concept. If you break
7 the law, you deserve to go to jail. We are victims of
8 the fact that we have a small number of people that
9 cause a large number of problems. And it's not

10 typical of all of the people that are OHV recreation
11 enthusiasts. It's atypical, for sure.

12 But the reason I wanted to comment is I
13 think we are seeing national attention. I was with a
14 group in Washington, D.C. several weeks ago where we
15 walked the walls of Congress and spoke to the
16 congressmen who have jurisdiction in the California
17 Desert District, not just the Imperial Sand Dunes.
18 But this is a trend that could be picked up in all
19 areas.

20 We are talking particularly about OHV, but
21 it applies to any form of recreation management. If
22 the public is willing to sit down at the table and
23 bring up factors that haven't been considered in the
24 area, like the gal who is the executive director for
25 the Brawley Chamber of Commerce never really had an

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1 appreciation for what OHV meant to them in terms of
2 economic impact. And she has in the last two years --
3 she has become really aware of it. And she is the one
4 that has gone around to the other communities and
5 saying this is important to our communities if we do
6 it right in a safe and law-abiding manner. This can
7 be a very good thing for our communities. It doesn't
8 necessarily have to be bad.

9 So they put together a brochure, as you
10 know, that points out the do's and don'ts and promotes
11 the impact on the economy. And I think it's really

12 going well, what is being done out there, and I want
13 to thank you personally on behalf of the OHV community
14 for helping us.

15 If anybody else has an area that they want
16 to put together a cooperative effort in the community,
17 I would be happy to discuss it with them and go
18 through the details of how we got it up to speed. We
19 have our congressmen who are responsible for that
20 district right now, Republican and Democrats, by the
21 way, working with us to help support and fund the
22 United Gateway Community effort. So that's a really
23 important move. It's kind of hidden in the shadows,
24 but we need to emphasize how important that is. And I
25 think the Council can have a big effect seeing

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1 something like that spread across the California
2 Desert District.

3 CHAIRMAN KEMPER: Thank you, Ron. Bill?
4 Howard? Jon? Dave?

5 MEMBER CHARLTON: I would like to
6 mention a local problem. The Barstow area has been
7 invaded this year by Sahara mustard, and the problem
8 is down in the south. And keying in with Roy's
9 comments earlier, it's a large plant. It's very open
10 and can carry fire very easily. The early rains this
11 year were excellent for bringing up weedy grasses and
12 mustards, and those are two plants that can really
13 carry fire. They are also going to dry out pretty

14 quickly.

15 The mustard around here is almost past seed
16 and dying now, and spring is really just about only in
17 the middle. I mean, I know in April 1st, it can be
18 really hot. And it's still very much like early March
19 weather right now. This is a really funny year.

20 CHAIRMAN KEMPER: Paul.

21 MEMBER SMITH: This would be addressed
22 to Linda and to Roxie Trost, who I see is out there.

23 This whole idea of seeing the BLM all of a
24 sudden actively involved with Gateway Communities to
25 our public areas is something that the Morongo Basin

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1 and the areas around Shoshone and Tecopa have been
2 doing with National Parks ever since the Sonoran
3 Institute brought a program to the area in I think
4 '99, maybe '98.

5 So I think my question is, I'm not sure I
6 understood all that was said, but I'm very enchanted
7 with the idea, if the BLM can see these sorts of joint
8 working on the Gateway concept expanding into other
9 areas of the desert like Ridgecrest, the Morongo Basin
10 and particularly around the West Mojave. There are
11 very different needs, but some are very similar. A
12 lot of them would involve the need for citizens'
13 participation in the management process itself, as Roy
14 pointed out, because there is not sufficient funding
15 for governmental agencies to do this now, and the

16 trend seems to be a reduction in that funding rather
17 than an increase.

18 So I don't know if this is an appropriate
19 time or not, but I can tell you there is a substantial
20 interest out there.

21 CHAIRMAN KEMPER: Thank you Paul.
22 Carole? Ron?

23 MEMBER SCHILLER: Yes, I would like to
24 comment. I agree with Linda. It is more of a
25 community problem, what we are talking about, in the

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1 residential areas and the unincorporated areas in the
2 county. But as those communities address that
3 problem, I believe Hesperia just severely restricted
4 the use of OHV's within the City limits there. And as
5 those restrictions become implemented, then it becomes
6 the BLM's problem because the use is shifted from
7 within the City to more outside.

8 MEMBER BETTERLEY: Really shifted from
9 Hesperia to Apple Valley.

10 MEMBER SCHILLER: Sooner or later it's
11 going to shift to BLM. And the BLM should be aware
12 and planning for that in opening more types of
13 activities.

14 I have an idea, although I haven't really
15 thought it through. A lot of the problems that we
16 have on the public land is by that -- those few people
17 who don't follow the rules, who do create problems for

18 the others. And I'm wondering if there has ever been
19 some kind of -- I wouldn't say law enforcement, but
20 some kind of a volunteer effort to interact with those
21 people or make reports. I know that in the past in
22 Ridgecrest, we had people cited, photographs taken,
23 and different kinds of things take place. But there
24 never seems to be a consequence for the offenders
25 after they are reported.

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1 So I wonder if there is some mechanism that
2 would make some kind of a local citizens volunteer
3 group who could interact with recreationists, if
4 possible. Maybe that's something we could look at.

5 Last Wednesday I attended a meeting in
6 Ridgecrest, kind of an impromptu town hall meeting.
7 And like many communities with the states not
8 returning funding back to the cities, the cities are
9 looking for revenue and ways to come up with annual
10 events or signature events that could develop tourism
11 in the community. Well, Ridgecrest has an abundance
12 of public land, like many of the desert communities,
13 and that issue came up quite a few times. I didn't
14 see anyone from the local field office there. But in
15 those kind of cases, I would hope that the BLM would
16 participate with the communities there because the
17 communities are looking more toward public land for
18 economic benefit.

19 CHAIRMAN KEMPER: Jim.
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20 MEMBER BUGERA: Jim Bugera.
21 The Mojave Desert News, which came out
22 yesterday, the headline, "Cal City youth program
23 involves motorcycles and education. Police activity
24 in California City is now teaching 15 to 17 years old
25 survival, GPS, and other skills needed in the desert

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1 for desert rescue," which I think is an excellent
2 program because it's also falling into the high school
3 credit bracket for learning this stuff.

4 The editor of this paper, Bill Deever, in
5 his editorial, he tells about how much money we are
6 expending on law enforcement and search and rescue
7 when we do have our 200,000 people out on the desert
8 on our three-day weekends. And I know for a fact it's
9 true that if a person would carry a \$99 GPS, hand-
10 held, all of our fire department and all of our search
11 and rescue helicopters, if you tell them from your GPS
12 where you are, they come right to you.

13 And he is saying that they have had
14 three-day searches for people because they were
15 giving, "I think I'm there, I think I'm there, I
16 turned left there and here." And I know from living
17 in Cal City for ten years, every time I go out in that
18 desert, I'm lost. But you flip on a GPS, and it will
19 tell you exactly where you are. And the rescue teams
20 punch that into a computer and they get a straight
21 line where you are at.

22 So there are programs that are not costing
23 the federal government anything, and they are very
24 simple solutions. The people that go out into the
25 desert to ride will carry a little GPS, and that saves

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1 thousands of dollars and man-hours for search and
2 rescue. And now we have these Eagle Scouts and these
3 15- to 17-year-old youth activity people will be
4 driving their motorcycles in the desert to help out
5 with this. And every one of them is GPS-equipped. So
6 there is -- I think this is going to make the search
7 and rescue of yesterday of the two and three days and
8 volunteers pretty much obsolete and a lot cheaper.

9 CHAIRMAN KEMPER: We certainly hope so.
10 Paul.

11 MEMBER SMITH: Just one thing. I was
12 talking with Joe Edmiston, who manages the Santa
13 Monica Mountains Conservancy, and they had a growing
14 problem with their type of OHV out there, which is
15 bicycles, mountain bikes. So it's different from that
16 standpoint. The mountain bikes -- they were
17 experiencing considerable conflict between the
18 mountain bikes and the hiking and running community in
19 the trails surrounded by heavy urbanized area.

20 And what they did out there is something
21 similar to what the BLM may have done or tried out of
22 the Barstow area. But what has been successful,
23 according to Joe, out there is they have established a

24 citizens bike rider organization where they have some
25 sort of a uniform or a presence by the visible --

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1 whoever is wearing them on the trails, and they have
2 radio communication. They are not law enforcement
3 officers, but they have radio communication to law
4 enforcement if there are problems out there. And
5 apparently it has been very successful in terms of
6 creating a much larger peer influence.

7 To try and do something like this in the
8 desert, I'm not quite sure my mind is large enough to
9 try it, but certainly innovative solutions are worth
10 thinking about. And it may be worthwhile for some
11 land management people to talk to the Santa Monica
12 Mountains Conservancy to see if that idea is
13 transportable, maybe on a trial basis, to see what
14 happens. That certainly is a problem.

15 I know Bob Ellis and I, with the wilderness
16 people from the BLM, visited the Woolly Boy site up in
17 the wilderness area up there, which is the Big Horn
18 Wilderness. And they have an ORV incursion problem
19 that's not practical to stop because people are
20 interested in having their picnics and incursions into
21 the Woolly Boy site. The only solution to something
22 like that is really citizens' involvement, maybe in
23 some way like this.

24 And particularly, if there was
25 communication to law enforcement, that might make

1 people treat it a lot more seriously and maybe the
2 percentage that are violating these laws, which is
3 relatively small now, would get smaller. Just a
4 thought.

5 CHAIRMAN KEMPER: Anybody else?
6 Preston.

7 MEMBER ARROW-WEED: We have been talking
8 about how to go out there and have fun. But every
9 time we do that, we upset the balance of nature again.
10 We have never talked about how we are going to help
11 those poor little creatures running over and how they
12 are getting destroyed all the time and other things
13 getting destroyed out there.

14 We are only talking about human fun and
15 human beings and what we can do for the mortal man,
16 but yet nothing has been said about those creatures
17 out there. Most of them are very important to my
18 people or to me. And I know you pass laws, you pass
19 rules to destroy some of them. But some of them are
20 very sacred to us. And nobody has ever brought up the
21 issue of the sacredness of some of these little
22 animals. Reptiles. But they are sacred to us too.

23 And I think more of it is being destroyed.
24 And whoever breaks that law goes outside the
25 perimeters of certain areas, and also you are going to

1 get bigger and bigger. You are going to want more
2 space. You are going to want more things, and you are
3 going to get bigger. And I think that even just a
4 normal law-abiding citizen sometimes doesn't know how
5 important it is to keep that balance, that cycle of
6 life. Sometimes we don't know that. We don't realize
7 that. We can sacrifice them to have fun.

8 But you can't keep doing that. You have to
9 think of those living things. And I believe that's
10 where even the smallest insect is of no use to us. We
11 don't care. But they are important, too. And when I
12 see some of the destruction and someone moving --
13 doing something that would move them away kind of
14 reminds me of my people. Our people, the Native
15 American. When there was no regard to where they
16 live, but just take it and do what you want to do,
17 same thing happens to these creatures.

18 I have heard of studies that you have made,
19 but I have never met any studies you made to save
20 these creatures that I agree with. I don't agree with
21 any of those things you made, what is being done to
22 protect them and everything like that. I still don't
23 agree with anything you have. Or you have a certain
24 area where you are going to sacrifice them. You are
25 going to sacrifice the living things so you can have

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1 fun and even sacrifice human beings, because every
2 time you go out there, somebody dies. And that still
3 hasn't taught anyone that they are going to die to
4 have fun. And it's sad to see that happen.

5 I don't know if you think about the death
6 of all these kids out there, and it's going to happen
7 again and again. But every time we do this, I think
8 back of the sacrifice they made to one area to have
9 fun, and nobody thinks about the little creatures, the
10 little plants, whatever is that is destroyed out
11 there, that you should do a lot more and not go into
12 any more of expanding this area. And if you have this
13 so far, leave it that way. Don't expand anymore.

14 Right now we are doing enough as it is, and
15 I don't know if you believe it. But if you keep doing
16 that, something will happen. And I don't think none
17 of us here in the room are powerful enough to stop
18 what will happen if we keep doing the same thing.
19 Now, if you are an atheist, yeah, you don't believe
20 it. But it can happen. Agnostic, atheist, whatever,
21 but it can happen. And statistics or history will
22 show you that that's what happens.

23 And the desert has suddenly become such a
24 recreational place that they are doing it without
25 thinking. And we've got to think a lot more. There

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1 is more to life than destruction for fun. And that's

2 what we are doing. That's being done. Thank you.

3 MEMBER BUGERA: Preston, if you get a
4 chance, and I know we just got these, this is the West
5 Mojave Plan. This is one of what, three or four
6 books.

7 MEMBER BETTERLEY: Three.

8 MEMBER BUGERA: It's 900 pages. This
9 book pretty much tells me how much time I'm going to
10 serve if I leave my house. Everything in here is so
11 regulated that I'm afraid to swat a fly in my house.
12 As far as expanding, California City bought the
13 modules for our high school about two years ago. They
14 are sitting at the airport and we are ready to build.
15 Environmentalists now say we can't build the high
16 school, the reason being they don't like the tortoise
17 fence that we bought for one million dollars. They
18 want it to be a different color.

19 So we don't have a high school now, but we
20 bought the buildings. And my town is now on the verge
21 of bankruptcy. Every time -- I work for Caltrans.
22 Now, if I have a \$98,000 project in the desert, I have
23 to spend \$1 million on biological surveys and tortoise
24 fences.

25 So if you read this book, they are saying

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1 that they want the military bases. They want private
2 housing. They want just about everything that a
3 butterfly has flown through or ant has crawled across

4 and there are serious fines for it. The biologist
5 that works for me saw a man kill a Mojave green
6 rattlesnake on the job. She had a fit, and when she
7 came back that afternoon, she said, "I'm seriously
8 considering putting him in jail for ten years."

9 So it's out of hand in both directions,
10 believe me. And as far as people don't come and talk
11 to you, I tried to talk to the tribe in Death Valley
12 and I was told that -- I almost lost my job over it.
13 I didn't have the permission to talk to the Native
14 Americans. You have to have special permission to do
15 that. And I was removed from Death Valley for telling
16 them how we were going to fix their road.

17 So there are extremes, and people that try
18 are often slapped down or punished. It's not that we
19 are not trying. It's that once we do, some bureaucrat
20 says "that's my job."

21 CHAIRMAN KEMPER: Okay. Any more
22 comments regarding the manager's report? I don't want
23 to get into a debate at this point.

24 One thing that I would like to share with
25 you, just as an information point, and it was

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1 regarding what Paul had talked about regarding Woolly
2 Boy's final operation and Dixie Mine Road and Vern's
3 Canyon. I would like to bring to everybody's
4 attention that, first of all, I think all of us
5 believe in this wilderness. I think all of us can

6 agree that we have seen the wilderness designation
7 abused at times.

8 And I would share with you that before
9 Yucca Valley had a substation, that road was the road
10 that was used for response for the sheriff's
11 department to respond to landers in Yucca Valley in a
12 patrol car, which was in the sixties. Any time that
13 you take a major arterial road, even though it's a
14 dirt road, and designate it as a wilderness area, you
15 are probably going to see abuse. I think if you take
16 wilderness areas where they are truly roadless,
17 trackless areas, you will see them taken care of. But
18 when you have had roads in use for 50 or 60 or 100
19 years, you are going to see those areas abused because
20 people are not going to recognize them as wildernesses
21 because it's obvious to them they are not.

22 I'm going to go ahead and call a break.
23 I'm going to ask that anybody that hasn't reviewed the
24 Field Manager reports, please review them so we can go
25 through them quickly. And I think about a 20-minute

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1 break would be appropriate, in case anybody hasn't
2 read them.

3 (Brief recess was taken.)

4 CHAIRMAN KEMPER: Back on the record. I
5 will open the discussion for the field manager
6 reports, which in order to save time have been
7 submitted in writing. Hopefully everybody has had an

8 opportunity to review the reports. Are there any
9 comments? Any comments regarding the managers'
10 reports? Ron?

11 MEMBER SCHILLER: Are we going through
12 just generally here or any particular order?

13 CHAIRMAN KEMPER: I don't see enough
14 interest that we need to go in any particular order.
15 Wherever you would like to start.

16 MEMBER SCHILLER: I just had one
17 question on the Barstow. It talked about flood damage
18 has been extensive throughout the Barstow field
19 office, Acton Canyon, Dumont Dunes and such. It goes
20 on to say request emergency funds to complete repairs
21 were requested. Federal funds. I'm not sure what
22 type of federal funds were requested.

23 MS. TROST: The damage was basically a
24 lot of our roads were washed out.

25 CHAIRMAN KEMPER: Roxie.

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1 MS. TROST: I'm the field manager from
2 the Barstow field office, and the Acton Canyon area
3 was hit real hard by the rains. And a lot of the
4 roads were washed out, so we had some of our
5 engineering staff come out this week, along with --
6 the acronym is called ERF0, though I honestly don't
7 know what that means, but there are some funds
8 available to help us to restore some of the areas in
9 the condition that they existed previously. It

10 doesn't give us the opportunity to upgrade those
11 areas, but it gives us the opportunity to put them
12 back to where they were.

13 MEMBER BROWN: What was that called?

14 MS. HANSEN: Emergency Relief Fund
15 something. ERFO.

16 UNIDENTIFIED SPEAKER: E-F-R?

17 MS. TROST: E-R-F-0.

18 MEMBER SCHILLER: I had another question
19 on the same report. On the Old Spanish National
20 Historic Trail, I really couldn't tell in here from
21 reading it, are any of the segments motorized or are
22 they nonmotorized?

23 MS. TROST: What will really help you,
24 Ron, I have asked Brad Mastin, who has been working on
25 this project for quite some time, he is going to come

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1 in this afternoon. And we squeezed him in to give you
2 a whole representation on this entire project.

3 MEMBER SCHILLER: Thank you.

4 MEMBER BETTERLEY: The State of
5 California Department of Water Resources let 5300 feet
6 a second out of the Silverwood Lake during that storm
7 because we got over 24 inches of rain there, plus
8 everything they had, and let it come down the west
9 fork of the Mojave River. Mojave starts at the Forks
10 Dam, and that's what caused a tremendous amount of
11 damage all the way down the way. Just one hell of a

12 flow.

13 THE REPORTER: Mr. Betterley, could you
14 please use the microphone?

15 CHAIRMAN KEMPER: In the future, I'll
16 whack him. I would like to call -- I'm sorry, Roy.

17 MEMBER DENNER: Regarding the field
18 manager reports, I'm a little surprised that I didn't
19 see something from Roxie regarding permit processing
20 and cost recovery. When I think about it, maybe it's
21 larger than just that field office. I know we had
22 some problems in that field office, and maybe it
23 should be an agenda item. But there has been for the
24 last year, probably, a mandate from Congress that
25 recreation areas have to pay their own way. And it's

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1 called a cost recovery mandate.

2 The Imperial Sand Dunes is probably -- I
3 have the most experience with it because that mandate
4 has been in place for some time. User fees have to
5 pay whatever costs exceed appropriated funding. And
6 appropriated funding for that huge recreation areas is
7 only \$200,000 a year. This is now spreading to other
8 areas, not just in Roxie's area, not just in
9 California, but we are working in Nevada and Arizona
10 with problems where whenever an organization wants to
11 put on an event -- and I suspect it goes to more than
12 OHV events -- that organization has to apply to the
13 land management agency for a permit. And then the

14 land management agency gives them an analysis of what
15 it's going to cost to put on that event in terms of
16 law enforcement and cleanup and environmental
17 requirements and all that sort of thing.

18 And I have seen cost recovery bills for two
19 similar events where one organization pays \$500 to put
20 on their event and another organization pays \$5,000 to
21 put on a similar event. And I know at the national
22 level there was an effort by National Recreation
23 Director Don Sharpeo to try to put together some
24 consistency with this permit processing. And I know,
25 Roxie, in your area we have a lot of feedback with

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1 people saying, "Oh, my god, why does it cost \$10,000
2 to put on that event" or whatever.

3 And I'm just wondering if the California
4 Desert District is doing anything to standardize this
5 permitting process and applications and accounting for
6 costs to put on events. And do we want to -- is
7 anybody else interested in that?

8 MS. TROST: Actually, where I apologize,
9 it wasn't on my report. We were targeting getting it
10 out. But I actually had two things that was not on my
11 report that I was prepared to talk about. And that is
12 one of them. So this is perfect timing again. You
13 lead me right into what I want to speak about.

14 Cost recovery has been an issue. We have
15 been working real hard, not only within our field

16 office, but within the other field offices, to try to
17 develop that consistency. At the last staff meeting
18 we had in January, we heard from you loud and clear,
19 you support cost recovery. However, we want to see
20 consistency on how that's applied.

21 CHAIRMAN KEMPER: Roxie, I'm going to
22 ask you to walk forward just so our court reporter
23 doesn't end up with a stiff neck.

24 MS. TROST: So we heard that, Roy, and
25 we have been working on that. We have been making

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1 contacts with other field offices. And I know Linda
2 has actually even pulled together some people to take
3 a look at that from a district standpoint. So
4 hopefully, you are going to see that consistency
5 change in the future.

6 Now, some of the things you are talking
7 about has applied a little differently from field
8 office to field office. And one item in particular,
9 Barstow looked at an event that had prior events
10 conducted. It was the same routes, everything was the
11 same. However, when it crossed over into another
12 field office, that area had never been -- the event
13 had never occurred there. So additional analysis
14 needed to happen, and that's why that bill was much
15 larger. So I think we are getting there. I think we
16 have answers for why these things are happening. And
17 it's certainly on our radar screen, and we are working

18 real hard to try to develop that consistency.

19 MEMBER DENNER: Maybe I can make a
20 suggestion, because I think you need people like the
21 Council and OHV leaders to help communicate to the
22 public the need for cost recovery and convince them
23 it's being done in a fair and equitable manner, which
24 a lot of people don't feel it is right now. Perhaps
25 we should have a subcommittee of the Desert Advisory

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1 Council to work with the BLM, maybe, to help with
2 drafting standard cost recovery plans or whatever. I
3 don't know.

4 MS. HANSEN: I think that would be a
5 good thing. I will say that it's not just off-highway
6 vehicle activities that are faced with this. That if
7 we were going to have an internal group, I think it
8 needs to cover all of the different types of
9 recreation activities for which we are looking at the
10 required permits.

11 MEMBER DENNER: That's better.

12 MS. HANSEN: There is also on a national
13 level, Roy, just to let you know because this is not
14 just a California issue, there is some work ongoing to
15 try and look at implementing sort of guidelines for
16 the rules. And we want to make sure that we fit with
17 inside that, but we also are very concerned that the
18 CDD be consistent with its approach, so that's why we
19 got the group together.

20 MEMBER DENNER: I'm familiar with what's
21 going on at the national level, and maybe five years
22 from now we will have something on the ground that
23 works nationally. In the meantime, we have events
24 taking place right here in our backyard with people
25 totally confused about what they are paying for. And

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1 perhaps maybe we ought to think about trying to solve
2 our immediate problem in spite of what might come down
3 long-term from up above.

4 MS. HANSEN: I agree, and that was the
5 purpose of bringing together the group of folks from
6 the district to start looking at that and putting some
7 consistency across the district on how we were going
8 to apply those rules. And actually, it may become at
9 some point a model for the state. The Desert always
10 gets to be first on the edge. And so we are trying to
11 step up to the plate and do that again.

12 MEMBER BETTERLEY: We have the most
13 talented people.

14 MS. HANSEN: But I think it would
15 probably be a good idea to put that on the agenda for
16 one of your upcoming meetings. And at that time we
17 would be able to look at putting together some kind of
18 a subgroup from the Advisory Council to help. But you
19 also know there are national requirements for
20 recreation advisory groups. We are still not sure
21 what the context of that is going to be. So when we

22 look at putting this together, I think we need to be
23 cognizant of staying within the confines of the
24 regulation and the congressional intent.

25 MEMBER DENNER: I agree, but I think if

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1 you want it to work locally, you need to get
2 stakeholders involved locally.

3 MS. TROST: May I speak about the other
4 part of what I wanted to talk about? They are
5 somewhat related.

6 CHAIRMAN KEMPER: No.

7 MS. TROST: Okay. I can sit down?

8 CHAIRMAN KEMPER: Absolutely.

9 MS. TROST: I would like to tell you
10 just the touchy-feely things that are in the report.
11 The other thing is the special recreation use permits.
12 And we get a number of periodicals in our office both
13 from the Sierra Club, CORVA, from all the different
14 interest groups. And when I get those in the office,
15 I read the events occurring. If I find that some of
16 those events are occurring on public land, then we
17 question whether a permit is required for those
18 things.

19 And I have seen several newspaper articles
20 in regard to this, and that's why I'm bringing it up.
21 This is not new. It's not new BLM regulations. It's
22 just that we are taking a harder look at it, again,
23 for consistency. So if there are any questions about

24 that, I would be happy to answer that.

25 MEMBER WILEY: When are we going to see

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1 a guideline to go by, because I recently had
2 difficulty with an event. And we have no guidelines
3 and nobody could tell me what the specifics were for
4 an activity. I would like to see that before the
5 implementation. I would like to get an idea of what
6 the guidelines are so we know how to go about doing
7 these events.

8 MS. TROST: Certainly. And Carole,
9 these aren't new guidelines. I guess that's what I am
10 trying to say. But what is happening just as we speak
11 in our office is putting together a letter in response
12 to your most recent one citing the regulations. And
13 we will certainly make any copies that you would like
14 to have that might help you with that.

15 MEMBER WILEY: Not just for me, but for
16 the general public. There are lots of kinds of groups
17 that do use public land, and we need to see some kind
18 of information on this. Even though they aren't new,
19 they haven't been publicized. We would like to see
20 some kind of --

21 MS. TROST: You are certainly welcome to
22 publish them maybe in some of your newsletters or
23 anything that you need to. But they have been there a
24 while. And like I said, it's just starting to come up
25 now because we are spending more time in reviewing

1 what events are actually occurring on public land.

2 CHAIRMAN KEMPER: Roxie, I think what I
3 am hearing said is that we work really hard at getting
4 information out to the public on how they can access
5 public lands. But when it becomes a group effort,
6 maybe the information isn't quite as readily
7 available. So if it was something that was posted on
8 the Web site or if it was a brochure that could be
9 handed out --

10 MS. TROST: Web site may actually be the
11 easiest, so we could put something up. That's not a
12 problem.

13 CHAIRMAN KEMPER: Great, thank you.

14 MS. TROST: Now may I sit down?

15 CHAIRMAN KEMPER: Jon has a couple of
16 questions.

17 MEMBER MC QUISTON: I just wanted to
18 concur with the comments made by Roy insofar as you
19 can get a consensus on what fees or special permits.
20 And rather than it just being a review by this body as
21 opposed to cooperative effort and something bubbles
22 up, we in counties impose fees for certain things.
23 And I'm not familiar with all the statutory or
24 regulatory rules that may come into play. But
25 oftentimes when we are establishing our fees, we look

1 to the federal standard, it's either the A-11 or A-72
2 or something. And that's one of the most nebulous,
3 broad documents in terms of how you can recoup costs
4 in terms of direct costs, indirect costs, overhead,
5 whether you are going to use a productive man year or
6 a man year based on 2080 hours. It is so broad and so
7 kind of open to interpretation, you can almost back
8 into any number you want to.

9 And I think if that's the type of activity
10 that's going on, looking at recouping costs, that it
11 would be very helpful to have some sort of
12 stakeholder's group, perhaps a TRT or subgroup that's
13 an interactive part of this process. I don't know if
14 those are the guidelines you have to go by, but if
15 they are involved at all, those guidelines, it gets
16 pretty gray, pretty quick.

17 CHAIRMAN KEMPER: Thank you, Roxie.

18 MS. TROST: Uh-huh.

19 CHAIRMAN KEMPER: Any other comment from
20 the Council?

21 MEMBER DENNER: Can I make a motion that
22 at our next Council meeting, we have on the agenda a
23 discussion of forming some form of a stakeholder group
24 with the BLM to review special permit processing and
25 cost recovery? I will write the motion, and then I

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1 will pass it around.

2 CHAIRMAN KEMPER: If you will write out
3 the motion, it will come at the action part of the
4 meeting.

5 Any other comments regarding the field
6 manager reports?

7 I do have one comment myself, and it's just
8 for clarification, regarding the Needles field office.
9 And I don't believe Larry Morgan is here.

10 It's just for a point of clarification.

11 The Tecopa Pass area, riparian area, restoration and
12 recreation management, I would like to say first of
13 all that this is a cooperative effort between the
14 agency, several environmental organizations, as well
15 as the permittee on the grazing lease, who happens to
16 be my family.

17 We had actually suggested that the riparian
18 area exposure be enlarged for better access to
19 wildlife. It wasn't something that we felt we needed
20 cattle in or around. There are also some other things
21 being done in regards to a cabin and some septic
22 systems, but just one other point of clarification. I
23 think we discussed this once before.

24 In the No. 5 on page 5 of the field report,
25 it talks about how we are going to work at installing

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1 an unsafe electric power line. I'm sure that's a
2 typo. The current electrical line that goes to a

3 portable generator that we bring to pump water to a
4 tank has been deemed to be maybe not high enough. It
5 has been the subject of vandalism over the years, so
6 we are going to try to relocate that line at a height
7 that will be less available for vandalism.

8 And I can assure you whatever we install as
9 a joint effort between the agency and the permittee
10 and the other participants is -- we are certainly
11 going to try to make it safe.

12 Ron.

13 MEMBER SCHILLER: I had one more
14 question, I guess, on the field manager's reports. I
15 noticed in the Barstow and in the Ridgecrest field
16 office reports, there was mention of flood damage and
17 roads needing repair and funding applied for, federal
18 funding applied for.

19 Also, in the OHV grant program update in
20 the Ridgecrest field office manager's report, I notice
21 that state funds are being sought to reclaim an O&M
22 operation and maintenance repairs in the Jawbone,
23 Butterbredt and Rand Mountain, Fremont Valley
24 Management Areas. What occurs to me is, I'm very
25 curious why we are not applying for state grants for

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1 these roads outside of Rand-Fremont-Jawbone-
2 Butterbredt areas. It seems like as a stakeholder,
3 part of that OHV grant money collected by the state
4 should go to repair some of the concerns outside of

5 the -- these specific "OHV areas," but it doesn't seem
6 that anybody is applying for those. Is there a
7 particular reason why? Or is it just being
8 overlooked?

9 CHAIRMAN KEMPER: Does somebody want to
10 field that question?

11 MS. HANSEN: Yeah, I will.

12 I think the difference, Ron, is in what is
13 allowed for under the grants process with the state
14 and how we apply for those funds versus what we were
15 trying to do in repairing storm damage to areas like
16 Afton Canyon and so on.

17 There are different bases, I guess, for
18 those application of those funds. And I'm not sure
19 that just repairing a road that goes through Acton
20 Canyon actually qualifies under the grant process for
21 O&M under the state.

22 I think the other thing is we try to go to
23 the location where we might be the most successful in
24 acquiring funds. Because these funds are available
25 for emergency actions to repair on federal lands those

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1 kinds of problems like we had with the recent storm
2 damage, it's different than what we are doing under
3 the O&M grants with the State of California for the
4 OHV areas. And I think the two processes are
5 different, and probably rightfully so.

6 MEMBER SCHILLER: Well, that's part of
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7 my concern is that in the past, I have asked similar
8 questions, and as a stakeholder and a contributor to
9 that fund, not frequenting intense OHV areas or sand
10 dunes and such, I still have a stake in that money
11 that's being paid to the state. I have been told by
12 BLM personnel that they don't apply for those because
13 they won't get funded. But the concern that I have is
14 they won't get funded if you don't apply for them.

15 MS. HANSEN: Well, I agree that if you
16 don't apply for funds, you have no opportunity of
17 having those funds given to you. However, I would
18 suggest that you need to talk to folks who are
19 specifically involved with the grants process for OHV
20 because that is really where the refining line goes.
21 They set out the parameters under what we can request
22 for funds, and it's those state guidelines that we
23 have to follow. So we are only trying to apply where
24 we can meet those requirements.

25 MEMBER SCHILLER: Are you saying that

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1 the requirements are too rigid for you to apply for
2 them? Because I talked to state officials, as well,
3 and they said we are not going to fund something you
4 don't ask for.

5 MS. HANSEN: Well, BLM does submit and
6 has submitted for many years grant applications to the
7 State of California for OHV funds to be applied to
8 various activities within the OHV areas. And we

9 continue to do that. And some of them get funded and
10 some of them don't. So I mean, we are just trying to
11 play by the rules. And I don't know. Maybe one of
12 our other Council members here can speak more
13 intelligently about this.

14 But I will tell you the parameters under
15 which we can apply for these funds is pretty cloudy.
16 It has been changing as far as the focus or the area
17 where funds will be applied on the ground for OHV
18 activities. So sometimes what we have just doesn't
19 fit within those criteria, so they aren't funded.

20 There is also, as you know, a great deal of
21 competition for those funds. And there is a limited
22 amount of dollars available. So priorities are set
23 within that, and we have to do our best, I guess, to
24 fit within those priorities.

25 MEMBER DENNER: I can fill you in on

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1 some of that, Ron.

2 There is some changes taking place in the
3 OHMVR grant process. Last year's grant applications
4 were 13,000 pages and some 18 million available for
5 issuing of grants and some 46 million worth of grant
6 applications. And the stack was -- nobody could
7 possibly go through them.

8 We have a new deputy director of the OHMVR,
9 a lady by the name of Daphne Green. One of her
10 primary objectives is to simplify the grant process.

11 Many BLM field offices, like you say, were not
12 applying for grants because the process was so
13 complicated, are now collaborating with Daphne to come
14 up with a simple process for applying for grants. I
15 think we are going to see the process improve. I am
16 not sure we are not going to see any more money going
17 where we want it to go, because the people that decide
18 where that money goes is the OHMVR Commission, and
19 they have their own agenda.

20 So I don't think we are going to see an
21 improvement in what you like to see funded, but we are
22 going to see the process simplified. I don't know if
23 that makes it any better or not.

24 CHAIRMAN KEMPER: Okay. Any more
25 comments regarding the field manager reports? Okay.

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1 I will open up at this time for public
2 comment for items that are not on the agenda. What I
3 would like you to do in the audience is simply raise
4 your hand. I will recognize you if you will walk up
5 to the mic and introduce yourself. Then you can move
6 forward.

7 Yes, sir.

8 MR. SLOAN: My name is Richard Sloan,
9 and I'm from the Tahipiti chapter of the Sierra Club
10 in Fresno, California. And I just wanted to voice the
11 displeasure of a number of the members, people that
12 volunteer with the Adopt-a-Cabin program, that that

13 particular item was not on Saturday when people could
14 get away from work to attend and listen to that
15 presentation. Thank you.

16 CHAIRMAN KEMPER: Thank you. Yes, sir.

17 MR. MATTHEWS: Dave Matthews, 717 Kevin
18 Court, Ridgecrest.

19 I just wanted to mention something that
20 perhaps the BLM should consider as maybe a standard
21 policy, because I think Ridgecrest field office is
22 kind of unique in this area, if I'm not mistaken.

23 I belong to the Ridgecrest field office
24 steering committee. In fact, I think there are four
25 members here in this room right now. That serves a

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1 purpose, in my mind, as getting your public
2 involvement, your stakeholders group input, right at
3 the field managers or the field office level. And
4 then I think that would serve perhaps the needs of
5 some of these items that have been mentioned here this
6 morning.

7 I would also like to mention that I'm a
8 little bit concerned about the -- this cost recovery,
9 and I'm going to say /user's fee because I want to
10 make sure there is a distinction. I am definitely
11 against user's fees as a member of the public because
12 to me, if we have to go out every time we want to do
13 something or camp somewhere and pay a user's fee, then
14 the whole area is becoming a national park or a

15 Disneyland or something. And there is taxes that I
16 pay and everybody else pays that go for the public
17 benefit, and I think that as an individual or small
18 group or family, that we should have the right to go
19 out and use public lands.

20 Mr. Brown, in his opening statement,
21 mentioned that this report he was citing stated that
22 California was one of the lowest mining -- attractive
23 areas for mining. That doesn't surprise me a bit. In
24 fact, I would venture to say it was probably the whole
25 US, because for years I have seen Colorado miners

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1 going down to South America and go to work, even
2 though they are in the gold industry. And that is not
3 one of my particular items, but there are other mining
4 areas that I feel that are essential to not only
5 national security but the general public and overall.

6 Years ago, when we were still in the Cold
7 War, there was many scientists at the Naval Weapons
8 Center, where I retired from, that were concerned
9 about the restrictions that were going to be placed on
10 the mining activities in what was then Death Valley
11 National Monument if it became a park, because there
12 are elements that were being mined there that were
13 very critical to certain components that went into the
14 defense industry. And those restrictions, I think,
15 have just gone way over board. And I hope one of
16 these days we'll start swinging back again.

17 I guess that's about all I have for now.
18 Thank you.

19 CHAIRMAN KEMPER: Thank you,
20 Mr. Matthews. Mr. Hillier.

21 MR. HILLIER: Unaccustomed as I am to
22 speaking, I can't let a chance go by to say a few
23 words. I'm here representing San Bernardino County.
24 Really, what I have is a couple of questions and a
25 couple of comments on items that have already been

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1 touched on.

2 I will withhold one thing until it's
3 covered on the agenda. First off, there was a
4 discussion of community involvement in off-highway
5 vehicle management. And I wanted to at least say for
6 the record that the community of Red Mountain and
7 Johannesburg and Randsburg has also expressed concern.
8 And in a meeting last Saturday, Jessie Flores from
9 Bill Posterman's office did attend. I was unable to
10 go myself. And Jessie and I have spoken, and we are
11 going to try to bring together some proposal to deal
12 with it, but increasingly this is a problem. And the
13 community there was looking for BLM to solve the
14 problem. And there is not enough public land there to
15 really warrant BLM, but the sheriffs are stretched
16 thin.

17 And different from the Twentynine Palms
18 model, and really that's been a good community

19 operation, but everybody is fairly close at hand
20 there. At Red Mountains, you are 50 miles from the
21 nearest deputy and all. So by the time they have a
22 problem, the deputies can't even get there. So it's
23 going to take a different kind of solution in these
24 more remote communities. But at any rate, I wanted
25 for the record to say this is an increasing concern in

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1 lot of communities across the desert. And hopefully,
2 the Twentynine Palms/Joshua Tree model can be used and
3 extended elsewhere.

4 Second, Linda, I wanted to compliment you
5 on this Gateway Communities aspect down in Imperial
6 County and would hope there that perhaps it can be
7 extended elsewhere in the desert. Last month I was in
8 the National Association of Counties Legislative
9 Session, and they have introduced legislation for a
10 Gateways Community to ensure that they get involved in
11 the planning process and are afforded a seat at the
12 table, even if they are unincorporated, in terms of
13 planning.

14 I don't have a copy of the bill number, but
15 I know it could be achieved. It's a fairly low number
16 for the 109th Congress there. But I think if you look
17 at that and look at the objectives, and I think you
18 can use that as a model because I suspect if the
19 federal agencies did what that bill called for on
20 their own initiative, you wouldn't have a reason for

21 even needing the legislation in the first place. And
22 it's only because the agencies have been doing
23 planning, independent of the local communities, that
24 the congressman and a number of congressmen throughout
25 the west have felt a need to use this legislation. So

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1 I encourage you to get a copy of that and use it as a
2 model for any kind of Community Gateway kind of
3 programs throughout the desert.

4 The mining -- Howard, can you give me the
5 reference for that mining report, the economic report?
6 I know I have seen recent articles on regulatory
7 environments and economic freedom, and I have seen
8 those on a national basis. I was unaware they were on
9 a state basis.

10 I was reminded that during the desert plan
11 days and probably about 19 -- the years fly by so
12 quickly -- '88 or '89, there was a really major
13 conference about mining resources in the California
14 desert held in Irvine. And it brought together a lot
15 of people from the industry. The proceedings of that
16 were a volume about three or four inches thick, and I
17 imagine they are still basically valid. And they did
18 point out that the California desert was probably one
19 of the largest world-class mining areas in the world
20 and was very important for a variety of strategic
21 minerals.

22 I don't know whether the classification of
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23 strategic minerals has changed much. Or whoever does
24 those kinds of things. I know gold has come into much
25 greater play as computers have become more ubiquitous

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1 in the country. And other resources may also come to
2 play and the Molycorp mine may come into play also,
3 but at any rate, the California desert is a very,
4 very, major source of a variety of minerals. And
5 basically, since the Desert Protection Act, nobody is
6 exploring for those anymore. Those existing mining
7 operations were pretty well grandfathered in.

8 Any new mine just simply hasn't been
9 planned because people didn't figure they could ever
10 get off the ground with them. I don't know whether
11 this Council or whether anybody can do anything about
12 it, but it would be good to provide that documentation
13 in terms of the regulatory environment people do face.

14 The last question I had, I was not here
15 right at the moment of opening. Have the appointments
16 been made this year for the Council or are they still
17 pending?

18 CHAIRMAN KEMPER: Still pending.

19 MR. HILLIER: The other question I had
20 will come up later.

21 MEMBER MC QUISTON: I would like to get
22 together with you afterwards. The meeting you
23 attended in Red Mountain, I was --

24 MR. HILLIER: I was unable to attend it,
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25 but Jesse Flores did.

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1 MEMBER MC QUISTON: Perhaps he could
2 give me a call, because it sounds like it's getting a
3 little complicated.

4 MR. HILLIER: And obviously, just for
5 the record, the county line runs through there.
6 Johannesburg and Randsburg are in Kern County, and Red
7 Mountain in San Bernardino County, so you have
8 multiple jurisdictions there.

9 MEMBER MC QUISTON: Yeah, I would be
10 curious if the meeting was a consensus of the
11 community or whether it was a group within the
12 community that wants to bring it to the attention that
13 this is a problem. It does seem as though if you
14 attended that meeting and you were from Kern County,
15 you were not allowed to speak. However, the
16 enforcement action that followed that meeting is
17 occurring in Kern County, or at least some of it is,
18 as I understand.

19 I don't know if there is going to be a Kern
20 County counterpart meeting, but I would like to extend
21 an invitation to yourself, because you have community
22 with private property and Highway Patrol and you have
23 the Kern County sheriff's department, who is working
24 on the Kern County side with the community of
25 Randsburg at trying to put together a community

1 soluti on.

2 Roy, I don't know if you have been privy to
3 any of this or not. I will brief you later, but it
4 might be helpful to you.

5 MR. HILLIER: I think there is really a
6 need for a lot of involvement and communication
7 because there are some concerns. I was unaware of how
8 the meeting was run. I did hear some things at the
9 beginni ng.

10 MEMBER MC QUISTON: My office has been
11 somewhat inundated by folks living in Randsburg and
12 Johannesburg who were outraged on the other side. So
13 that's why I posed the question. Was this something
14 that was pretty much a community consensus or a small
15 group?

16 MR. HILLIER: I would not have even
17 known about it had I not gotten a call from a lady in
18 the community who I have known for a number of years.

19 MEMBER MC QUISTON: I would like to
20 extend an invitation for yourself or anybody from
21 supervisor's office or your organization, Ron. We
22 will be meeting with the community.

23 MEMBER DENNER: The press is doing its
24 usual good job of blowing everything out of
25 proporti on.

1 CHAIRMAN KEMPER: Thank you,
2 Mr. Hillier. In the back, please.

3 MS. QUINTANA: My name is Helena
4 Quintana. I am from Imperial County in El Centro, and
5 I would like to throw some cold water on this hot
6 issue that everybody is so excited about, the idea of
7 Gateway Communities Group, whatever, that is being
8 formed in Imperial County, at least, by the Chamber of
9 Commerce in Brawley and El Centro and Yuma.

10 As was stated, this is a skewed group again
11 that was formed by the recreationists to support their
12 efforts to use the desert and abuse it and misuse it
13 again. So I'm not so convinced that this group is
14 going to be that objective, because the people in that
15 group are again going to call for more use of the
16 desert to bring in more visitors, to bring in more
17 recreationists.

18 We already have an over-abundance of those
19 in the Dunes area and in the Yuha Desert that has been
20 destroyed, literally. So I'm not very convinced about
21 the objectives of that group. And it being used as a
22 model? Please. Please. Let's be more objective
23 about this.

24 I like the idea somebody mentioned maybe
25 having an advisory group in the field offices composed

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1 of people who aren't backed up by 500 members of a
2 recreationists group, people who just care about the
3 local desert. I'm a camper myself, a hiker. I don't
4 have a bike and I don't go out in the desert to
5 destroy it. But I do go out in the desert. I take
6 students out there. I'm a teacher, and I have seen it
7 in the last 20 years practically destroyed.

8 I think that this group is very similar to
9 the West Mojave Plan, which is simply a legalized plan
10 to legally abuse and misuse the desert. It's giving
11 again permission, legally, to misuse -- the Desert
12 Protection Act was implemented to protect the animals
13 in the desert. The West Mojave Plan is allowing us to
14 infringe. If we were willing to pay money, we can go
15 in and develop in this land that has already been set
16 aside. It's like a reservation, and it should be
17 respected and it should not be allowed to be misused
18 and it should be allowed to be the home of these
19 animals. So I am very disappointed with the West
20 Mojave Plan, as well.

21 I also wanted to speak on the user fees.
22 As a member of the public, I think user fees should be
23 used to repair and to buy law enforcement. Why should
24 I as a taxpayer pay for somebody else's recreation?
25 I'm totally against using taxpayer money to buy law

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1 enforcement. I think user's fees should be used where
2 they are needed by the people that are using it where

3 it's needed. Thank you.

4 CHAIRMAN KEMPER: Than you. Any other
5 comments? Mr. Matthews.

6 MR. MATTHEWS: I just noticed one thing.
7 Dave Matthews. I forgot I wanted to
8 mention, last night I was watching television news and
9 there was an occurrence down in Riverside County that
10 happened yesterday which really caught my eye. I'm
11 not sure whether this was on public land or private
12 land. It didn't say. But apparently a young girl was
13 out walking her dog and the dog fell into a 15- or
14 20-foot abandoned well. And they had very good
15 coverage of the rescue operation for the dog.

16 And it struck me that there was not even
17 any kind of sign or fence around this big hole in the
18 ground. And it was already grown up with weeds around
19 it so, you know, nobody even knows that it's there
20 until they are right on top of it. It's a problem
21 that's very similar to what is occurring up in the
22 Ridgecrest field office with the abandoned mines. But
23 at least we have fences around most of them or a sign.

24 But if there is a problem on BLM lands down
25 there, I think -- I don't know how many BLM lands or

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1 how much Riverside County is in BLM land. If any of
2 these are on BLM land, I think we need to start
3 addressing this issue. And apparently there is a
4 program going on right now up in the Ridgecrest field

5 office area that is closing some of these mines up.
6 And I think the same methods could apply to these
7 abandoned wells. Thank you.

8 CHAIRMAN KEMPER: Thank you,
9 Mr. Matthews. I believe I saw one other hand. Yes,
10 sir.

11 MR. BUDLONG: My name is Tom Budlong.
12 This is the first of these meetings I have attended,
13 and I'm struck by it seems to me over half of the
14 words are spoken with respect to the ORV and the
15 growing ORV problems. It's growing. It's not going
16 to go away. Everybody seems to --

17 CHAIRMAN KEMPER: Tom, a little closer
18 to the mic, sir.

19 MR. BUDLONG: It's growing. It's not
20 going to go away. Everybody seems to recognize that.

21 What I haven't seen discussed is education
22 of the people participating in ORV and the carrying
23 capacity of the land. If you read some of the news
24 reports, you can easily come to the conclusion that
25 all the ORV people are all bad and they are out to

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1 destroy the desert.

2 That's not true. There are bad ones, but
3 there are good ones. And I subscribe until I know
4 better that everybody -- that there are an awful lot
5 of people in the middle. How do they get their
6 information as to how they know how to behave and what

7 the rules are out there? I haven't seen a lot of
8 that, other than a few signs. And you just kind of
9 have to absorb this knowledge.

10 Now, considering that in order to get a
11 license to drive in California, you have to go through
12 an education process and in order to do some other
13 activities you have to go through an education
14 process. But you don't need a license to drive an
15 ORV, you need a green sticker. But as far as the
16 public getting educated as to what is required of them
17 when they go out on public lands, I haven't seen any
18 yet.

19 I spent a little time in the Ridgecrest
20 area in the Eastern Sierras, and I have taken a good
21 look at Ed Waldheim's map that he puts out from the
22 Friends of the Jawbone, which describes the wilderness
23 areas and the habitat conservation areas and the
24 private land areas. And it's a complex map. If you
25 don't understand that and you are out there driving,

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1 you have a hard time knowing what you can do and what
2 you can't do. There are a lot of signs out there, but
3 the signs don't cover everything and the signs tend to
4 go away, from people who are disgruntled and tear them
5 down.

6 And I think we should begin a conversation
7 on how we can educate these people. If you have a
8 more formal education system, perhaps based on a

9 license to drive off-road, then you can't take the
10 excuse of, well, I didn't know what the rules were.
11 You can say, well, you have been through the education
12 process. You know what the rules are, rather than
13 relying on saying, well, it's your job to know what
14 the rules are, and you are supposed to go out and look
15 on the Internet and inquire with the agencies to look
16 and find out what the rules are. And that's
17 unrealistic.

18 The second thing I wonder about is carrying
19 capacity. We have 200,000 people on a good weekend on
20 the Dunes now, and that's grown from a very small
21 number a number of years ago. And there is nothing to
22 tell us that that growth curve is stopping. What
23 happens five years from now with 500,000 or a million
24 people? If you define the carrying capacity, how do
25 you control the carrying capacity?

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1 I think the hiking community has been
2 through this, the people who hike in the Sierras. In
3 the Sierras now a lot of places require permits.
4 Those that are less popular don't require permits.
5 It's gone so far in the extremely popular Mt. Whitney
6 area where not only do you need a permit, there aren't
7 enough permits around, so you go through a lottery
8 process. And all this, as far as the high desired
9 Whitney area is, it's a good-looking place as opposed
10 to if it were a free form and anybody can go up there

11 and just obey the rules. It's a good-looking place at
12 the expense of personal freedom. You can't do
13 anything and everything you want on the trail, but it
14 looks good. It's cost you that.

15 So far, I haven't seen anything going on
16 with respect to ORV as far as recognizing carrying
17 capacity and limiting the amount of visitation to
18 whatever the carrying capacity could be determined to
19 be.

20 Two thoughts, therefore, to consider. One
21 is the education of people so they are better capable
22 of obeying the rules out there. And two is
23 recognizing that there is a limit to how many people
24 can recreate in the desert in an ORV and doing
25 something about that. Thank you.

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1 CHAIRMAN KEMPER: Thank you, Tom.
2 Anybody else? Okay. We are running a little bit
3 ahead -- Paul.

4 MEMBER SMITH: Just want to make a
5 comment. Mr. Budlong's comments about public
6 education are really, really on point from the
7 standpoint of the people with the BLM, the National
8 Park Service, and the sheriff and the other groups
9 working on it in the Morongo Basin. And it's our hope
10 as we have been working on the brochure and designing
11 some of the signs that it will go a long way to
12 meeting that. And that, as that sort of the brochure

13 activity starts to find its way out into the desert,
14 that people will come back and even improve it.

15 So one of the problems with public
16 education is it's a slow process. And there are
17 people that will never see this information. Signage
18 is a major problem for the BLM to catch up with these
19 plans that we have here. I don't know how many
20 hundred thousand signs are supposed to be up in the
21 desert in the next four or five years. But I think
22 that that flow of idea back in and the better
23 communication that we have, the better that the public
24 education will go on.

25 And for those of you who are working in

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1 other areas, I believe that the Morongo Basin is
2 experiencing very good results with the public affairs
3 announcements that have been designed by the public
4 affairs officer for the sheriff's department, working
5 with the BLM in that area. So now people that turn on
6 the radio will hear this periodically about what the
7 law is. And hopefully, it will start to create a
8 stamp, particularly in the young minds that we are
9 dealing with. Thank you.

10 CHAIRMAN KEMPER: Roy Denner.

11 MEMBER DENNER: I just want to say that
12 the OHV community has exactly the same concerns that
13 you folks have about education and carrying capacity.
14 The problem is we are chasing a moving target. The

15 interest in this form of recreation is growing so
16 rapidly it's almost impossible to have an outreach to
17 catch all the people coming on board.

18 But I do want to say, pointing to the
19 Imperial Sand Dunes, probably because it gets the most
20 attention because it's most used. And I don't have
21 any of them with me, but there was a really, really
22 good educational brochure developed in conjunction
23 between the user groups and the BLM. It's a brochure
24 about this big (indicating). It's a yellow brochure,
25 and it addresses law enforcement. It points out that

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1 if you break the law, you go to jail. It has a list
2 of do's and don'ts and what's considered to be good
3 stewardship of the land. It's a really good brochure.
4 I don't know if you have any of those or not. But in
5 my mind, it's at least a start in showing that the OHV
6 community also cares about educating our people about
7 doing it right.

8 And the second thing about carrying
9 capacity, there is an example. The new management
10 plan for the Imperial Sand Dunes has a large area in
11 the center called the Adaptive Management Area where
12 people have to get a permit to go in that area. They
13 have to take a short education course to know what the
14 rules are and what the do's and don't are. And it's
15 mostly centered around making sure we protect the
16 endangered Pierson's Milk Vetch plant in that area.

17 And a maximum of 75 groups, I think 525 vehicles a
18 day, are allowed to go in there. And that use is
19 being monitored to see if that's too many or too small
20 or if it's having an impact on the species in there
21 that is endangered. And if it looks like it is having
22 an impact, the use will be reduced. If it looks like
23 it's not having an impact, in the future permission --
24 the permits will be increased.

25 So we are moving in that direction, but

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1 California Desert District, it's a huge area and it's
2 millions and millions of acres of lands and millions
3 and millions of recreational enthusiasts, all types of
4 people. So getting that education out there is a
5 really tough job and the resources to do it are
6 minimal.

7 Most of the organizations -- Ed did that on
8 his own. It wasn't like somebody stepped up and said
9 here is a grant. And that's his idea of the best way
10 to inform people of how to use the area. At least he
11 has done something with very limited resources. All
12 of us are struggling to do that. It's not going to
13 happen tomorrow.

14 CHAIRMAN KEMPER: Jim.

15 MEMBER BUGERA: Speaking on behalf of
16 the people of California City, not all of them, of
17 course, but when you say you are going to educate me,
18 a lot of us see that as confrontational. You are

19 telling me that you are going to educate me. You
20 better know more than I do. You better live in the
21 desert where I do. And it better be something that I
22 have signed up for as an elective in college.

23 Now, we have information booths at
24 California City as you are entering the desert
25 recreation area. We have a little town pretty much

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1 set up. We have concrete bathrooms, booths, sell
2 T-shirts, maps, first aid, anything you want to know
3 is there. And people go there. I go to see what they
4 have got. So I have just been educated without being
5 insulted.

6 And Friends of Jawbone, Jawbone Canyon
7 Store will draw on a three-day weekend, they have a
8 band, they have thousands of people out there who are
9 being informed. Any information that they want to
10 know, they can go and get it. And they want to know
11 everything when it's offered to them. But when you
12 say you are going to educate us, that's very
13 condescending. And I think that's why you meet with
14 some resistance. Thank you.

15 CHAIRMAN KEMPER: Yes, ma'am.

16 MS. RACETTE: Katherine Racette. I'm a
17 volunteer at the Visitor's Center in El Mirage and a
18 resident. I understand the sheriff's department is
19 working with a group in training ATV riders, and I was
20 wondering why they don't train motorcycle riders in

21 that way. Or if they are, it's basically (inaudible).
22 Thank you.

23 CHAIRMAN KEMPER: I'm not sure that
24 there is anybody here from the sheriff's department to
25 answer that question, but we can try to pose it to

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1 them. Thank you.

2 We are running a little bit ahead of
3 schedule. If it's okay, I'm going to ask to move
4 forward with the Adopt-a-Cabin program. Are we
5 prepared, Steve?

6 MR. SMITH: Yes. I have a handout that
7 I would like to give to everybody.

8 CHAIRMAN KEMPER: Are you ready?

9 MR. SMITH: My name is Steve Smith. I'm
10 a retired Bureau of Land Management employee and now
11 working as a BLM volunteer for the Ridgecrest field
12 office. The Ridgecrest field manager, Hector
13 Villalobos, who just stepped out of the room for a
14 moment, so he will be back shortly, he has asked me to
15 talk a little bit about the Adopt-a-Cabin program.

16 During my tenure with BLM, the 33 years
17 that I worked with the agency, I got involved with the
18 Adopt-a-Cabin program back in '89 and worked with it
19 and am still working with it as a volunteer now.

20 In the --

21 MEMBER SCHILLER: Could you move a
22 little bit back so we can see the screen?

25 no effort to save them. ^{64231jg} And in fact, the general

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1 bureau position was they were a nuisance and whenever
2 any action was taken, they were getting rid of the
3 cabins.

4 The second point is that saving the cabins
5 is very popular with the public. It's just been
6 phenomenal. And one of the reasons it grew to the
7 point it is now is because as we got into it, it kept
8 expanding because of the public support we have for
9 saving these structures.

10 Third is that in working on these cabins,
11 it has really brought all the diverse groups together.
12 It's been phenomenal when you are working out on this
13 goal of saving cabins, you get the whole spectrum of
14 desert uses, from the Wilderness Society and Sierra
15 Club on one hand and the miners and ranchers and what
16 have you. And I have had all these groups and
17 individuals representing these groups working
18 together.

19 And that also leads to not only saving
20 these structures, but bringing more understanding
21 between these groups and then building a bridge
22 between these different interest groups with the BLM,
23 too, so it has a lot of positive effects in that way.

24 The fourth point would be for the 16 years
25 that we have had an Adopt-a-Cabin program, we have not

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1 really been able to be in full compliance with
2 policies and regulations. And I will be addressing
3 that a little bit.

4 And the fifth point is that everybody
5 involved in the program, in addition to the public
6 visitors, the interest groups, and the BLM employees,
7 everybody says they want to save them. The question
8 is how do we get through the policy and procedural
9 legal requirements to be able to keep doing it. So
10 those are the five points that I will be discussing
11 and kind of covering in my discussion here of the
12 Adopt-a-Cabin program.

13 The program started in 1989. As I
14 mentioned, up until that time, really, there wasn't
15 any attention being paid to these cabins other than
16 trying to get rid of them when we could. And in '89,
17 a person, Brian Webb, contacted me because the cabin,
18 isolated cabin in the Inyo Mountains, the Beveridge
19 Ridge Cabin was leaning and ready to collapse. He
20 said, can we do anything about that?

21 I had discovered that cabin many years
22 before on a bureau mission out there so knew its
23 significance. It dates back to the 1890s when it was
24 originally built by the miners out there, a beautiful
25 old cabin of Bristle Cone pine tree wood that they had

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1 built at 8,000 foot elevation in the Inyo Mountains.
2 So at that time I had access to helicopters and
3 actually flew in about 3,000 pounds of supplies to
4 stabilize that cabin to get the program going, working
5 with the archaeologist.

6 The understanding was that we would
7 stabilize it. The archaeologist -- typically in
8 Ridgecrest, we have one archaeologist, who did not
9 have time to go out and deal with these cabins. There
10 are mandated program requirements. And so the
11 archaeologist that I worked with on the program
12 starting in 1989 up until about 2000 agreed that we
13 would stabilize. So that was how the program got
14 started. We went out on that first project to put new
15 roofing paper over it, to put the beams to brace the
16 inside and outside.

17 From that accomplishment, the people were
18 excited about it. It started expanding. Other people
19 heard about it and got involved. And so it really
20 expanded in the Ridgecrest office during the
21 interceding 16 years to trying to save all the
22 remaining structures. And literally it has been many
23 hundreds of volunteers that have worked on these
24 cabins.

25 That work to save the cabins actually was a

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1 primary reason for the steering committee being formed

2 in the BLM Ridgecrest office, because during the 1980s
3 when work was being done to remove cabins and it was
4 pretty controversial and a lot of the citizens at
5 Ridgecrest were unhappy with what was happening, that
6 was one of the reason we formed the steering committee
7 was to oversee public land activities that were
8 controversial, which included management of the cabins
9 out there.

10 I do want to mention a little bit about the
11 publicity that was given to it. And I'm a little
12 sensitive in the last two years coming under some
13 concern that the policies that we haven't really
14 adhered to during the last 16 years has kind of come
15 out in the last two years and pretty much created
16 issues for us for continuing the program. And I just
17 want to say that during the first 14 years of the
18 program, there was constant publicity on it. Many
19 newspaper articles. There were three Advisory Council
20 tours up in Ridgecrest where we visited cabins. There
21 was a joint BLM-Desert Management Group conference
22 held in 2001 held here in Ridgecrest entitled "Human
23 Journey and Ancient Life of the California Deserts."
24 And I was invited to give a presentation on the cabins
25 at that meeting. I spent about an hour showing

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1 pictures of all the cabins we were working on and the
2 work we were doing.

3 And there had to be at least 80
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4 archeologists there from all the different agencies,
5 federal, state, military and what have you. And they
6 were all extremely complimentary of what we were
7 doing. So the support we were getting and the people
8 wanting us to continue with what we were doing,
9 including many archaeologists, just kind of kept us
10 going and building the program.

11 Okay. I don't want to take more than my 15
12 minutes here, so I will get into the volunteer
13 program. Basically all the work on the cabins has
14 been done with volunteers. BLM budget is very
15 limited. We have many different mandated actions that
16 we are supposed to be taking. So this was just kind
17 of a side program which was really handled by the
18 volunteers. We did expend a little bit of BLM money
19 on it over the years in those years where there was
20 funding available. I used the government credit card
21 to buy some supplies, but it was a token effort to
22 show BLM was involved and trying to help out a little
23 bit. But basically the volunteers were willing to do
24 the work and get the materials to take care of these
25 cabins without BLM involvement.

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1 It's a little confusing. We get into the
2 term of volunteers. And then Memorandum of
3 Understanding, MOU's, that we tried to have
4 established for some of these cabins, but it was a
5 very informal program. This project, this program was
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6 just one part of a very large volunteer program we
7 were running in the Ridgecrest office. Many years we
8 were getting 25,000 hours of volunteer time donated
9 annually involving maybe 70 or 80 different projects
10 and programs. And this was just one of those 70 or 80
11 programs that I was coordinating as a volunteer
12 program coordinator in the Ridgecrest office.

13 So I couldn't put much time on this, along
14 with all the other duties as the recreation and
15 wilderness branch chief. So I'm bringing this up,
16 because as we get to where we are today, it's pretty
17 loose, pretty informal, and I basically took the
18 approach for about 14 years, as people called me,
19 wanted to help out, I would just tell them go out and
20 do it. And I would tell them about cabins where we
21 were needing to have some work done. They were in
22 danger of collapse. Many times some of these people
23 were out there working, and I never met them. They
24 would call me every once in a while, and I would hear
25 from them. And they would tell me what they were

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1 working on. And I would say, great, we want to save
2 these cabins.

3 I did always emphasize we are trying to
4 stabilize, trying to retain the character of the
5 cabins, stabilize them. We want to save them, but
6 there was really no chance to give oversight
7 direction. I was out there on just a very few of

8 these projects. I probably made it out to maybe ten
9 or 12 projects over hundreds of get-togethers
10 conducted to work on the cabins. So the reality is my
11 feeling was we have to save these structures, and to
12 that point I would like to relate one of the reasons I
13 feel that way.

14 On some of my earlier trips to the desert
15 back in the mid-sixties, I remember going east from
16 Big Pine over West Guard Pass. And the maps at that
17 time showed that was the historic route of the Ike
18 Bomb toll road. And when I used to go over that pass
19 back in the mid-sixties, there was the cabin, the Ike
20 Bomb cabin was up there. And Ron, you may remember
21 seeing that too back in the sixties. I used to drive
22 up there, and as you drive up the small asphalt
23 highway there, beautiful drive up over West Guard
24 Pass, and you could stop and see this historic cabin.

25 And then I moved out of the area and later

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1 got a job with the BLM. In the seventies, I happened
2 to be up there for work. And at that point the cabin
3 was gone and the Forest Service had a sign up there
4 saying, "This was the site of the Ike Bomb cabin." I
5 thought, Jeez, it's too bad they couldn't have saved
6 that thing. You know, here is a sign now that gives
7 the history and talks about it and the cabin is gone.

8 So then ten years later I was driving up
9 there and the sign is gone there. And I think in the

10 time I have been going to the desert, starting in the
11 mid-sixties and exploring and being out here, which is
12 what led me into studying deserts and got me into the
13 BLM back in '71, that much of what I used to see out
14 there is gone. And it was just going because the
15 agencies did not have the resources to really do
16 anything with them.

17 And so that was why I took the approach
18 with these people, it's better to save these things
19 working with the volunteers as best we can. And like
20 I say, recognizing that we really couldn't give the
21 proper oversight to it and study and evaluation of the
22 cultural study and many of the other things that we
23 need to be doing to manage them properly.

24 As far as the work of the volunteers, it's
25 quite extensive. As I mentioned, they really -- the

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1 thousands of hours that they contributed since '89 is
2 just awe-inspiring. I have really enjoyed working
3 with the volunteers on many other projects too. The
4 volunteers can be characterized as people that are
5 very proactive, enthusiastic. They are giving up
6 their weekends. They are taking time off from work,
7 driving up, most of them out of L.A., the basin area
8 coming down from the Central Valley, what have you,
9 because this is something they believe in.

10 And when you find people like that, they
11 are great to work with because they are out there with

12 a mission and they -- they have these ideals and a
13 purpose out there and were very productive and good
14 people to work with. And I enjoyed it very much.

15 So basically, I worked with the volunteers.
16 They have done about -- I have down here adopted about
17 25 of the cabins that they have in the Ridgecrest
18 office. I estimate there are about 43 cabins on
19 public land in the Ridgecrest field office.
20 Twenty-five of them of them had some kind of level of
21 adoption. Many of these other kind of cabins have had
22 some kind of work on them, but not under kind of
23 formal BLM authorization, either. People were out
24 there before 1989. They were kind of tearing them
25 apart and using them for fire wood and everything else

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1 and not maintaining them. And now once volunteers
2 have taken some action to clean them up a little bit,
3 the other public land users are taking care of them.

4 And I was talking with Bill just a little
5 bit ago during the break that once we start taking
6 care of the cabins, most of them have never been
7 vandalized at all. It's amazing to me that people
8 leave them alone. In fact, in the logbooks they talk
9 about how they came up there to repair something they
10 had seen last time that needed to be repaired. And
11 much of this work is just done by the public out there
12 on their own.

13 I did want to mention that we have had four
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14 of our volunteers since 1999 in the Ridgecrest office
15 were nominated and selected as national BLM
16 volunteers. Most of the BLM offices have never had
17 one. And we have had four people from our office go
18 back to the Washington office for recognition for
19 their work. One was George Baland. He is the
20 volunteer for the Siebert cabin. He has done a
21 tremendous amount of work up there. In fact, our last
22 sanctioned BLM project two years ago was out biggest.
23 And George put it up there at the Ruth Mine in
24 Homeland Canyon north of Trona. And he had 157 people
25 out there. And it was just incredible, the people

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1 that are out there. He had the commanding officer for
2 the test squadron at China Lake. A lot of the F-18
3 pilots, and about 157 people out there doing work.
4 And because of that and his other activities, we
5 nominated him for national recognition, and he was
6 selected in 2002.

7 Okay. Let me finish with stabilization.
8 We got the program going, and I worked with the first
9 couple of archaeologists in Ridgecrest under the
10 concept of stabilization. And they were fine with
11 that. As the years went by, I realized that some of
12 the volunteers were adding some things out there.
13 Putting in wood burning stoves, replacing windows,
14 repairing the roofs, things like that. And it's a
15 problem. But again, there was nobody to go out and

16 check it. And so that's kind of where we got to the
17 point we are today.

18 I do want to kind of finish my remarks on
19 this by acknowledging the work of the volunteers. I
20 mentioned a couple of times how much I appreciate what
21 they are doing. It's inspiring to go out there and
22 work with these people and see what they have
23 produced. And to me, it's really worthwhile to,
24 No. 1, save these cabins to keep them out here any way
25 we can. Secondly, they do provide a point of

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1 interest, a destination point. And this gets a little
2 controversial.

3 I personally like to have the cabins
4 available for public use as long as you are not
5 hurting any of the cultural values. So they are a
6 very popular destination point. Most of the people
7 who go out to the cabins do not stay in them
8 overnight. We look in the logbooks, and some of our
9 more popular cabins like those up in South Park in the
10 Panamint Mountains, there are two wonderful cabins,
11 stone and bricks, where in the logbooks, one up in
12 bricks, there are three full logbooks in there of
13 people that have filled in the pages. Hundreds of
14 people that drive through there. It's a very popular
15 four-wheel drive loop. Even people from overseas. A
16 number of foreign visitors have been up through there
17 and stopped in at the cabin. Most of those are

18 just -- they stop and look at the area and enjoy it
19 and move on.

20 I do want to thank Hector for allowing me
21 some time to help on the overview of this. It's
22 somewhat difficult, because I am pretty emotionally
23 attached to the program, so I kind of have to be
24 careful not to get too carried away with it. I have
25 enjoyed working on many different projects and

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1 programs and reflect fondly about many nice
2 accomplishments. But certainly, the Adopt-a-Cabin
3 program is right up there with the different
4 activities I was involved with and felt like we were
5 really producing something important and useful for
6 the public. So I'm glad to have a chance to be here
7 and talk about it and continue working on it as a
8 volunteer.

9 With that, why don't we move into the Power
10 Point presentation, then. Yes, Paul.

11 MEMBER SMITH: Steve, I wonder if I
12 could ask one question and you might be able to
13 elaborate as you do the power presentation. As people
14 have visited these areas, these areas, they also have
15 been highly desirable to the Native Americans, et
16 cetera. Have you noticed any degradation of Native
17 American sites? And also a parallel question, have
18 you noticed degradation of biological values?

19 MR. SMITH: Regarding the degradation of
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20 either cultural or biological values at these cabins,
21 I have not seen that. Of course -- and this is a good
22 point I would like to bring out that the people, the
23 volunteers going out are sensitive to the values.
24 They are out there because they want to save these
25 cabins. A number of them went through the BLM site

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1 stewardship program. They are sensitive to it, and
2 they want to preserve them. So my feeling is that the
3 volunteers and the people working on the cabins are
4 trying to take care of the cultural values, either
5 historic or prehistoric.

6 And that goes hand in hand with the natural
7 biological features too. So my feeling is they are
8 very sensitive to both, and they would not knowingly
9 hurt either. So if any of the volunteers I know out
10 there, if they observe somebody harming something,
11 either cultural or biological, they tell them right
12 then to stop it. And I never saw anything like that.
13 Nothing intentional, anyway.

14 Now, this is one of the problems we will be
15 getting into a little bit later that maybe
16 inadvertently, in trying to preserve these without
17 proper cultural oversight, maybe something has been
18 damaged. And that is a concern and a problem. But at
19 least we have saved the structures instead of allowing
20 them to be torn apart and used for fire wood.

21 Okay, I will go through these pretty fast,

22 10, 15 minutes. And then that will leave 20, 25
23 minutes for Hector to finish off the latter part of
24 the presentation and some time for questions.

25 These are pretty much in alphabetical

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1 order. This is put together by one of our volunteers,
2 Dan Childers. I don't think he has arrived yet
3 because he thought the presentation was going to be at
4 1:30, so I know he was going to come up here today.
5 But Dan put this together.

6 We have, again, the contributions of the
7 volunteers. Dan has a Web site. There are about four
8 of the volunteers have Web sites talking about either
9 one cabin or the cabins in general. Several have been
10 active with the public relations. Rich Sloan back
11 here that put together the photo board against the
12 wall. And then another Rich, Rich Abley, has actually
13 worked in the Washington office, public affairs
14 people. But the volunteers have done the photo
15 displays, provided pictures for the public affairs
16 people and newspapers. And they have done a lot of
17 work, including this Power Point presentation.

18 Let me go through them pretty fast. Astro
19 Artz is a cabin in the Coso range. And you can see on
20 this one, Dan put together here. Before, the wall was
21 collapsing. And it's not much of a structure. Many
22 of these cabins aren't really that much of substance,
23 and so we have the whole range of cabin types. This

24 is pretty primitive. You can see.

25 The Beveridge Ridge Cabin, this is the

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1 first one we worked on back in 1989 where we used a
2 helicopter. There are actually three of the
3 helicopters in the Inyo Range, I was able to latch on
4 to a helicopter we had in the area already and just
5 sling in materials.

6 And this is at -- the one that's at Bristle
7 Cone pine tree wood that was cut probably in the 1890s
8 on the back side of the Inyo Mountain. And you can
9 see on this one the roofing paper and the battens that
10 volunteers put up, and some of the big beams they put
11 on the outside to keep them from leaning.

12 Next. This one is actually the Beveridge
13 Canyon Cabin down at the mouth of Beveridge Canyon. I
14 haven't been out there since. Some visitors -- I have
15 heard they have done some work on it, but this is a
16 structure in Saline Valley at the mouth of Beveridge
17 Canyon.

18 This was quite a story here. This is an
19 isolated cabin in the Inyo Mountains, the Big Horn
20 Cabin. It's perched here at the Bighorn Mine above
21 Hunter Canyon on the east side of the Inyo at Saline
22 Valley. This building had completely collapsed and
23 was laying in a pile out there. So the volunteers
24 just -- I had flown in some 2-by-4s, some lumber and
25 all that. This is one of the places where I brought

1 in some material. And they hiked in there because it
2 is very inaccessible. And actually, just used the
3 existing material and put it back together again.
4 They kind of resurrected it.

5 Next. The Briggs Cabin up in South Park
6 Canyon, one of our premier cabins. It's a beautiful
7 location at about 4500 feet in the Panamint Mountains
8 above Panamint Valley.

9 Bonanza Gulch. I haven't been out there.
10 I wasn't aware anything had been done on it. But it's
11 a structure out in the El Pasos.

12 Next. Boxcar, this is one on the way into
13 Saline Valley, six miles north of Highway 190. You
14 can see in the upper picture, it is an old historic
15 railroad boxcar. That's why they call it the boxcar
16 Cabin.

17 Dark Horse is in the Coso Range, a smaller
18 tin cabin that's on the north side of the Coso Range
19 south of Owens Lake.

20 Dawson Cabin in the El Pasos. This is one
21 that on two of our Desert Advisory tours, we went past
22 three cabins in the El Pasos, and some of you may have
23 been on one of the tours. This is off of Garlock
24 Road.

25 Edith E is in that same area of Garlock

1 Heights.

2 The Copper King is in the Argos Range, a
3 very secluded cabin. You have to go past the old onyx
4 mine and back into the north fork of Shepherd Creek to
5 get to it.

6 Dominguez Mine, the third one in the
7 Garlock Heights area. The Minnetta Mining Cabin in
8 the Argos Range, a beautiful location overlooking
9 Panamint Valley. I see on this one Dan put in a
10 pre-picture and then here is how it's been kind of
11 patched up and put back together again. A very
12 popular cabin. It's fairly accessible and a beautiful
13 location, so that gets very heavy use.

14 The Ruth Mine complex. This is north of
15 Trona and Homewood Canyon. It has tremendous
16 potential. This site has had a caretaker since it
17 closed down in World War II, so it's still fairly
18 intact. There are about seven cabins here, and you
19 can see them through the front here that I believe
20 would really be worth saving. This was our last big
21 project, authorized project by BLM two years ago
22 January. We had 157 people out there. They were
23 basically kind of cleaning up and working on
24 stabilizing those seven lower cabins. Since then, we
25 have kind of put in a little parking area. And there

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1 is a general manager's cabin, where the public can
2 actually drive to that one and stay overnight and walk
3 into the lower cabins, with a caretaker in the upper
4 cabin.

5 Dan put in a copy of an article. This
6 particular project had several large newspaper
7 articles. The front page in the local Ridgecrest
8 paper was talking about saving these cabins and how
9 the volunteers were working to save these.

10 The Nadeau-Magnolia or, as most of us call
11 it, the Siebert Cabin after Paul Siebert, who actually
12 built and lived in this cabin starting in the
13 thirties. He actually took it over. It started in
14 1911, and then Paul Siebert was out there and worked
15 some mines in Indian Wells Canyon, west of Inyo-Kern
16 in a canyon, in the Sierra Nevada Canyon at 5,000
17 feet. That's very popular with people in Ridgecrest.
18 It's got a tremendous potential as a recreation site.

19 I have also been working on a five-mile
20 trail system up there. We haven't publicized it too
21 much yet. George Baland, who is the lead for this
22 particular cabin area, was up there last weekend. And
23 he said people were up there with 15 horses. They had
24 actually ridden in there and were riding on the trails
25 and visiting the cabin. It's a very popular with

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1 people in Ridgecrest.

2 Another picture of the Siebert Cabin.
3 Sierra Canyon in the spring and other canyons have
4 tremendous wild flowers. And then George has worked
5 to put signs out at different artifacts that are still
6 out there. The more recognition you give these cabins
7 and the artifacts, the more people leave them alone.
8 And they recognize you have some information there and
9 they are taking care of it. Vandalism has been nil.
10 Most of these sites, there has never been one problem
11 at all. The few that have some, particularly in the
12 Garlock Road, have very, very heavy use, very
13 accessible. So some weekends we have lot of groups
14 coming in there, and they do get vandalism sometimes.
15 The Osborne Mine Cabin in the North Argos
16 Range. The Stone Canyon Cabin in the Argos Range.
17 Stone Cabin. This is up in South Park in the Panamint
18 Mountains.
19 The World Beater Cabin. This is behind
20 Boward in the Panamint Mountains. These were 21 of
21 the about 43 cabins that we have on land. So to give
22 you an idea what they look like, and as I mentioned,
23 they run the whole spectrum of primitive and some that
24 are really nice and fun to stay in and are being used
25 for overnight camping.

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1 With that, I will turn it over to Hector.
2 And then when Hector is done, I will be available to
3 answer questions.

4 MEMBER BETTERLEY: Do you assign a cabin
5 to a certain group? Or when you mention 175 people
6 were there, is there some lead person in that that
7 organizes his crew or something for each one of your
8 cabins?

9 MR. SMITH: As I mentioned, it's really
10 informal. And each cabin kind of proceeded -- took
11 its own course, depending on who is working on it.
12 But there are about 20 -- actually, 19 of the cabins
13 where there is a lead, somebody has taken it on. And
14 then they will have volunteers working with them.

15 And so that was the case of that big
16 project with George Baland. He is the lead for the
17 Siebert, and he was also working as the lead for the
18 Ruth Mine. And then does the coordination because as
19 I mentioned, most of these projects, BLM wasn't out
20 there. We had nobody from BLM involved.

21 MEMBER BETTERLEY: I meant volunteers.

22 MR. SMITH: About 19 of the cabins
23 actually have a person we identify as a lead and does
24 the coordination. And oftentimes when I get calls in
25 the office, people will say, I heard about these

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1 programs. I was out there, I saw this cabin and read
2 in the logbook what you are doing. How can I help?

3 And I would say, call this person. That's
4 the lead, and kind of would work that way because I
5 couldn't begin to handle all this. So that's what we

6 are trying to do is get a person for each cabin.

7 MR. VILLALOBOS: They have kind of
8 fallen into kind of a friends of the Briggs Cabin.

9 CHAIRMAN KEMPER: Jim has a question.

10 MEMBER BUGERA: The question I had was
11 what I saw in a lot of these pictures appeared to be
12 shacks, not cabins. Each has a different historical
13 designation. A shack would be temporary, like one
14 room. A structure used by, say, a miner who would
15 abandon it after finding his claim, whereas a cabin
16 would have been built to live in by a family or
17 someone working the land. How is it that we call
18 these little one-room shacks "cabins"?

19 MR. VILLALOBOS: I don't know.

20 MEMBER BUGERA: Good enough. Thank you.

21 MR. VILLALOBOS: Okay. They are miner's
22 cabins. I call them structures. They look like
23 shacks, but a lot of people call them cabins. But
24 they are miner's cabins. They could be old
25 homesteads, but I don't think we have that many

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1 homesteads. But in others areas they would be
2 homesteads.

3 CHAIRMAN KEMPER: Okay. Hector, you
4 want to go ahead and start your presentation?

5 MR. VILLALOBOS: Yes.

6 Thanks, Steve, for helping me with this.
7 And what I wanted to start my discussion with first is

8 there is a lot of anxiety among the volunteers about
9 the program right now. I wanted -- not very many of
10 them are here, but at another meeting I wanted to make
11 everyone aware that we are not trying to end the
12 Adopt-a-Cabin program. What we are trying to do is
13 bring it into compliance with our own regulations.

14 In the past, like Steve said, a lot of
15 these structures were being removed from the public
16 lands. In the Ridgecrest field office, for example,
17 there were eight cabins that were razed, and members
18 of the Ridgecrest steering committee informed me that
19 there were up to 23 of these structures that were
20 razed, and which includes some of them which were
21 located on public lands that were transferred to the
22 Park Service.

23 To address many of the issues that were
24 being raised by the public with regard to burning of
25 these cabins down -- and that's what started this

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1 program. And the Ridgecrest field office is trying an
2 alternative to removing these structures through the
3 Adopt-a-Cabin program. But we have learned some
4 lessons along the way, and this is what we wanted to
5 try and correct here with this program.

6 I wanted to reiterate some of the many
7 accomplishments that have been achieved through this
8 program. The Ridgecrest field office again is not
9 burning these structures down. They are very

10 important to the local culture. Some of them are
11 historic, and that's a very viable alternative to look
12 at these things this way. They have been spared from
13 the match.

14 Very important goals have been achieved.
15 The volunteers have helped stabilize these cabins.
16 Many of the volunteers have helped clean up the sites,
17 too. Tons of refuse has been removed and properly
18 disposed of from these areas. A lot of abandoned
19 stuff was left behind, and a lot of site restoration
20 has been accomplished, too, at this time, and I might
21 say with little expense to the public, the taxpayers,
22 because they have done a lot of the work themselves,
23 pitched in, and loaded them up into dump trucks, and
24 stuff was hauled away.

25 As we said, it stops to abate the vandalism

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1 that goes on in the desert to some of these
2 structures. In fact, a lot of these structures are in
3 better shape than they were before. As Steve pointed
4 out, one that used to be a pile of rubble is now a
5 structure again.

6 The structures provide a destination point
7 which brings in tourism, especially, for example, in
8 Ridgecrest. Many members of the public come from all
9 over to see and experience these structures. We have
10 received many great comments on our -- on these
11 structures. This program has brought together diverse

12 groups working together for a common cause. We do
13 need to address several issues. One of the more
14 important ones is ownership, who owns these cabins,
15 and I will get into that later in my discussion.

16 Another thing is the mining claims. Many
17 of these areas are still under active mining claims,
18 and we don't want to interfere with the mining
19 claimants' rights that they have under their mining
20 claims. We have some cultural and historic
21 considerations we need to see to. Some of these
22 cabins are in wilderness areas, and that presents a
23 different set of issues. I recently had the
24 experience of getting an inspection done at one of
25 these structures, and there are safety and hazardous

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1 material considerations that we need to take into
2 consideration.

3 There are some things that we need to do.
4 For example, leave no trace and start practicing that
5 at some of these sites. And I feel that that's going
6 to help a lot. We don't have any funding for these
7 sites either, and we need to kind of find a way to
8 help deal with that situation.

9 I wanted to make sure that everybody knows
10 that at this time, the public has a right to go and
11 visit these sites. Under the mining claims -- even
12 under mining claims, just a mining claim in itself
13 does not prohibit the public from visiting these

14 sites. So a lot of people can go and visit these
15 sites. They can be eyes and ears.

16 In fact, I have an example of a situation
17 that occurred within a couple of months ago where one
18 of the volunteers was at one of the cabin sites. It
19 was the Boxcar. And he observed a young man target
20 practicing on one of the structures that was there.
21 And not only that, but he had also taken about three
22 or four dogs and locked them inside one of the cabins
23 for -- I guess just to keep them from running around
24 the desert.

25 So the volunteer came out and observed this

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1 and reported it back to us, and it just -- it's a
2 miracle that one of our law enforcement officers was
3 not far from the location, paid a visit, caught the
4 fellow shooting at the structure, and also found out
5 that he had locked his dogs in the cabin. And the
6 dogs had made a big mess in the cabin. So this is a
7 way of how volunteers can be our eyes and ears. And
8 I'm sure that individual was cited for the activity
9 that he was doing, illegal activity at this location.

10 They help us monitor these sites. So it's
11 good to have this kind of a program, I believe. That
12 it does -- it helps prevent this kind of activity from
13 occurring.

14 What we are going to do is we are going to
15 develop a process and work with the volunteers. This

16 program is going to include staff volunteers and
17 others to try and figure out a way to best comply with
18 some of our regulations.

19 The issues we need to address:

20 Some of these cabins are in wilderness.

21 When we have people working on cabins within the
22 wilderness, we need to pay attention to what they are
23 doing out there, put out proper notification to those
24 that we inform about things that we are authorizing
25 within wilderness areas. We also need to do things

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1 like the minimum tool assessment to make sure that
2 whatever work they do within these cabins, that they
3 do it with an assessment that looks at the minimum
4 tool.

5 We also want to follow very closely the
6 cultural management regulations for these structures,
7 especially in wilderness. What we have is maybe a
8 handful of cabins that are in wilderness now that have
9 some conveniences that those cabins didn't have
10 before. Things like a Propane stove system, for
11 example. And that wasn't there when the cabin was
12 originally put in. And if we are going to kind of
13 follow our guidelines, we probably shouldn't have
14 allowed the Propane system to be installed. There are
15 other issues related to, say, having Propane systems
16 in some of these cabins.

17 MEMBER MC QUISTON: What historically or

18 how historically would they have been heated?

19 MR. VILLALOBOS: Maybe a wood stove.

20 That might have been it. But I don't know. And
21 that's one of the problems is that our archaeologists
22 have not really been able to make a proper assessment
23 of some of these cabins. And that's how we would have
24 determined what was their way of working.

25 MEMBER MC QUISTON: I guess my mind just

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1 goes in the direction of -- and I'm not familiar at
2 all with whatever regulations you may have to
3 follow -- but it seems to me Propane would be much
4 more desirable than burning wood, given our focus on
5 air quality.

6 MR. VILLALOBOS: That's a good question.
7 But at the same time, we have other safety concerns.
8 And since the question is right now about that system,
9 that situation, I recently heard of a report of a
10 cabin that's -- that was on state land in Colorado
11 that blew up and killed a few people along with it.
12 And it was a Propane system. I don't know what the
13 safety hazards are on these things, so that's probably
14 one concern that the BLM is thinking about. It
15 probably would be better not to have a heating system
16 at all. And we will get into those.

17 CHAIRMAN KEMPER: Hector, just for your
18 information, I can share with you that my wife was
19 very capable of burning down a cabin with a wood

20 stove.

21 MR. VILLALOBOS: That's correct.

22 Anyway, there are certain guidelines that we need to
23 establish and follow with the volunteers helping us
24 for wilderness.

25 Cultural resources: That's another thing I

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1 just mentioned. There are 40-some-odd structures out
2 there that our archaeologist has not had a chance to
3 look at and probably won't because one archaeologist
4 in my Ridgecrest field office is right now trying to
5 cover a bunch of other higher priority work. So
6 that's an issue, but we are trying to see what we can
7 do to try and pay attention to that aspect of it.

8 Some of the cabins you might have noticed
9 as an example of the concerns that the archaeologists
10 have, the Minnietta used to have a tin roof on it. It
11 has a paper tar roof now. And our archaeologist would
12 look at that as a significant change to the historic
13 integrity of that cabin. Had we had the opportunity
14 to work a little bit closer with an archaeologist, we
15 probably could have put a tin roof on it that looked
16 just like the original and be able to accomplish that.
17 Again, that's the breakdown we have had is in getting
18 our archaeologist out there to help the Adopt-a-Cabin
19 volunteers to get that perspective and to work with us
20 with respect to those attributes of the cabin.

21 MR. BETTERLEY: But when that cabin was

22 built, there was no archaeology involved.

23 MR. VILLALOBOS: I understand that. But
24 some of these cabins were built back in 1930s. Some
25 of them are newer, and there is a big difference of

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1 the approach that the archaeologist will take. He
2 probably won't worry about some of the newer ones, but
3 the older ones he will.

4 MEMBER MC QUISTON: The example you just
5 gave with the tin roof and the workload and priorities
6 that the archaeologist can't go to the site, why can't
7 some pictures be taken and brought to the
8 archaeologist just for a review? That sort of thing
9 to me -- it would seem like it's so obvious that if a
10 picture was there, they could have said put a tin roof
11 on it.

12 MR. VILLALOBOS: That might be a way to
13 work with archaeologists. I think they are trying to
14 find a way to work with volunteers where if they
15 acquire some basic archaeological knowledge, and that
16 might be through the site stewardship program. If we
17 can educate some of the volunteers, they might be able
18 to be the eyes and ears of the archaeologist and do
19 the things that you kind of have suggested.

20 MEMBER MC QUISTON: Am I understanding
21 that if the archaeologist can't go on-site to do it,
22 they are not being involved in the review process at
23 all?

24 MR. VILLALOBOS: At this point they
25 haven't been involved. And that's why we have gotten

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1 into the situation we have where a paper tar roof has
2 taken place over a tin roof.

3 MEMBER MC QUISTON: Well, being
4 unfamiliar with their guidelines, my first reaction is
5 maybe you need a better mousetrap.

6 MEMBER BETTERLEY: You want to put a
7 building permit on it? Is that what you want to do?

8 MEMBER MC QUISTON: I'm just saying in
9 the case of a tin roof, if an archaeologist saw a
10 picture, it would be very easy to say if you are going
11 to restore it, you need a tin roof on it, even if I
12 can't get out there.

13 MR. VILLALOBOS: We are trying to work
14 with our archaeologist so he is able to provide that
15 kind of feedback.

16 CHAIRMAN KEMPER: Ron.

17 MR. VILLALOBOS: There might be some
18 volunteer archaeologist that might --

19 CHAIRMAN KEMPER: Hector, just a
20 suggestion that would be a like material policy. If
21 volunteers are going to fix that cabin, it needs to be
22 a like material or similar material.

23 Ron.

24 MEMBER SCHILLER: I would like to make a
25 comment. Being from the area, these cabins are very

1 important to the local community. And it's just
2 interesting to note that before the BLM came to town,
3 the public was already doing this. Some of these
4 cabins aren't near what they were when people started
5 maintaining them ourselves. Many of these cabins, we
6 knew who lived there, built them. We went and visited
7 them. And some of those cabins, I don't understand
8 how your archaeologist could tell what those cabins
9 looked like originally because I recall in the fifties
10 and sixties going out and maintaining these cabins.

11 My grandparents were fond of one over in
12 the Sierra foothills and maintained that one quite
13 some time before it got burned down. So I can't
14 understand how you can tell what was original and what
15 wasn't, even before that time.

16 MR. VILLALOBOS: I don't know. I'm not
17 an archaeologist.

18 MEMBER BETTERLEY: He got out of that
19 one.

20 CHAIRMAN KEMPER: Okay. Let's go ahead.

21 MR. VILLALOBOS: So one of the things
22 that we are trying to maybe work with is the idea of
23 getting site stewards at the cabins and working with,
24 say, for example, the Matarango Museum, maybe the
25 local historic society, and with our archaeologist.

1 All of those folks working together, they might be
2 able to come up with a way to have more of the
3 integrity of the history for those cabins. I have
4 already contacted, for example, the historic society
5 in Ridgecrest, and they are pretty interested in
6 trying to help us and maybe provide that kind of
7 oversight. And I would imagine they know more about
8 what these things looked like in the past than some of
9 us. But that's what we are trying to do.

10 The other thing that might be important
11 about the cultural resources program here with these
12 cabins is the idea that some of these need the kind of
13 assessment that might put them into like, say, for
14 example, the Burro Schmidt into an historic national
15 register. That's another thing that it might help do.
16 And our archaeologist is very interested at looking at
17 some of those locations and see if that can be done.

18 If that were to be done, then maybe we
19 could be looking at a source of funds in the future to
20 help with the restoration of these sites.

21 Safety is another big concern brought to
22 our attention. Like I said, recently there was a
23 group of people, safety specialists and Hazmat
24 specialists that go around the different offices and
25 inspect structures. And they insisted on inspecting

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1 one of the Adopt-a-Cabin sites. I asked them why.
2 They said it's because there is a lot of members of
3 the public that go out there and visit these sites.
4 And we are concerned, you know, with the public, what
5 kind of risk they might be in if they go visit these
6 locations.

7 And I insisted that these weren't developed
8 campground-type locations, that they are undeveloped
9 for the most part. And that the public can go visit
10 these locations without our permission or without any
11 degree of development or not. But anyway, they went
12 out, and they assured me that they wanted to look at
13 these locations to kind of help us maybe address some
14 of the issues that might be found.

15 Of course, one of the issues that they
16 found were pit toilets, for example. And they pointed
17 out that a pit toilet is an industrial discharge. And
18 therefore, it would require a lot of permits, which
19 I'm not going to be able to go get unless I build a
20 real good toilet that's self-contained. And it would
21 be difficult to do that, to build umpteen toilets out
22 there and maintain them without the funds.

23 So basically, for the last year or so, I
24 have already been talking about no more pit toilets on
25 the sites. So lo and behold, a pit toilet appeared on

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1 one of these sites without anybody permitting it,
2 especially the BLM. So we had it removed, and that's

3 one way to deal with the problem.

4 Anyway -- but they did make that finding,
5 and I knew it was coming. Another thing that they
6 found, which is no surprise to me, is that there are
7 many mine workings and other physical hazards
8 associated with these cabins. Of course, they are
9 mining cabins. There are mine shafts around. There
10 are these kinds of hazards out there. And they
11 pointed out those hazards to me, and it's something I
12 think we can do, too. I think we can do a fairly easy
13 fix of some of these situations.

14 We have done it around Ridgecrest all over
15 the place. We build these little fences around some
16 of these things and we put signs up saying "Public,
17 beware, stay out," and we can do that. Maybe some of
18 these more dangerous ones we can put on the list to
19 remediate. That is something we can deal with.

20 Some of the things, though, are going to be
21 kind of difficult to deal with because they found
22 physical hazards at the cabins. For example, a portal
23 into the cabin was too low. Somebody might go in and
24 bump their head. It's too low. Must have been a
25 small miner.

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1 THE WITNESS: It's what's known as a
2 small mining claim.

3 MR. VILLALOBOS: Those might be kind of
4 hard to fix, because at the same time, if I'm

5 concerned about the historic integrity of the place,
6 I'm not going to go in there and replace this doorway
7 with another doorway or have the volunteers do that.
8 So there are some things that obviously they point out
9 we may not be able to fix because there are other
10 things that I have to take into consideration. And I
11 will be working with the safety folks to kind of point
12 that out.

13 One of the other things they pointed out
14 was hantavirus problems, and that's true. There are a
15 lot of hantavirus problems with potential problems
16 there. I believe that the volunteers that have been
17 working in these sites are being cautious about it. I
18 haven't heard of any of the volunteers coming down
19 with hantavirus.

20 MR. SMITH: Never been a problem.

21 MR. VILLALOBOS: But it is a potential
22 problem. And what we need to do is work with our
23 volunteers and make them aware of the potential
24 problems and advise them as to how we might work
25 around these situations.

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1 Another one that was pointed out as a
2 safety hazard are fires. Again, the Propane system
3 and the wood burning stoves. I think they looked at
4 one of the cabins that had evidence that there had
5 been some kind of a roof small fire that had occurred.
6 And I think this is an easy fix, too; that we are

7 probably going to discourage putting wood stoves in
8 these cabins or Propane systems in these cabins, to
9 just stay away from that situation.

10 It seems petty, but in another way, it
11 isn't. There are some concerns. I recall a while
12 back about two years ago we were having an
13 archaeological day with volunteers. Some of the
14 volunteers got sick after the dig. We don't know why.
15 There was a scare that maybe it was the soil that they
16 were working in. They may have breathed something or
17 they may have come in contact with mercury in the
18 soil. And they are only trying to point out some
19 potential problems.

20 And when we work with volunteers, as if we
21 were working with our own employees, we need to kind
22 of take these things into consideration. We don't
23 want to put anybody into harm's way. And we just look
24 at these things a little bit and see what we can do to
25 reduce the risk to our volunteers and employees.

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1 That kind of in a nutshell gives you a view
2 of the situation. We don't get any funding, but at
3 the same time, the folks that did the inspections for
4 us a while back told us that there might be some money
5 back in Washington that they might be able to help us
6 with to address some of these kinds of issues. So I
7 don't know if that's possible, but I'm willing to look
8 into it and see.

9 One of the biggest issues that has come up
10 for us to deal with is the question of ownership. The
11 land is public in many cases, but the structures that
12 were placed on the public land were privately owned or
13 are privately owned, or they might be abandoned. Some
14 of the structures are still associated with the mining
15 claims. So that's another issue we have to work
16 around. I found out, oh, from about -- a volunteer
17 effort that was done about three years ago, Steve?

18 MR. SMITH: That was about three years
19 ago.

20 MR. VILLALOBOS: The White Swan is a
21 cabin along Highway 190 near Lone Pine. A situation
22 occurred there where we had volunteers. We thought
23 the property had been abandoned. We had volunteers
24 out there to the cabin that was being vandalized
25 heavily, and it was a report from the mining claimant,

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1 actually, who told us that -- she let us know that her
2 property was being vandalized heavily.

3 So in our attempt to get maybe the
4 Adopt-a-Cabin program involved in saving this cabin,
5 we went out there prematurely, picked up some property
6 or what we thought was abandoned property and had it
7 taken away. And we put up a sign up there that said
8 BLM, basically trying to tell whoever was going out
9 there and recreating by vandalizing this place to have
10 some respect for that property.

11 Well, that kind of backfired on us, and the
12 mining claimant felt that the BLM was trying to take
13 their claim away and/or take their property away also.
14 And that's a big issue that has kind of brought me to
15 look at the situation overall about the property and
16 ownership, the ownership question of many of these
17 cabins.

18 What I found out is that out of all these
19 cabins out there that we have been trying to restore,
20 there are only three, actually two, that we really
21 have a quitclaim on. The rest of them we never really
22 did anything to declare that the property was
23 abandoned and/or no longer needed for the mining
24 claim. So that's an issue. Only two out of all these
25 cabins do we have a clear indication that the BLM is

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1 responsible for them. The rest of them, the
2 volunteers have been working out there under the
3 assumption that this was abandoned property. And so
4 we are going to try to correct that.

5 One way of correcting that is trying to get
6 quit claims on some of these cabins. And we will have
7 to go through a process to do that. We believe that
8 many of these cabins are indeed abandoned. And what
9 we will have to do is look at our regulations and the
10 2920 regulations, which basically allow us to declare
11 the property abandoned. We can advertise in a
12 newspaper for a number of days to see if anybody might

13 have some connection to the property. And if nothing
14 comes in as a result, then we can declare it
15 abandoned. And we definitely can have control over
16 the property that's there. It's a big concern of mine
17 because I don't want to get into a situation where we
18 are interfering with somebody's private property
19 rights, especially these structures that are on the
20 public land or their mining claim rights.

21 That's another thing we have to look at.
22 And in a situation that I think is a very good working
23 situation, like, for example, the Siebert Cabin, it's
24 still an active mining claim. The Siebert Cabin still
25 belongs to Mr. Siebert. The volunteers have been

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1 working with Mr. Siebert to do what we are trying to
2 accomplish, to save that cabin from being vandalized.
3 I saw the reports from the newspaper and the files
4 that said basically some of the property they had out
5 there, the tractors, the old vehicles, the old mining
6 equipment was being vandalized. Parts were being
7 taken off. His cabin was being vandalized. When he
8 and the volunteers got together, that more or less has
9 stopped.

10 The other thing that I feel that the BLM
11 should not be doing is going out there and saying this
12 is our property. We are taking it away from you,
13 Mr. Siebert. He is not willing to let go of his
14 property. He is not using it for the purpose of

15 living out there, basically, because he doesn't live
16 there in the cabins anymore, and he is not claiming to
17 have to live on the property for the purpose of mining
18 because he is not mining the area anymore. But he is
19 holding onto his mining claim and his property at this
20 time. And we've got volunteers that are helping him
21 with the problem of vandalism.

22 The other thing that has occurred out there
23 is that the BLM has helped accommodate the public out
24 there by putting out picnic tables and camp sites and
25 improved some trails out there so that the public can

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1 recreate. There might be some issues we have to
2 address with the mining claim, and that is the
3 question of open shafts and pits out there. And we
4 might be able to put some signs up warning the public
5 to stay out. Maybe put some fences up with the help
6 of volunteers to help mitigate those hazards.

7 Anyway, we don't want to interfere with the
8 mining claimant's rights out there. We don't want to
9 be taking over somebody's property just because they
10 are not living in it. And there are ways to come up
11 with agreements with the property owners to leave the
12 property under the owner's control as long as it's
13 decided that there is no need to pursue the 3715
14 rights, which deal with mining and the occupation of
15 the site.

16 Getting back to the question of ownership,
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17 there are two areas that we can go and visit. The
18 question of ownership, and that is through the mining
19 claim regulations. Or through the property 2920
20 regulations. And I believe we can do that.

21 Like I started to mention to you is the
22 fact that we want to get some of these sites under the
23 site stewardship program. And we are trying to work
24 with the Matarango Museum if they can help us and
25 maybe other historic societies to help us deal with

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1 cultural and historic aspects of these sites.

2 And where we can get volunteers to become
3 caretakers, that might be a good idea in some
4 locations. For example, if the Burro Schmidt does
5 ever come to the BLM, that might be a perfect
6 opportunity to have a caretaker out there. We already
7 have caretakers in some of the areas where they are
8 working with the mining claimant to become a caretaker
9 on that claim. The Bickel Camp is one of them and so
10 is the Ruth Mine another one of them.

11 One other thing I feel we need to do with
12 the cabins is come up with site plans. What I feel
13 that we need to address in the site plans, and this is
14 for the purpose of managing the sites on a long-term
15 basis, is trying to identify what the maintenance
16 needs are going to be for these cabins, try and
17 identify what structural stabilization needs to be
18 done for some of these cabins, identify the site

19 restoration of the surroundings. For example, if
20 there are mine shafts or those sorts of things,
21 identify those and see what we can do to address some
22 of those concerns. Identify artifacts that should be
23 protected. There are artifacts out there, and there
24 is junk out there. We need to decide what is
25 artifacts and what is junk.

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1 MEMBER BETTERLEY: Get your
2 archaeologist out there.

3 MR. VILLALOBOS: Or those that know
4 better. What we can do with the volunteers is remove
5 a lot of the stuff that might be found to be junk or
6 refuse or probably might be a hazard. And I can kind
7 of identify with the potential for hazards out there
8 for wildlife.

9 For example, about two or three years ago
10 up in Panamint City area, there was a -- I found a
11 carcass of one of the burros out there. The
12 carcass -- the reason it died was because it was
13 hobbled by an old bed spring. The old spring was
14 there. Both of his hind legs were stuck in this bed
15 spring. And I can just imagine the death that that
16 animal experienced trying to get around with a bed
17 spring stuck to it hind legs.

18 Some of this stuff is junk and some folks
19 wouldn't mind it staying out there in the desert. But
20 maybe we ought to look at some of those aspects of it

21 and see what is kind of a potential hazard out there
22 and get rid of it.

23 We need to identify other opportunities to
24 accommodate the public, such as parking areas, maybe
25 trails, maybe the need for fire rings outside of the

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1 cabins instead of having wood stoves inside the cabin.
2 So if we can put site plans together, and I think the
3 volunteers can help do this, and say we are going to
4 do this kind of maintenance, we are going to stabilize
5 this area, we are going to do some site restoration,
6 or maybe mitigate some of these hazards that might be
7 around like mine shafts. Find out what artifacts are
8 important.

9 Like the Siebert Cabin is a real good
10 example, where these old mining apparatus have been
11 left on-site with a little bit of interpretive
12 information provided. And I think the public
13 appreciates that kind of an opportunity to see and
14 explore.

15 Anyway, if we can get this sort of sorted
16 out with the volunteers, I think that will form a
17 basis for them having -- being able to work with us to
18 continue to preserve and stabilize these sites. And
19 that way -- and also, I think what we would want to do
20 is require written authorization of the alterations
21 that might be done. In other words, in the past we
22 have done a lot of it through word of mouth. They

23 call in, they ask, can we put a new roof on it? And
24 we said, sure, go ahead. For now, I think we need to
25 have a written record of what is being done with the

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1 cabin and work with the volunteers to get that done.

2 MS. QUINTANA: I have a question. Are
3 you doing anything to protect Native American sites?

4 CHAIRMAN KEMPER: Excuse me. We have a
5 reporter. You are going to have to come to the mic
6 and ask your question, please.

7 MS. QUINTANA: I don't want to interrupt
8 his report. But I'm just curious, because you
9 mentioned the site. Are you doing anything to protect
10 the native -- the petroglyphs that are in that area
11 where the cabins are? I noticed in that report that
12 was done, the Sierra Club mentioned in the six-month
13 period, there had been some petroglyphs destroyed.
14 Are you doing anything to protect them in that area?
15 Helena Quintana.

16 MR. VILLALOBOS: I'm not sure what area
17 you are talking about.

18 MS. QUINTANA: That's Hunter Canyon.
19 It's not a cabin site.

20 CHAIRMAN KEMPER: Excuse me, sir.

21 MR. VILLALOBOS: But that's a good
22 question. And the thing I mentioned a little bit
23 about the idea of having -- do some kind of a survey
24 to find out what is important and what's not, to

25 separate the junk from the artifacts. And that would

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1 go back to Native American, perhaps, type of thing.

2 MS. QUINTANA: Hunter Mountain.

3 MR. VILLALOBOS: Where we could identify
4 these kinds of concerns and kind of work these into
5 our plans.

6 CHAIRMAN KEMPER: Paul.

7 MEMBER SMITH: Hector and Steve. That
8 was a most complete and fascinating report.

9 One of the triggers that caused us to
10 request this report was, can this idea be exported yet
11 to other areas of the BLM? My impression is you still
12 have a lot of bugs to iron out before it can be
13 emulated as a plan.

14 MR. VILLALOBOS: Yes, I agree with that
15 assessment. We have a lot of things that we need to
16 deal with. And right now with the National Safety
17 Program looking at these things, they told me that
18 they looked at cabins up in Alaska, for example, and I
19 think it would be premature to say this is the way to
20 go until we work out some of these issues.

21 CHAIRMAN KEMPER: I'm going to take
22 control here. Hector, if you will go ahead and finish
23 your report, and then if anybody in the public or any
24 of the councilmen have comments, we will take them
25 after Hector is finished.

1 MR. VILLALOBOS: Okay. My last remarks
2 here is that I want to ensure this program remains an
3 alternative to removing these structures from the
4 public land. I believe that the public wants us to
5 care for these sites. They want them protected, and
6 they want to enjoy what they have to offer. And
7 basically, that's what we are trying to do.

8 CHAIRMAN KEMPER: I'm going to go ahead
9 and take comments from the Council people, and we have
10 about 15 minutes before lunch. We do have a comment
11 period for the public for items that are on the
12 agenda, and that will be later this afternoon, I
13 believe.

14 MEMBER BETTERLEY: 3:45 this afternoon.

15 CHAIRMAN KEMPER: Ron Schiller

16 MEMBER SCHILLER: Yes. Ron Schiller.

17 As one of the founding members of the
18 Ridgecrest BLM steering committee Steve mentioned, I
19 recall the early days in the local community up in
20 turmoil constantly at the BLM, constantly in the
21 letters to the editor, just raising Cain about these
22 cabins being lost and burned. Several times BLM
23 rangers had been seen burning the cabins. And that
24 just made it that much worse in the newspapers and in
25 the public's eye.

1 I'm a staunch advocate of this program and
2 would hate to see this program lost. It sounds to me
3 like your safety inspections are a classic case of "I
4 am from the government and I'm here to help you."

5 I understood that some of the things that
6 were brought up was pit toilets can be considered as a
7 hazardous waste injection well. And where do we apply
8 the common sense?

9 Many of these cabins did have Propane and
10 wood stoves. And some of them are in actually pretty
11 good condition. And I don't see any need to not use
12 those. That is kind of part of the experience. I
13 know I use a lot of them in the winter during hunting
14 season when it's extremely cold and often snow on the
15 ground. And let me tell you, that barrel stove is
16 mighty nice.

17 As far as hantavirus goes, I would think
18 that the lack of use of the cabin would do more in
19 causing a serious hantavirus hazard, whereas when you
20 have the accumulation of the nests and big buildups of
21 the nest, it seems to be more hazardous than when you
22 have people using it and cleaning up.

23 But I would like to just finish and say, as
24 a local resident, these cabins are our history and our
25 local custom and culture. And they are extremely

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1 important to the local residents. Even though a lot
2 of them have been adopted by outside groups, they
3 still remain important to the local community. Thank
4 you.

5 CHAIRMAN KEMPER: John McQuiston.

6 MEMBER MC QUISTON: I took several notes
7 here. Let me start by saying I really appreciate the
8 program as it's evolved.

9 Steve, your involvement, and Hector, your
10 support of the program. I, too, believe the program
11 should continue. And Paul, I agree with your comments
12 that we are not ready to export this. But I do
13 believe in the ensuing months that to the extent that
14 processes and standards can be developed, such as you
15 have something you can give to these volunteer groups
16 that's consistent and understandable, is very much to
17 be desired.

18 I think that this is a tremendous program
19 for three or four reasons. One, there is a lot of
20 trash and debris that's being collected that's out on
21 the public lands, and there is a definite public
22 benefit there. I think that it's brought together
23 some extremely diverse groups. Maybe the only thing
24 that all of these groups have joined together on, kind
25 of in the spirit of what this group is all about. And

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1 any time you can get as broad and diverse a group
2 that's supportive of a program, for that reason alone

3 I think it has great benefit.

4 Certainly preservation of cultural and
5 historic value of these resources. And I think that
6 it's very consistent and supportive of the recreation
7 goal of FLPMA. So I think it's a great program and
8 would urge that it be continued.

9 There is one area I would like to perhaps
10 offer. Kern County has a program. It's a grant
11 program. And Steve, I think I heard you mention it.
12 There are some records being kept that quantifies the
13 number of people that may be visiting these things.
14 One of our focuses is we take a portion of our transit
15 occupancy tax. And every year we put together grant
16 programs. And to compete for those grants, you have
17 to show visitor use of or recreational attraction of
18 something that brings people to Kern County. And
19 these are 100 percent grants.

20 And I don't know of any restrictions that
21 would preclude the BLM applying for those. I would
22 like to have some of my staff work with you, but in
23 terms of materials. Not so much in terms of labor,
24 but in terms of material, things like fire rings,
25 wood, and these might qualify. If this program

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1 continues, which some of my colleagues would like to
2 see it go away, I hope it stays. Some of the
3 funding -- we are not talking big dollars but \$5,000
4 or \$10,000 worth of materials can go a long way. And

5 perhaps we can put together a package that qualifies.

6 CHAIRMAN KEMPER: Carole.

7 MEMBER WILEY: Yeah, I think this is a
8 great program. I have some friends that have worked
9 on these cabins, and I know they get great pleasure
10 out of the work they have done there. So it
11 definitely should be continued.

12 Should be continued, I would think, with
13 keeping the historical integrity of the sites. And
14 the archaeologist being short-staffed, I think maybe
15 using a lot of specific site steward workshop training
16 for the volunteers and involving the historical
17 people, the historical societies would be a great help
18 to keep the program going and keep the integrity of
19 the sites.

20 CHAIRMAN KEMPER: Preston.

21 MEMBER ARROW-WEED: I agree with all of
22 you. I think it's a good idea. I'm glad to see you
23 all enthusiastic about preserving cultural or historic
24 sites. I think that has been mentioned for many, many
25 years, and going as far back into thousands of years.

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1 I hear about a cabin. I will talk about sleeping
2 circles that are destroyed by people that go out in
3 the desert and ride all over them. There is, I think,
4 preservation, historic preservation. There is some
5 law and there are certain things you must leave before
6 you preserve it. And if it's reached our group here,

7 they must be very important. But historic
8 preservation, it always has been.

9 I believe that our desert has its
10 petroglyphs. Those have to be saved. There is a law
11 against that, but yet does it stop anyone? No. They
12 just go out and destroy it. They would do it anyway.
13 Right here we are talking about means and ways to
14 desperately save these cabins. They are not quite as
15 old, but I do agree they should be saved. I think it
16 tells us something about the past. It's important.
17 But every past is important, not just one past is
18 important. There have been laws to protect other
19 pasts, but it's never been enforced. Why? Because
20 not enough money or shortage of staff, but no real
21 effort is made. And it should be, because if you save
22 the cabin and destroy the sleeping circle or an
23 archaeological site, where is the justice in that?

24 So I think we better think a lot more than
25 that area. We should think about it more. But we

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1 talk of one destruction and saving another one. And I
2 think the cabins and everything should be preserved as
3 much as we can, and not put in people who are
4 already -- I think that already made up their minds.
5 The Gateway people have already made up their mind to
6 do it anyway, yet they are destroying cultural
7 preservation. They are not thinking about that.

8 Why don't you ask the ORV? They might give

9 you the money to do what you want to do. It's more
10 useful to save those cabins than to bring in more
11 people to destroy the other side. I think maybe they
12 ought to give you the money. It should be better
13 spent to save your people's houses that are sitting up
14 there to tell us the history. I agree with that. I
15 think that should be done.

16 That's all I got to say until next time.

17 CHAIRMAN KEMPER: Thank you, Preston.
18 Howard.

19 MEMBER BROWN: I agree with what a lot
20 of people are saying, but I also kind of see a
21 quandary developing between the approach that Steve
22 was taking, kind of a casual, unregulated approach to
23 restoring these, to a highly regulated -- you have to
24 have a site plan and written authorization and go
25 through the NEPA process, to where no one is going to

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1 be able to restore anything because of the length of
2 time it takes to do it. And you sort ruin a good
3 thing by over-regulating it. So trying to find a
4 balance between letting people fix things and telling
5 them exactly what kind of nail they have to put in
6 every spot and not allowing anything to happen I think
7 is a fine line to walk. So you shouldn't go to over-
8 regulations.

9 MR. VILLALOBOS: If I can comment on
10 that. Steve got a head start on me on the regulation

11 part of it. And a lot of these cabins are in pretty
12 doggone good shape right now. I won't say a lot of
13 them. I can't say a lot of them because there isn't a
14 whole brunch of them. But some of the ones that the
15 volunteers have taken an interest in are in pretty
16 good shape right now. And status quo is what we are
17 telling everybody right now.

18 So basically, we are hoping that -- kind of
19 just status quo and catch up with what we need to do
20 and where we need to go forward on these. Probably
21 the most important thing we need to catch up on is the
22 question of ownership. That I think we can deal with
23 fairly quick. And then probably what we need to do is
24 some of these plans. They have already pretty much
25 addressed a lot of these things already. We need to

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1 get it on paper rather than in somebody's mind that is
2 the coordinator.

3 So I think it's true that if we stand still
4 and we don't let anything happen, that, yeah, there is
5 a potential for somebody to come in and start
6 vandalizing these things again. That's why I am
7 encouraging the volunteers to keep going out there and
8 keep some level of maintenance going that is sort of
9 sweeping it out and making sure that
10 "leave-no-trace-type practices" because there are some
11 people that come in and visit the site, leave behind
12 cigarette butts, shotgun shells, you name it, some

13 people leave those kinds of things behind. They come
14 in and clean up after them. And it makes it look
15 like somebody is actively caring for these things and
16 regularly visiting these sites, so it helps.

17 But just status quo. If we can just go
18 status quo, and then if there are some major things
19 that need to be done. A lot are stabilized right now.
20 There are a few that are not, but we can work with the
21 archaeologist. And we prioritize the list of those
22 ones we feel like we need to take more immediate
23 action than others.

24 CHAIRMAN KEMPER: Hector, thank you.

25 I think you answered the question. Any

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1 other questions or comments from the Council? It's
2 lunchtime, so I had lots of comments written down.
3 Most of them have been covered.

4 The only one that I know that hasn't been
5 covered -- and first of all, I want to thank you. And
6 Steve, I think you have done a wonderful job. I think
7 the program promotes a focal point for diverse groups
8 to get together and accomplish something together, and
9 I think it's wonderful.

10 The other thing I can share with you is
11 that ownership is simply a matter of the law. As long
12 as we follow the law, I think we will be okay. I want
13 to compliment you both. I think you have done a
14 wonderful job, and you brought diverse groups together

15 and worked together and that in itself is a wonderful
16 accomplishment.

17 I did see one thing I would like to change
18 on the agenda. In the last couple of meetings, it has
19 worked better when we get our action item all at once.
20 We don't have an actual action item period set up on
21 this agenda, so if everyone is in agreement, after
22 public comment tomorrow, we will have our action
23 items. And what I would ask of the Council members is
24 if they know ahead of time as to the motions they are
25 going to make, that they write them out. Is everybody

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1 in agreement? Okay.

2 So we will do that after public comment
3 tomorrow. All the action items. We are officially
4 off the record. We break for lunch for one hour.

5 (Lunch recess taken.)

6 CHAIRMAN KEMPER: Okay. We are back on
7 the record.

8 Roxie, are you ready for your presentation
9 on Dumont Dunes?

10 MS. TROST: Yes. Ron, Harold Johnson is
11 going to be doing that presentation.

12 CHAIRMAN KEMPER: Okay. Is Carole
13 there?

14 MS. TROST: Harold.

15 CHAIRMAN KEMPER: We are off the record
16 for a minute.

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17 (Brief recess was taken.)

18 CHAIRMAN KEMPER: Back on the record.

19 MR. JOHNSON: I'm getting microphone
20 instructions. I have to almost swallow it for you to
21 be able to hear me, although I generally get by
22 without one.

23 I think most of you know me, but my name is
24 Harold Johnson. I'm the recreation branch chief in
25 the Barstow field office. And it says I'm on the

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1 agenda and that I'm here to talk about the Dumont
2 Dunes program. While that's true, it's a little
3 bigger than that. I want to talk to you about the
4 off-highway vehicle fee program in Barstow. And
5 actually, that's what I was out in the hall talking to
6 Linda about. It actually gets a little bigger than
7 that.

8 The fee program at Dumont Dunes -- since I
9 have half an hour and you seem to be going very
10 quickly today, maybe I will take the whole thing.
11 Just kidding, Ron.

12 We started -- last year we ran a fee
13 program at Dumont for two weekends, Presidents'
14 weekend and Easter weekend. And I don't remember what
15 we got Easter weekend. But Presidents' weekend, we
16 got over \$72,000 for that holiday weekend.

17 We started the annual program in October.
18 And our estimate was that we would collect for the

19 year starting October 1, \$300,000. We have already
20 collected \$271,000 and change out there. The program
21 is -- has been -- while certainly we get a few people
22 that complain about it, most people don't. And we did
23 have before we started up a lot of people that said
24 why aren't you charging us fees to use this area,
25 because they understand that, No. 1, we have had a

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1 dropoff in the funds that we get for green sticker
2 money, and the services have had to increase out there
3 and they appreciate that. There is not the lawless
4 element that they run into other places. We are able
5 to take control of things. We have medical staff that
6 take care of their problems and get a helicopter to
7 get them out. So they appreciate what we are doing
8 out there.

9 We are about to expand the program to some
10 of the other areas. The next one that we will be able
11 to do this at is El Mirage. But one of the things we
12 need to do is establish a technical review team to
13 help us with the fee part of the program.

14 Now, one of the things that was passed by
15 Congress is the Federal Land Recreation Enhancement
16 Act. And in that Act it calls for us to establish a
17 recreation resources advisory council. And the nice
18 thing about this is in that act -- and I think I will
19 just read from this. I have a quotation out of there.
20 It says, "In lieu of establishing a recreation

21 resources advisory committee, under subparagraph A,
22 the secretary may use a resource advisory
23 committee" -- in our case, all of you -- "established
24 pursuant to another provision of law and in accordance
25 with that law."

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1 So we can use you as the recreation
2 resources advisory committee, assuming that that is
3 something that you feel you want to do or suggest --
4 excuse me -- to Linda for us to do.

5 And then from there on it would be the same
6 as it would be now. When you set up a technical
7 review team, you get a DAC member on the technical
8 review team and we establish this. We have one that
9 comes to my mind right now is the sign group that we
10 have that Paul is on. And figuring how we are going
11 to do signs.

12 What we would suggest that we do for
13 Barstow is set up that technical review team and make
14 it for all of our off-highway vehicle areas that we
15 charge fees at rather than have one for Dumont, one
16 for El Mirage. You can beat yourself to death going
17 to meetings, as you guys know. So have a technical
18 review team that handles off-highway vehicle fees for
19 Barstow. And that's how we would like to handle this.
20 Questions? Linda.

21 CHAIRMAN KEMPER: Linda Hansen.

22 MS. HANSEN: Sorry, Harold.

23 I guess one of my questions would be how we
24 might be able to absorb groups like the Friends of El
25 Mirage or the Friends of Jawbone into these TRT's if

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1 we were going to make those branched off of the
2 Advisory Council, because currently, of course, they
3 are very actively involved in specific areas of
4 activity within the resource areas. And so are you
5 thinking that they could be or would be looked at as
6 potentially an extension of the TRT? Have we gone
7 that far with that thought? I know this is still new
8 and we are still trying to figure that out.

9 MR. JOHNSON: We have talked about that,
10 and the problem we get into is -- I spent some time on
11 the phone with one of our guys in the Washington
12 office who deals with this stuff a couple days ago.
13 And they don't have all the specifics worked out yet
14 on how these things are supposed to be set up. And he
15 said we should have it within a month. So I think
16 it's important for us to incorporate friends groups
17 into that somehow, but I don't know what the specifics
18 are yet.

19 CHAIRMAN KEMPER: Just a comment,
20 Harold. We had a lot of success with the grazing TRT
21 a few years ago, and what we did is we set the TRT as
22 members of the DAC; however, we did invite all the
23 stakeholders to participate in giving information to
24 the TRT. And I mean, we spent hundreds and hundreds

25 of hours. And I think you actually participated at
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1 some point in the grazing TRT, at least in some of the
2 tours.

3 I think you can set up a TRT of
4 representatives of this group to come up with a
5 recommendation to the rest of the DAC to give a
6 recommendation to the District Manager. But I think
7 it's -- the best effort will be if you invite
8 everybody to give information to the TRT. And
9 usually, you can end up with a finished product that
10 should be acceptable.

11 MR. JOHNSON: Okay. Maybe I didn't
12 spell this out clearly. I'm not suggesting that the
13 Advisory Council become the TRT. What I am suggesting
14 is that -- and it's in the Act that the Advisory
15 Council become the Recreation Resource Advisory
16 Council as part of your duties. That's the larger
17 umbrella group. That's what Congress has said that
18 needs to be set up.

19 But fortunately, what they put in there is
20 the caveat that I read, where the secretary can have a
21 group like you, a Resource Advisory Council, in our
22 case the Desert Advisory Council, be that overall
23 umbrella group. The TRT would be set up the same way
24 that they are set up now. You guys say, hey, we need
25 a TRT to do yada-yada, and then that gets set up. And

1 you usually have a member on it, as with the signs one
2 Paul is on. So I'm not suggesting that the Desert
3 Advisory Council be the TRT for everything that we do.

4 CHAIRMAN KEMPER: I understand. Jon
5 McQuiston.

6 MEMBER MC QUISTON: Earlier today the
7 concept, Roy, that you brought up, I think if this
8 Council wants to accept that overarching role, if we
9 have to make a formal request, we can get a decision
10 on this. This lends itself very well with the concept
11 that Roy brought up of establishing a TRT looking at
12 the fee demo. And tying on what you are saying, what
13 proves successful in the past by having a TRT, but
14 inviting all the stakeholders is probably a good model
15 to follow.

16 MEMBER DENNER: This is an issue that I
17 have had extensive experience over the past five years
18 with.

19 First of all, I think the TRT Ron talked
20 about, the grazing thing, was a temporary thing. But
21 we are talking about something here that's going to
22 stay in place a long time. We have a model that's
23 working really well. I have been on the Imperial Sand
24 Dunes TRT as long as I have been on the DAC. I have
25 been involved with all of the fee questions. I

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1 testified in Washington in front of Congress about the
2 fee demo program. I have been instrumental with the
3 TRT in the Imperial Sand Dunes in making that work.

4 And there are a couple of things that are
5 important to making this work. I think it can be
6 established as a sub-body of this DAC, just like the
7 TRT is for the Imperial Sand Dunes. Other attempts
8 have been a dismal failure. And I think probably the
9 most important thing to make this work is the TRT for
10 a specific area -- and I think you need one for each
11 area, Harold, because Dumont Dunes is significantly
12 different and the people that go there are
13 significantly different than the people that use El
14 Mirage.

15 And the people that give the BLM advice as
16 part of the TRT need to be the people who pay the
17 fees. That's only reasonable. It shouldn't be -- I
18 don't think it's right for a TRT to try to enfold
19 everybody's opinion about how a particular user area
20 should be managed. It's the people that recreate
21 there and the people that pay the fees there that
22 should have the bulk of the say. In the case of the
23 TRT for the Imperial Sand Dunes, there are local
24 community interests involved, people who have been
25 economically impacted by what goes on in the Imperial

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2 input to the BLM in El Centro.

3 Several things have happened over the last
4 five years with the TRT in El Centro, and it
5 establishes a perfect starting point for anybody that
6 wants to set up a TRT. Roxie, I would hope that you
7 brought all the accounting procedures we have
8 developed over the past five years. When I go back to
9 Washington, D.C. and we talk about BLM needing more
10 money, the one area that we have been really
11 successful in is the Imperial Sand Dunes. I mean, we
12 got \$500,000 committed last year at the end of last
13 year out of last year's budget from the assistant
14 secretary of the interior, Lynn Scarlett, when even the
15 resource people said it's impossible.

16 The reason we were able to get that money
17 is we have an accounting system where we can show
18 every dollar, where it came from and how it was spent.
19 So we could convince those people that we have a
20 shortage and a serious need of funding out there. And
21 that's just one example of why -- we don't spend a lot
22 of time arguing about differences of opinion about
23 species, for example. Not to say that protecting
24 species isn't important, but it's a whole different
25 question about how you manage a business. And running

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1 a recreation area is managing a business. And the
2 people that pay the money should have a say as to how
3 the money goes.

4 And it's working really well out there. I
5 don't see any reason to come up a brand-new idea of
6 how to establish a TRT for another OHV recreation area
7 when we have a concept already in place that's working
8 really well. I would hate to see us reinvent the
9 wheel in this one because we have a good thing going
10 out there. Just extrapolate it in other areas. Why
11 not?

12 MR. JOHNSON: Roy, we are not suggesting
13 that we come up with something different. In fact,
14 Mike Arands, who is my off-highway vehicle
15 coordinator, was the first chairman of the TRT. We
16 know it works, but we have a new law and direction
17 from Washington, and we are trying -- what has been
18 done at El Centro fits in this perfectly with the
19 umbrella. And that TRT doesn't have to change one
20 iota under what I just said.

21 MEMBER DENNER: Washington has very
22 little influence on this. All that law says is that
23 there will be fees collected. And really important to
24 us is that those fees will stay in the area where they
25 are generated, and they will be used for improvements

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1 on the ground.

2 MR. JOHNSON: I'm talking about the
3 Federal Land Recreation Enhancement Act, and the
4 discussion that I had the other day with Washington is
5 that California is actually -- was actually talking

6 about using statewide a group that the Forest Service
7 has set up. And I said, Why? Forget it. That's not
8 going to be a deal. And it says here that we can use
9 a resource advisory group.

10 MEMBER DENNER: I guess we have no
11 debate if we are saying the same thing. You are
12 saying what is working out in El Centro should work
13 out there and that's what you are planning to do. I
14 just wanted to point out, it sounded to me like you
15 were looking for some alternatives.

16 MR. JOHNSON: No, but it's a little
17 broader than that, because what we are saying is if
18 you suggest to Linda that you want to take over this
19 new thing as also doing the Recreation Resource
20 Advisory Council stuff as part of your job, you then
21 do that for the entire California Desert District.
22 And any time any of those issues come up and there is
23 a TRT to be established, it comes through you, and you
24 are that group. We don't have to go -- we deal all
25 this stuff with you guys.

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1 MEMBER DENNER: Right. So what you are
2 saying is that the requirement to have a Recreation
3 Resource Advisory Council, you are saying that this
4 Desert Advisory Council for your purposes could be
5 that Recreation Advisory Council? Is that what you
6 are saying?

7 MR. JOHNSON: Yes. That's what the law
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8 says.

9 MEMBER DENNER: So there are no new
10 requirements to be established. The way it's working
11 now at El Centro should work for you.

12 CHAIRMAN KEMPER: I think what we are
13 looking for is actually an action item, and you can
14 think about wordsmithing it.

15 MEMBER DENNER: Yeah, I would be glad
16 to, because to me, it's absolutely clear. One of the
17 best things, we have something that really works.
18 There is no need to fix it.

19 MR. JOHNSON: And the law allows Linda
20 to establish the Desert Advisory Council as that
21 group. You just have to suggest to her that you are
22 willing to do that.

23 MEMBER DENNER: For once we are all on
24 the same page.

25 CHAIRMAN KEMPER: Very good. Harold, is

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1 that the balance of your report?

2 MR. JOHNSON: Unless somebody has a
3 question.

4 CHAIRMAN KEMPER: Ron.

5 MEMBER SCHILLER: If I understand the
6 legislation correctly, it requires some enhancement
7 and some benefit for the fee charged. For example, I
8 guess camping facilities or something like that.
9 Isn't that true?

10 MR. JOHNSON: Camping facilities?

11 MEMBER SCHILLER: Camping. I understood
12 that the Act required some tangible benefit for the
13 fee charged.

14 MR. JOHNSON: Yes, a tangible benefit.
15 But that does not necessarily have to be a piece of
16 property that you could lay your hands on. For
17 instance, at Dumont Dunes we have 15 toilets, I think,
18 up there now. But we also have additional -- we have
19 additional park rangers on the weekend to take care of
20 what is going on up there, et cetera, so that is also
21 a tangible benefit.

22 MEMBER SCHILLER: I see. So the
23 question I have is I don't know the boundaries of the
24 Dumont Dunes, but I know there is other areas that
25 could potentially be included in the fee program. And

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1 those activities -- those areas include OHV activity.
2 However, there is also resources desired by others
3 such as hunting, gem and mineral collecting. Would
4 you require those type of activities to pay the fee as
5 well, even though they won't directly benefit from the
6 enhancement?

7 MR. JOHNSON: Well, you are talking
8 about totally unrelated to Dumont Dunes.

9 MEMBER SCHILLER: Well, I know that in
10 the area out there, there are some gem and mineral
11 collecting sites.

12 MR. JOHNSON: Sperry Wash is a very
13 popular one.

14 MEMBER SCHILLER: I don't know if those
15 are included in the boundary of your fee area.

16 MR. JOHNSON: Those are not. When you
17 go -- you can access that area. We have the Sperry
18 Wash Trail. You go in on the Dumont access road. You
19 go straight up the Amargosa River on that road. You
20 do not make the turn and go into the off-highway
21 vehicle area, which starts the other side of the
22 Amargosa River. So it's not included in those fees to
23 use the OHV area.

24 MEMBER SCHILLER: I guess my concern is,
25 if you have a situation where non-OHV play-type

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1 activities are taking place, will there be an
2 accommodation for just a hunting outing out there for
3 people, or will they have to pay the OHV fee?

4 MR. JOHNSON: If you go into Dumont
5 Dunes for whatever reason, the primary vehicle that
6 you have pays the fee.

7 MEMBER SCHILLER: So you have like a
8 toll booth that you pay the --

9 MR. JOHNSON: There are machines like
10 they have at Imperial Sand Dunes.

11 MEMBER SCHILLER: I'm not familiar with
12 that. So if you wanted to access the area for another
13 activity, you would still have to pay the fee?

14 MR. JOHNSON: Correct.

15 MEMBER SCHILLER: Even though you
16 wouldn't benefit from the --

17 MR. JOHNSON: If you were going to
18 Sperry Wash to rockhound, you certainly, unless you
19 loved the sand and wanted to be out there, you
20 wouldn't have to camp at Dumont Dunes. But if you
21 love sand and you want to camp out there, pay us.

22 MEMBER SCHILLER: Right. That's my
23 point. If you have to access that area for another
24 activity, then there should be some accommodation for
25 hunting or gem and mineral collecting or some other

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1 type of activity.

2 MR. JOHNSON: But consider the fact that
3 you have enhancements that some people would like to
4 have a lot of places. You have rest rooms. You have
5 personnel out there to make sure somebody doesn't hit
6 you in the head. So --

7 MEMBER SCHILLER: Well, you wouldn't
8 normally, if you were going out with a day trip with
9 your local gem and mineral club, going to go through
10 the area and leave, you wouldn't necessarily benefit
11 from the --

12 MR. JOHNSON: But you wouldn't camp,
13 Ron. You would drive -- you wouldn't be staying
14 overnight. You have no reason to go into Dumont Dunes
15 if you are going up there for the day trip.

16 MEMBER SCHILLER: You are only hitting
17 the people that are camping there, then.

18 MR. JOHNSON: No, not true. Somebody
19 that goes up there for the day with an off-road
20 vehicle pays. If you were going into the Sperry Wash
21 area to rockhound, there wouldn't be any reason for
22 you to go to the Dumont Dunes unless you want to work
23 with the little tiny rocks called sand.

24 CHAIRMAN KEMPER: Howard.

25 MEMBER BROWN: You mentioned Dumont

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1 Dunes and El Mirage. Are there other areas that you
2 are looking at for fee-based usage, as well?

3 MR. JOHNSON: We did a business plan,
4 which all of you got a copy of it. It was released
5 July 24, 2003. You may remember that.

6 In that we had not only Dumont Dunes and El
7 Mirage, but we also had Johnson Valley and Stoddard
8 Valley. We are not right now moving ahead with
9 Johnson and Stoddard, and I can't tell you what is
10 going to happen with that. Since I'm planning on
11 retiring next January, probably not in my working
12 time.

13 CHAIRMAN KEMPER: I take it Johnson and
14 Stoddard just create too big a problem because you
15 can't control the access points?

16 MR. JOHNSON: It's a lot harder than El
17 Mirage and Dumont. That's true. It's kind of like

18 our southern border with Mexico.

19 CHAIRMAN KEMPER: Ron.

20 MEMBER SCHILLER: Well, when I first
21 asked my question, I was concerned about the Johnson
22 and Stoddard Valley areas because those do offer an
23 opportunity for hunting and gem and mineral
24 collecting. And there would be a fee applied --
25 imposed there, so I guess we will address that when

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1 those are considered.

2 CHAIRMAN KEMPER: Howard.

3 MEMBER BROWN: Do you have a map showing
4 the El Mirage boundary? Does it include the Shadow
5 Mountains or just the Dry Lake area?

6 MR. JOHNSON: Actually, the area is much
7 larger than just the lake bed. The Shadow Mountains,
8 the boundary goes basically down the ridgeline on
9 Shadow Mountains to the north.

10 MEMBER BROWN: Because I know there are
11 a lot of rock hounding areas out in Shadow Mountains,
12 as well.

13 MR. JOHNSON: You guys know a lot of
14 good rock-hounding areas that I never found any rocks
15 that are worth anything in, so I need to go out with
16 you.

17 MEMBER BROWN: You are looking at the
18 wrong rocks.

19 CHAIRMAN KEMPER: Harold, just a

20 suggestion would be that in Stoddard Valley and
21 Johnson Valley, maybe if you had designated campground
22 areas that had facilities, people would enjoy paying a
23 little extra to stay in those areas. And you wouldn't
24 be able to police the whole valley, but you would be
25 able to at least get fees for services rendered in the

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1 campgrounds.

2 MR. JOHNSON: When we did the plans for
3 Johnson and Stoddard some 15 years ago, people did not
4 want rest rooms. They were very specific in arguing
5 against those kinds of facilities out there. It turns
6 out now what we found is there are more and more
7 people who are encouraged by that.

8 One of the problems we had were people who
9 have motor homes. I call them land barges, but people
10 that have those things are totally independent of any
11 kind of facility. They have their own, and they don't
12 want the other people who don't have those facilities
13 to be out there, because they are doing things that
14 get in the way of them doing what they want to do. So
15 they are not that happy about it.

16 We had a problem up at Dumont Dunes. We
17 had people using the wilderness area as a rest room,
18 the river as a rest room. It was a big problem. We
19 put the rest rooms in, and we have cut down on that
20 tremendously. You can actually catch the people going
21 over there. We don't have to herd up a giant group

22 and give them citations. So it's done a fantastic
23 thing, not only for that area, but for the surrounding
24 area where we had problems with people who were
25 looking for somewhere to go.

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1 CHAIRMAN KEMPER: I have seen a lot of
2 forms of segregation, but I have never heard it
3 explained in the form of private and public bathrooms.
4 But it's an interesting concept. Any other questions?

5 MEMBER SCHILLER: One last question.
6 How much are the fees at Dumont Dunes?

7 MR. JOHNSON: \$20 for a week, and if you
8 want a season pass, you can have \$60.

9 MEMBER SCHILLER: Can't you buy less
10 than a week?

11 MR. JOHNSON: No.

12 MEMBER BUGERA: Share it?

13 MEMBER DENNER: \$20 up to a week. It's
14 \$30 in Imperial Sand Dunes and \$90 per season.

15 THE WITNESS: That's per vehicle?

16 MR. JOHNSON: Primary vehicle. If I go
17 in there and I have a motor home and trailer on the
18 back and I have five motorcycles and six quads, I pay
19 for the primary vehicle that's pulling it in.

20 CHAIRMAN KEMPER: Any other questions
21 from the Council? There will be a time period for
22 public input.

23 MEMBER MC QUISTON: Just one question.

24 Has there ever been any consideration for something
25 less than up to a week? If a person wants to take a

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1 vehicle in, the rock hunting trip, go in for day use
2 only?

3 MR. JOHNSON: We did talk about that,
4 but the problem is one of administering something that
5 works like that, because we don't -- we are doing this
6 by contract. We have to -- we have to check on people
7 and finding -- it's easier when you got a thing that
8 goes on your mirror that we can easily look at it and
9 take care of it. I'm sure they looked at it down in
10 Imperial, too, but it's a headache.

11 MEMBER MC QUISTON: To whatever extent
12 you can, whether it's a different colored pass for a
13 day use versus overnight, but \$20 seems like pretty
14 stiff price if you just want to go in for a few hours.

15 MR. JOHNSON: I hate to bring up this
16 agency, but have you been in National Park area
17 lately? It's per up to a week and you pay whatever it
18 is. \$20, \$30, whatever. And I'm not saying we are
19 using that to justify why we did it.

20 MEMBER DENNER: I have been involved
21 with that go-around for five years, Jon. We have
22 tried everything, and I think because Roxie came from
23 down there, they are probably picking up on what we
24 have been through.

25 There are a number of reasons, going all
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1 the way to the amount of resources the BLM has to
2 manage these areas, to just have one pass --
3 typically, people are out there for a weekend. And to
4 have one pass for a whole weekend at one fixed rate
5 does not bother the end users too much. We are
6 talking about people that typically have \$100,000
7 motor home and another \$100,000 toys behind it, even
8 going out for a day, \$20 to 30 bucks is less than a
9 day at Disneyland. That's not a big deal. But the
10 administrative hassle of having a day pass or hourly
11 pass or two day or weekend pass, just saying let's
12 bust it up into one week in a season, it's working
13 okay. Once again, it works, so we don't need to fix
14 it.

15 CHAIRMAN KEMPER: Ron.

16 MEMBER SCHILLER: On the other side of
17 that, Roy, though, I belong -- actually, I'm vice
18 president of the local gem and mineral society. On
19 the other hand, the vast majority of our members are
20 elderly, on a fixed income, and can't afford those
21 kinds of rates for an outing.

22 If you take a gem and mineral club and you
23 go out with 10 vehicles, you are talking about \$200
24 fee for the club to go into one of those areas. And
25 they just flat, no way can afford it. They are very

1 limited.

2 MEMBER DENNER: I think we are
3 addressing intensive use areas only. I don't suggest
4 that this should apply to people who are backpacking
5 or mountain biking or doing gem and mineral research
6 on the weekend or whatever. This is for these really
7 highly intensive use areas that require intensive
8 management. And it costs intensive money to do
9 intensive management, so it's a little different
10 philosophy. I'm not condoning this across the board.

11 MEMBER SCHILLER: Well, in the case of
12 Dumont Dunes, it's not an issue. In the case of the
13 El Mirage, it may be an issue. But in the future when
14 we start talking about Johnson Valley and Stoddard
15 Wells and those areas, I think it will be a big issue.
16 And there needs to be some kind of accommodation for
17 that. The Forest Service, if you go camping on their
18 campgrounds, most of the time it's a nightly fee, and
19 they don't seem to have a problem with that.

20 CHAIRMAN KEMPER: How much is that fee,
21 Ron?

22 MEMBER SCHILLER: Depending on where you
23 go and depending on the facilities -- actually, to
24 tell you the truth, I don't use them myself. In the
25 past when I have used them, they were a nominal fee

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1 per night. I think -- I don't know -- I haven't used
2 one in 20 years, but I recall \$3 or \$4 a night.

3 UNIDENTIFIED SPEAKER: More than that
4 now.

5 MEMBER SCHILLER: It's been a while.

6 CHAIRMAN KEMPER: I stopped at two of
7 them. They were \$15 a night.

8 MR. JOHNSON: Ron, we are talking about,
9 as Roy said, these intensive use areas. You are not
10 paying for camping. We have two campgrounds in
11 Barstow that we charge for, and you ought to come and
12 use ours because they are 6 bucks a night. But that's
13 not the same situation.

14 MEMBER DENNER: Are you discriminating
15 against OHV?

16 MS. TROST: Yes.

17 MEMBER DENNER: You are only charging
18 them \$6 and you are charging me \$20?

19 CHAIRMAN KEMPER: Actually, he is giving
20 you a week and he is charging you by the night.

21 MR. JOHNSON: I like you pulling my leg,
22 and I was giving you an opportunity to pull it some
23 more.

24 CHAIRMAN KEMPER: Okay. Let's move on.
25 Thank you, Harold. Now we will ask Linda

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2 to a status report.

3 MR. JOHNSON: Linda, can I interrupt for
4 just a second? We have Brad Mastin here to do the Old
5 Spanish Trail, and he wasn't on the agenda but we were
6 getting him inserted.

7 MS. HANSEN: So point of order,
8 Mr. Chairman. When would you like to hear
9 Mr. Mastin's program?

10 CHAIRMAN KEMPER: Mr. Mastin, how long
11 will your presentation take?

12 MR. MASTIN: 10, 15 minutes.

13 CHAIRMAN KEMPER: Are you prepared now?

14 MR. MASTIN: Yes.

15 CHAIRMAN KEMPER: Let's go.

16 MR. MASTIN: Good afternoon. My name is
17 Brad Mastin, and I'm an outdoor recreation planner
18 here for Barstow BLM.

19 My topic today is the national historic Old
20 Spanish Trail, and if you go to the Barstow field
21 managers report, there is some background information
22 on the trail. And I would like to see a show of hands
23 on who is familiar with the history of the Old Spanish
24 Trail out here?

25 I've got to admit, I was born and raised in

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1 Southern California myself, and I knew nothing of the
2 trail before October of 2003, about a year and a half
3 ago. Congress only designated the trail in December

4 of 2002.

5 And if I can draw you in with some of the
6 history, this was part of Spain, where we are right
7 now in Barstow, in Southern California, for longer
8 than it's been part of America. The history of the
9 Southwest was the history of Spanish and Mexico. And
10 if we go back in time, the Mexican-Spanish Empire,
11 their capital was in Santa Fe, New Mexico, and
12 Monterey, California. And they had tried for almost
13 400 years to link those two capitals with a land
14 trail. They were trying to unify their empire and
15 maintain dominance in this part of the country.

16 In the early 1800s, we are familiar with
17 Napoleon and the wars that occurred in Europe, as a
18 result of that, the Spanish Empire was weakened. And
19 the Mexicans were able to revolt and gain their
20 independence in the early 1820s. And it was a Mexican
21 trader in Santa Fe, New Mexico, who saw the economic
22 opportunity to create a land trade caravan route with
23 Los Angeles. So he set out with 100 mules and 60 men
24 in November of 1829 for Los Angeles, where he was able
25 to successfully trade for horses and other products.

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1 Now, what is interesting is that we are all
2 familiar with Christopher Columbus in 1492, and if you
3 can remember what he was trying to accomplish? He was
4 trying to create a trade route with the Orient. Well,
5 these Mexican traders in 1829 were able to complete

6 what Christopher Columbus set out to do. It turned
7 out they found out when they got to Los Angeles that
8 not only could they trade for horses and mules, but
9 they could also trade for spices, china and silk.
10 They created that land route to the Orient by
11 connecting with the sailing ships that came in and out
12 of the port of Los Angeles.

13 So what that led to, then, was the growth
14 of this area. And the descendant of the Old Spanish
15 Trail is the modern I-15. And the trail goes right
16 through Barstow, comes up the Cajon Pass and continues
17 east. It was almost 1700 miles long. It was a trade
18 caravan for mules and horses, pack saddle trail. And
19 for different reasons it wasn't until the year 2002
20 that Congress recognized this. And they have now
21 designated this a national historic trail, and we have
22 a responsibility to identify, protect, develop and
23 interpret this new trail.

24 That's where we are at right now. Under
25 the laws, the policies we have, we are to develop a

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1 comprehensive management plan for the entire trail.
2 There is an interdisciplinary planning team with
3 representatives from the BLM, the National Park
4 Service, and the Old Spanish Trail Association. And
5 the planning team will be coming to the desert for
6 their first tour of California the last week of April.
7 And they are going to have a meeting here in Barstow

8 on the afternoon of Thursday, April 25, that a limited
9 amount of the public is invited to.

10 This isn't a public meeting. It's a
11 meeting of the local historians and other parties that
12 are involved with the preplanning for the trail.
13 There will be public meetings for the comprehensive
14 management plan in Parumph, Barstow, and maybe Los
15 Angeles. But those won't be until later this summer
16 or fall.

17 If we look at the California section of the
18 trail, and it looks like right now the Barstow office
19 has to manage more segments of the trail than any
20 other units in the country, we have over 400 miles of
21 trail that come through the BLM field office lands.

22 There are a few segments of the trail that
23 remain. There is a segment out by the state line on
24 Charleston View. It's on private property. We have a
25 beautifully intact segment at Emigrant Pass, just east

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1 of Tecopa. There is another section just east of here
2 in the Alvord Mountains. And those may be the only
3 known remaining traces.

4 There has not been a complete
5 archaeological investigation for the trail system in
6 California. We are currently working with the
7 comprehensive management plan team, the National Park
8 Service East Mojave Preserve staff, and the Old
9 Spanish Trail Association to put together a strategy

10 and a funding package to basically survey the desert
11 likely routes, and then to do professional
12 archaeological surveys for the known segments.

13 We currently have a \$14,000 BPS budget
14 request for BLM money for 2006. We are matching that
15 with a National Park Service Challenge Cost Year
16 Program Grant of \$14,000. And we are matching those
17 two combined amounts for \$28,000 state cultural
18 heritage endowment grant, and those would be for
19 professional on-site surveys of the known segments.

20 After we have those assessments done, we
21 will get recommendations on whether or not those sites
22 should be listed on the Register of Historic Places
23 and about a year from now, we are going to open up the
24 question of what we are going to interpret and where
25 and when and how we are going to pay for it all.

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1 So there is a brief background of some of
2 the history, where we are currently at, and where we
3 are going with the trail. And I will leave these on
4 the front desk. This is a membership package for the
5 Old Spanish Trail Association. They have a wonderful
6 publication they put out called "The Traces," which is
7 also electronically available. I believe it's at
8 OldSpanishTrail.org. And you can sign up for a free
9 copy of the newsletter. Any questions?

10 MEMBER SMITH: Somebody has got to ask
11 you a question. We don't normally deal with historic

12 things here, but you left out Jedediah Smith.

13 MR. MASTIN: Jedediah Smith came through
14 in the late 1800s. The time period for the trail is
15 1829 to 1844. And I could have gone all over the
16 1500s. There were so many people that were left out.
17 But he was not part of the Old Spanish Trail. He
18 helped pioneer it. He was arrested when he got into
19 San Bernardino by the Mexicans and Spanish. He was
20 considered an American spy.

21 MEMBER SCHILLER: I have a question.

22 CHAIRMAN KEMPER: Ron.

23 MEMBER SCHILLER: I'm curious how much
24 of this trail is motorized and how much is not
25 motorized.

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1 MR. MASTIN: We don't know that. That's
2 our primary goal is to do the assessments to find out
3 that question. I know if you go up to Albert Mountain
4 Spanish Canyon, there is a motorized route up the
5 canyon, but the trail segments that are intact from
6 the time period appear to be not affected by modern
7 motorized use. The section at Emigrant Pass in the
8 wilderness, is probably one of the most pristine
9 sections in the entire country, it has no motorized
10 use on it.

11 The later date Mormon Wagon Road,
12 established in 1848 -- and that's why they cut it off
13 at 1848 -- does have modern. And that would be

14 Highway 127. I talked to the Caltrans archeologist.
15 According to their investigative reports, it was the
16 Old Spanish Trail and then it was the Mormon Wagon
17 Road and today it's been paved, and it is the Old
18 Spanish Trail that's been paved.

19 MEMBER SCHILLER: Some parts of it, I
20 understood, were parts that were later -- later became
21 Route 66.

22 MR. MASTIN: Correct. Before that it
23 was the Old Arrowhead Highway. Cliff Walker runs the
24 local Mojave Museum. And we have been out with him,
25 and we don't have the answers yet. We are just

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1 starting to unravel layers to find out what route was
2 used by what group at what time.

3 MEMBER SCHILLER: The history channel
4 lately has run some --

5 MR. MASTIN: The Conquest Series.

6 MEMBER SCHILLER: And it covers some of
7 what you talked about.

8 MR. MASTIN: Very well done. Yeah.

9 MEMBER ARROW-WEED: Is there any
10 connection of that to the DeAnza Trail that comes from
11 Colorado into Los Angeles?

12 MR. MASTIN: Yes, they all tied together
13 at Santa Fe at the same time.

14 MEMBER ARROW-WEED: That history states
15 early 1800s. 1779 to 1880 or something that they

16 stopped Overland Trail at the Colorado River. They
17 took another route after that.

18 MR. MASTIN: The Mexicans were able to
19 pioneer. The Spanish for over 200 years had a policy
20 not to trade with the interior Indians. They were a
21 large military force that was very mobile, and it
22 would have wiped the Spanish off the face of the
23 planet if they had trade deals that went bad. So they
24 weren't allowed to do any trade. What the Mexicans
25 were able to do was they go all the way up to Utah.

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1 The Old Spanish Trail goes all the way to Utah and
2 Colorado and came back down from the north.

3 MEMBER ARROW-WEED: It slowed down the
4 overland expansion from Arizona when they came through
5 there. It stopped them because they were going
6 through there. It was faster. They couldn't go by
7 ship, so they had to go by land, and the Colorado
8 River stopped them and that slowed down the process.
9 So they couldn't do anything -- history shows that
10 they actually -- what do you call it -- they couldn't
11 colonize it within. They had a hard time to colonize
12 it. So they had short routes until it ended. At the
13 time they were fighting over in the east.

14 MR. MASTIN: The Mexicans had to pay
15 tribute in Utah to use that section of the route. A
16 very powerful chief up there demanded tribute, so they
17 would break up their caravans. And sometimes these

18 caravans had over 4,000 horses, and they had to clear
19 customs in Cajon Pass.

20 THE REPORTER: Excuse me, I'm losing you
21 here.

22 CHAIRMAN KEMPER: Only one person
23 talking at a time. Please. And Preston, you were
24 talking but we had three or four people talking at
25 once. So if you would like to finish your comments.

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1 MEMBER ARROW-WEED: It still goes to
2 Yuma, Arizona?

3 MR. MASTIN: Yes. Part of the
4 designated national historic trail includes the Mojave
5 Road. The entire Mojave Road from Barstow to the
6 Colorado River has been designated as part of the Old
7 Spanish Trail.

8 MEMBER ARROW-WEED: I'm only familiar
9 with the one that goes to Arizona and to Yuma and to
10 Fort Yuma and goes on towards San Diego.

11 MR. MASTIN: From Santa Fe, it would
12 have connected up to St. Louis.

13 MEMBER ARROW-WEED: The trail from Yuma,
14 the Kazans led them from there across that desert, the
15 trails that we had, that they used the trails to go
16 south. Today a lot of trails are what the Native
17 Americans were using for trade also, so they are
18 Native American trails. So the Native American also
19 had trails already, so they led them through there.

20 That's what came to be.

21 MR. MASTIN: That's how they established
22 Old Spanish Trail is they hired local Indian guides.

23 MEMBER ARROW-WEED: So put up a plaque
24 for them.

25 CHAIRMAN KEMPER: Okay. Are you done,

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1 Preston?

2 MR. ARROW-WEED: Yes.

3 CHAIRMAN KEMPER: If we don't have any
4 more questions, I know that the next segment is going
5 to take a little bit of time. So I'm going to go
6 ahead and call for a ten-minute break and give our
7 court reporter a short rest.

8 (Brief recess was taken.)

9 CHAIRMAN KEMPER: We are back on the
10 record. Linda Hansen will give us an update on the
11 West Mojave Plan.

12 MS. HANSEN: Thank you, Ron.

13 Linda Hansen, District Manager, California
14 Desert District, BLM.

15 Earlier today in my district manager's
16 report, I highlighted that we had indeed released the
17 final environmental document for the West Mojave Plan.
18 Today is the announcement for the notice of
19 availability in the Federal Register and begins the
20 30-day review and protest period for the final plan.

21 I am actually going to have Larry LaPre,

22 who has been involved with the West Mojave Plan pretty
23 much from its get-go, I guess, at least for several
24 years now, and was the final kind of look at this
25 plan, he is going to give you an update on what has

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1 changed from the draft to the final, and what
2 basically is provided for in this final document.
3 Give you an overall review of that. And I guess our
4 Power Point presentation is not functioning at the
5 moment, but Larry says he is ready to go anyway. So
6 we will let him go ahead. Larry.

7 MR. LA PRE: Hello, my name is Larry
8 LaPre, wildlife biologist for the California Desert
9 District located in Moreno Valley. I put my business
10 card at your seat. You can call me any time if you
11 have questions about wildlife plants or other West
12 Mojave Plan.

13 For eight years, Bill Hai gh was the project
14 leader of the West Mojave Plan, and he has taken a job
15 in Oregon with the BLM. So I am now assuming his role
16 of communicating the plan to the public along with
17 Linda Hansen. When we sign the Record of Decision and
18 the plan starts functioning, it will be implemented
19 primarily through the Barstow and Ridgecrest field
20 offices. There are small parts of the plan that are
21 included within the Needles and Palm Springs field
22 offices, as well.

23 So today is the release day in the Federal

24 Register. Last week was the release day for the
25 mailing contractor. 950 copies were mailed out to the

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1 public, with a number of other copies to libraries
2 around the desert. I hope you all got them. We are
3 getting returns now from some folks who have moved,
4 and from one person who didn't have a mailbox. We
5 have these plans available in a CD-ROM version. I put
6 some out on the table about an hour ago. They have
7 all disappeared already, but we have hundreds more.
8 If you would like a CD-ROM version, we can provide
9 that.

10 So first, I wanted to put the plan in its
11 overall context for the whole California desert, the
12 whole tortoise recovery plan, the whole lawsuit
13 situation. This is the last eco region plan the
14 bureau is doing, having already completed the Northern
15 and Eastern Mojave Plan, the Northern and Eastern
16 Colorado Desert Plan, the Western Colorado Desert
17 Plan, the Coachella Valley Plan. So the West Mojave
18 Plan is the last one. It's probably the largest one.

19 Those eco region plans were designed around
20 the desert tortoise recovery plan. The recovery plan
21 created these recovery units that have similar names,
22 such as the Northern Colorado Desert Recovery Unit and
23 the Northeastern Mojave Desert Recovery Unit and the
24 West Mojave Recovery Unit. The boundaries of these
25 regional plans generally correspond to the recovery

1 plan boundaries.

2 Now, in the other plans, as you know -- and
3 this is just by way of review -- the recovery plan
4 called for establishment of desert wildlife management
5 areas. Without defining the boundaries, they gave
6 guidance by providing the locations of the critical
7 habitat. And for the most part, the BLM has created
8 these desert wildlife management areas where they will
9 be special management for the desert tortoise around
10 the boundaries of the critical habitat.

11 So in the Northern and Eastern Colorado
12 Desert Plan, which we know as NECO, we have Chemuevi
13 Desert Wildlife Management Area and the Chuckawalla
14 Desert Management Area. In the Northeastern Mojave
15 Plan most of the critical habitat is within the Mojave
16 National Preserve. But the BLM has set up three areas
17 of critical environmental concern that take in nearly
18 all of the critical habitat and form the desert
19 wildlife management area.

20 The Coachella Valley didn't have critical
21 habitat, and so it doesn't have DWMA's. In the West
22 Mojave there are four, four big DWMA's. And they
23 correspond to the boundaries of the critical habitat.
24 So BLM feels that it's following the mandate of the
25 Desert Tortoise Recovery Plan in that respect of

1 establishing special management areas for the tortoise
2 that includes the critical habitat. And the West
3 Mojave Plan is what completes the recovery plan
4 recommendations for the California desert.

5 It's important to understand that the West
6 Mojave Plan is a two-part plan. The first part is the
7 BLM's management plan for public land in the West
8 Mojave Desert. And that is what is being finalized
9 now. The second part is the Habitat Conservation
10 Plan, which covers private land in four counties and
11 11 cities, and that is not what is being finalized
12 now. What they have is the joint environmental
13 document where this document serves as the
14 environmental impact report for the habitat
15 conservation plan program called the Pragmatic EIR
16 where the general outlines of the program are there
17 for the private property.

18 The specifics of the Habitat Conservation
19 Plan still need to be worked out. And since it
20 requires approval of the local jurisdiction, each and
21 every jurisdiction will have to pass ordinances
22 approving the Habitat Conservation Plan if they so
23 desire.

24 One thing that I wanted to tell you what
25 the West Mojave Plan is not. It's not a permit, an

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1 incidental take permit from the wildlife agencies.
2 That comes later. It's not any kind of preemption of
3 local land use authority. It's not a general plan for
4 San Bernardino or Kern County. It's not a general
5 plan for any of the cities. Those jurisdictions do
6 their own general plans, and they follow the rules
7 that their councils and citizens want.

8 The main features of the West Mojave Plan
9 can be boiled down in two or three things. And that
10 is in these conservation areas, there is one percent
11 limit on new ground disturbance. That's one of the
12 main things, so you have the tortoise DWMA's.

13 Within that area only 1 percent new ground
14 disturbance will be allowed under this plan. We
15 thought that was a reasonable figure because in those
16 areas, since the settlement period, as far back as we
17 can go, there has only been 1.2 percent ground
18 disturbance. So this additional 1 percent should
19 allow for quite a few years of future activity.

20 Now, the DWMA's and the conservation areas
21 are generally in the more remote parts of the desert,
22 and they are not in the Antelope Valley and the Victor
23 Valley. They are not in the areas of high urban
24 demand. So it's quite unlikely that the 1 percent
25 threshold will ever be reached.

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1 The other main feature of the plan is that
2 we initiated a fee structure. This is mostly going to

3 affect the habitat conservation plan, the private
4 property. However, the BLM is going to do it too.
5 And that is, if you want to build something, and for
6 the BLM, that would be communication site or it could
7 be a power plant, it could be utility rights-of-way.
8 If you build on disturbed ground already graded, then
9 you pay \$385 per acre for the amount of disturbance.
10 If you build on undisturbed ground outside of the
11 DWMA's and the conservation areas, you pay \$770 per
12 acre. And if you want to build in the DWMA, that's
13 allowed as long as you don't exceed the 1 percent.
14 You pay five times \$770 per acre, which I think is
15 \$3,850, but don't hold me to that.

16 So the incentive to build things around
17 existing disturbance and a disincentive to build
18 within the conservation areas, the average price of an
19 acre in the conservation area is \$770. We contracted
20 with an economist to look at land sales and assessed
21 valuation and a number of other economic factors to
22 come up with that number. And that's loosely referred
23 to as the Nexus Report. And he determined that the
24 average value of acre of land in the desert
25 conservation areas is \$770, so that's where that

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1 figure came from.

2 There are three conservation areas that are
3 entirely on private land and are not part of the BLM
4 plan. They are part of the overall Habitat

5 Conservation Plan. One is Big Rock Creek area in Los
6 Angeles County. One is Alkali Mariposa Lily
7 conservation area which bordered Edwards Air Force
8 base on the south and on the west in Los Angeles
9 County and up to -- almost up to the city limits of
10 Lancaster. And the third is near Kramer Junction.
11 It's in Kern County, and we call it the North Edwards
12 Conservation Area. It's for two rare plants, the
13 Barstow woolly sunflower and the desert cympterus.
14 The BLM has no decision-making authority over those
15 three private land areas. They are just defined on
16 the basis of the best biological research and will be
17 included, not included, approved, or disapproved by
18 the local jurisdictions.

19 The Habitat Conservation Plan, the way the
20 two tied together is in our federal local government
21 partnership. Most of the HCP's that have been
22 approved so far, such as in Western Riverside County,
23 Orange County, San Diego County, are acquisition plans
24 where fees are charged to developers, landowners. And
25 those fees are used to purchase other people's private

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1 property for the sake of habitat conservation.

2 In the case of the West Mojave, the BLM
3 owns quite a bit of the land. Of our 9 million acres
4 it's one-third BLM, one-third private, and one-third
5 military. And BLM owns nearly all of the high value
6 conservation lands. So that the concept here is that

7 BLM is providing the land for these conservation
8 areas, and the fees that the private property owners
9 pay to develop their land go to help with management,
10 including management of the BLM lands.

11 The West Mojave Plan, the HCP is not an
12 acquisition plan. That is a pretty significant
13 departure from HCP's that have been approved in the
14 past. In Orange County, for example, the fee per acre
15 is \$22,000. In Riverside County, it's approximately
16 \$4,000 per house. Land values are different in the
17 West Mojave, \$770 an acre, and the land ownership is
18 different in the West Mojave.

19 We have had general agreement from the
20 cities and counties on where the conservation areas
21 are, on the ratios of half-to-one, 1-to-1 and 5-to-1
22 and on the amount of the fee. The local governments
23 are going to start meeting now to work out the
24 details. Since there is a fee involved, every local
25 government will have to pass an ordinance, because you

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1 can't impose a fee without an ordinance.

2 Now to get to the changes for the BLM plan,
3 the West Mojave Plan. One change from the draft plan
4 is we eliminated what were called biological
5 transition areas. And they were referred to by the
6 bad term, "buffer zones." That is, it was generally a
7 one-mile strip around the edge of the conservation
8 area where there would be some special review to make

9 sure nothing was approved that was incompatible with
10 the conservation area. For example, the landfill that
11 attracts ravens would be incompatible next to tortoise
12 conservation area.

13 Well, the concept was a little too fuzzy,
14 and we reviewed all the lands on the transition area.
15 And if they were valuable for the tortoise or some
16 other species, we put them in. And if they weren't,
17 we took them out. We didn't put them all in. It's
18 about half and half.

19 There had been some changes in the route
20 designation. And the majority of our letters by
21 number, but not by volume -- that is, not by pages --
22 were from recreation users. In the final plan we have
23 opened up what are called the C routes, C standing for
24 competition. And those are in the Red Mountain area,
25 just south of the Spangler Hills open area. And that

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1 area has been used a long time, primarily by
2 motorcyclists, and these competition routes are open
3 for use in the final West Mojave Plan. They are not
4 within critical habitat for the tortoise.

5 We made a special route designation network
6 for the Juniper Flats area, which we call the Juniper
7 Subregion because it extends beyond the flats itself.
8 And this is right south of Hesperia and Apple Valley,
9 south of Apple Valley in the foothills of the San
10 Bernardino Mountains, a very contentious area. And

11 BLM has an area of critical environmental concern
12 there for cultural resources. There are not that many
13 listed species. And I would say that there aren't any
14 except that a tortoise was found about 100 feet inside
15 the line last year. Generally it's too high of an
16 elevation for the desert tortoise.

17 But it's an area of conflict with
18 equestrians, with hikers, with motorcyclists, and then
19 in conceptual terms, with the cultural resources, the
20 riparian resources, and the recreation use. It's a
21 major access point to the Deep Creek Hot Springs,
22 which has worldwide Web sites that direct people up
23 through Juniper Flats to access the Hot Springs. So
24 we have done a special route designation for the
25 Juniper Subregion. Hope you like it.

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1 Kind of an internal BLM change and one that
2 follows the Desert Plan's general zoning guidelines is
3 all of the DWMAs for the desert tortoise have changed
4 land classification to class L. They were either --
5 the wilderness remains class C, as it always has, but
6 they were either class M, moderate, or class U,
7 unclassified. I don't think there was any intensive
8 use that changed to L. If there was, it was just a
9 little sliver. So all of the DWMAs have been changed
10 to class L. That's what was done in the NECO Plan and
11 the NEMO plan, so we are consistent across the board
12 there.

13 And 25 years after the Desert Plan was
14 approved, it doesn't make that much difference. The
15 main difference was with route designation, use of
16 existing routes or use of approved routes. And now
17 routes have been designated everywhere, so that the
18 existing route designation of class M doesn't really
19 apply anyway.

20 It does affect whether the bureau can
21 dispose of land. You cannot dispose in class L,
22 whereas you can in class M. There might be a few
23 other things, but we have made that zoning change, you
24 might say, for public lands.

25 That is the high points. We don't expect

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1 too many protests. The protest period starts today
2 and ends May 2. We have already heard from some
3 people. There are in fact a few hardship cases and
4 special situations that we are going to have to
5 consider. Are there any questions?

6 CHAIRMAN KEMPER: Jim.

7 MEMBER BUGERA: In reading through the
8 proposals, I notice that they want shooting to be
9 discontinued in the desert, as quoted to say they
10 found bullet holes in the desert tortoise that range
11 from 22 to 44. And I'm wondering, is that actually a
12 suggestion, or is that going to be enacted, because
13 the desert is a legal place to shoot right now, is
14 legal outside of the city limits.

15 MR. LA PRE: Well, I'm glad you brought
16 that up because you said "they want." And what I
17 interpret that to mean is the recovery plan for the
18 desert tortoise says no shooting within a DWMA. And
19 there has been evidence of tortoise with bullet holes
20 in it. And we have run that question by the rangers
21 several times who said we already have rules for
22 target shooting. And the Fish and Game makes the
23 rules for upland game hunting, rabbit hunting and any
24 other kind of hunting.

25 And our rules are you bring out a portable

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1 target, you shoot at it, you take it home with you,
2 and that's going to stay the same. So that's a point
3 of departure from the recovery plan. And we will
4 probably hear about that some more.

5 MEMBER BUGERA: It's going to be hard to
6 bring my washing machine back home with me.

7 CHAIRMAN KEMPER: Of course, if you got
8 it out there, I'm sure you can get it home. Bill
9 Betterley.

10 MEMBER BETTERLEY: Larry, through Volume
11 1-A it keeps referring to the Super Group. What was
12 that?

13 MR. LA PRE: Well, of course, I didn't
14 have my Power Point show to show you pictures of our
15 participants. The Super Group -- we had three or four
16 years of meetings, at least that I went to, ranging

17 from meetings with individual interests like the
18 miners, the builders, the recreation groups, the
19 Sierra Club, special meetings for them, to task group
20 meetings. We are going to discuss the task of route
21 designation or we are going to discuss the tasks of
22 tortoise conservation. We had plenty of those. I
23 went to 52 of them.

24 Then the Super Group, which is everybody,
25 come on in, and that was individuals, organizations,

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1 all sides. Universities came. We had about five or
2 six of those Super Group meetings where the results to
3 date were presented to those people. And we say the
4 Super Group writes the plan. And when we say that, it
5 means we told the Super Group, all these people
6 assembled, here is what the task groups and the
7 individual groups have recommended. Do you agree with
8 us? We did not get 100-to-0 vote. There were about
9 100 people represented in the Super Group. But we got
10 more heads nodding than shaking. It was a consensus
11 of the Super Group.

12 MEMBER BETTERLEY: What happens if the
13 different jurisdictions don't get a resolution to
14 approve the plan? What happens then?

15 MR. LA PRE: Well, that's a very good
16 question. Then they could do what they are doing now.

17 UNIDENTIFIED SPEAKER: I didn't hear the
18 question.

19 MR. LA PRE: Bill asks what happens if
20 some of the local jurisdictions or even all of them or
21 just one of them don't approve the Habitat
22 Conservation Plan, the fee, or the conservation areas
23 or whatever. In that case, that jurisdiction is --
24 continues to do what it's doing now. And if someone
25 wants to build in tortoise habitat, they do their

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1 studies, they go get a biological opinion, unless they
2 don't have a federal nexus. Then they do their own
3 little habitat conservation plan, like what is
4 happening in your area. And they basically wait a
5 couple years for agencies to agree on something.

6 MEMBER BETTERLEY: That's all I have.

7 CHAIRMAN KEMPER: Ron.

8 MEMBER SCHILLER: I have a concern. I
9 would like to say that you pretty well covered the
10 interest groups with the plan. Every time I go to
11 town, eight or ten people stop me and say, what do I
12 do with this big box I got from BLM? I said, just
13 save it or take it down to BLM because somebody will
14 want it. You can also download the document from the
15 Internet. It's something better than a telephone
16 modem. But it's a little confusing, but it can be
17 done. It's how I obtained mine.

18 But I have some concerns about the
19 litigation or potential upcoming litigation. Already
20 I have read numerous reports in the newspaper and the

21 L. A. Times and such that so and so group, the
22 spokesmen for them said yeah, we are going to sue.
23 And the environmental groups and the off-road groups.
24 It concerns me because there is a lot of
25 people in the middle, the public, that can't

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1 participate in this process. And I'm wondering how
2 the results of any stipulation agreement is going to
3 be handled as far as the public's opportunity to
4 participate in that.

5 MR. LA PRE: We thought we were in the
6 middle.

7 Well, I can answer part of that. As Linda
8 told you this morning, we received the biological
9 opinion for the Desert Plan on the desert tortoise.
10 And that covered all of the eco region plans: NECO,
11 NEMO, Coachella, Western Colorado -- they don't have
12 tortoises -- as they are, and it covered the West
13 Mojave for the interim measures and the stips and
14 stuff that are in place now. We are going to get a
15 separate biological opinion on the West Mojave Plan.
16 Then we will be all done with those biological
17 opinions.

18 And then we will be all done with
19 stipulations.

20 MEMBER SCHILLER: The previous
21 stipulations from the last lawsuit?

22 MR. LA PRE: All those stipulations. As
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23 far as future stipulations, Linda would be happy to
24 answer that. (Laughter.)

25 MEMBER SCHILLER: Well, the reason I ask
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1 is because from the last lawsuit, there was absolutely
2 no interaction with the public at all. But I have a
3 Federal Register notice from the EPA, actually, dated
4 March 28, 2005, which was last week, and it deals with
5 a lawsuit where the EPA was sued by Environmental
6 Defense and American Lung Association. And what is
7 interesting here is that the EPA is soliciting public
8 comment on the settlement. Is that something that the
9 BLM would do, or how does that work as far as the BLM
10 goes?

11 MS. HANSEN: Well, I think that's a good
12 question, Ron.

13 It's my understanding that when we went
14 through the settlement process on the original issues
15 dealing with not having biological opinions or a
16 biological opinion on the comprehensive California
17 Desert Conservation Area Plan as it stood, that at
18 that point in time there was a limited intervener
19 status that was offered to opposing sides of the
20 question. And that is a judge's determination.

21 So not wanting to preempt what may or may
22 not happen in any upcoming litigation, I think that we
23 believe we have done as best a job as we can to allow
24 the public as much access in the planning process as

25 was possible throughout these regional plans. That

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1 input and that public involvement in those planning
2 processes is what now will have to, I guess, be
3 tested.

4 If the lawsuit singles out only the
5 biological opinion and Fish and Wildlife Services'
6 part in the process, then that's different than the
7 Land Use Plan Amendment. If the lawsuit looks at
8 both, and that's what has happened most recently,
9 where we have a biological opinion that is challenged,
10 then also the decisions in the planning document
11 become challenged because they are not supported by a
12 biological opinion. Then that's a little different
13 picture.

14 It would be my hope and my -- I guess my
15 desire that if we ever have to go through a process
16 similar to what we went through initially on these
17 cases, that there would be a little bit more of an
18 open opportunity to talk about what might work or
19 wouldn't work. But I think that, basically, any
20 discussion would have to be based on what is currently
21 within the land use plans and the biological opinions
22 that support those. So if it's based on that, then
23 the question becomes, for me, does the plan do what it
24 needs to do in order to address the problem? And I
25 think that has not been tested yet. We have not been

1 allowed to do that.

2 The first test of that probably will come
3 with the Dunes Ramp, because it will be the first plan
4 that will be tested on its -- not the process, but its
5 substance, if you will, in order to address the issues
6 of the Pierson's Milk Vetch. And at this point, you
7 know. I don't want to second-guess anything because
8 it's always a little bit more difficult when you get
9 into court and the judge starts making some of those
10 determinations about how they want to see the case
11 processed and what they are willing to allow or not
12 allow in terms of intervention by outside parties, who
13 is responsible, who did what, and what is being
14 challenged in the lawsuit.

15 So it's real hard to say right now. I am
16 interested in what you are saying about the EPA case.
17 I haven't seen what you are talking about. I'm not
18 familiar with it. If there is something there that
19 will set a precedent for some kind of legal processing
20 in the Department of Justice, maybe that's something
21 we can look at. But as always, they are our
22 attorneys, and we generally follow their guidance.
23 But not without some discussion and negotiation about
24 how we want them to represent us.

25 So I don't know if that's -- that's not a

1 real clear response, because I don't think I can give
2 you a real clear response at this point in time. But
3 that's the best I would know now.

4 MEMBER SCHILLER: Well, I understand
5 your response and I understand why. But being a
6 little closer to that last go-around raises some real
7 concerns for me in that Judge Alsup indicated that all
8 the federal laws and NEPA requirements should apply to
9 actions taken. However, the stipulation agreements
10 involved some things that did not involve public
11 involvement in the implementation. For example, the
12 BLM arbitrarily agreed to go up in Pencilado Springs
13 in the Argos Range. Those springs probably should
14 have been fenced. However, there is a lot of
15 equestrian users in that area that need to water their
16 horses when they get up there or they don't have the
17 access that they had. There should have been some
18 kind of accommodation for that, maybe an outside
19 waterer or something like that. However, that wasn't
20 ever considered because they were just gone up and
21 fenced off.

22 There were several other cases like that
23 where there was no public involvement or consideration
24 whatsoever. And I'm just concerned that we don't go
25 through that again. I can appreciate that the judge

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1 allowed an opportunity for interveners. However,
2 everybody can't afford to intervene. Many small
3 organizations who have a direct personal stake in the
4 outcome don't have the resources that many of the big
5 off-road groups and the environmentalists have. And
6 without some mechanism for input, then we just lose
7 because we don't have the resources or the money or
8 funding to participate.

9 CHAIRMAN KEMPER: Roy Denner.

10 MEMBER DENNER: I took my hand truck up
11 to the mailbox day before yesterday and picked up my
12 copy of the plan. Unfortunately, I didn't have a
13 chance to look at it until I got here last night, so I
14 stayed up and read it cover to cover.

15 MEMBER BETTERLEY: Yeah; right.

16 MEMBER DENNER: I have a whole host of
17 questions, but I narrowed it down to three questions,
18 Linda. First one is, how much did it cost to prepare
19 that plan?

20 Second one is, how much will it cost to
21 implement it?

22 And the third one is, where are the funds
23 going to come from?

24 MS. HANSEN: Well, I might let Larry
25 help me with the answers on some of these because I'm

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1 not sure I have all the numbers straight. Do you want
2 the cost of the plan from start to finish 15 years

3 ago, or are we talking about what we did in this
4 document you are looking at now?

5 MEMBER DENNER: I will settle what it
6 costs to prepare this document.

7 MS. HANSEN: Larry, do we have any
8 outside guess on what the actual cost of this document
9 was?

10 MR. LA PRE: Previous advisory committee
11 members have asked that question. And --

12 MEMBER DENNER: Same advisory committee
13 members have asked that question.

14 MR. LA PRE: -- the numbers have gone up
15 since then. I guess I don't know exactly nor does
16 Bill Haigh. I know that we spent nearly a million
17 dollars for on-the-ground, route-by-route inventory
18 within the tortoise critical habitat, an effort
19 where -- that took quite a long time. That was a
20 million dollars.

21 I know it costs \$100,000 to print the
22 son-of-a-gun. And I know that the last time you
23 asked, I think Bill answered \$3 million.

24 I also know that in Western Riverside
25 County, their plan cost \$27 million. In Coachella

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1 Valley, it cost millions of dollars. And that for
2 such a huge area, it's not out of line with what has
3 been spent on these big plans.

4 MS. HANSEN: I can tell you that the

5 agency has been doing some fairly recent evaluation of
6 what land use planning is costing us across the
7 bureau. And for the plans that have been done in
8 California, we have ranged anywhere from \$5 to \$8
9 million. The estimated cost now for a resource
10 management plan, start to finish on an average is
11 looking at something like \$8 to \$11 million per
12 document. That sounds astronomical to me. I can't
13 believe that we actually spent that much on this plan,
14 although over a period of many years, I suppose that
15 can add up.

16 The cost of implementation of this plan,
17 was that your next question? I think we had somewhere
18 between \$2 and \$3 million per year over the course of
19 about ten years that we were looking at. So about \$30
20 million to fully implement the plan. And where is
21 that money coming from? Much of that money was
22 associated with development fees. As Larry suggested,
23 the schedule. Some of it will come from
24 implementation through allocations, our congressional
25 allocations of our base funding. Some will come from

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1 potentially other cost-sharing and/or grants
2 processes. And some will probably come through fees.

3 MR. LA PRE: I can tell you that we did
4 not assume that the BLM was going to get any increase
5 at all in congressionally allocated funds. That was
6 one of Bill Haigh's tenets because the BLM never does

7 get that much of an increase for the Desert District
8 year over year. So we didn't put in, oh, we are going
9 to have a new million dollar expense so the government
10 will give us a million more dollars.

11 We took the BLM budget at where it is.
12 That's when we began scaling down. We took the
13 projections of the fee income, and those are actually
14 in the plan you were reading last night. They are in
15 the smallest possible font, a table that goes for -- 8
16 point, a table that goes for 30 pages and is hidden in
17 the appendix. That's the implementation table and has
18 the costs. That was one of the changes I was supposed
19 to bring to your attention.

20 I can tell you, though, where I live in
21 Riverside, they have the Riverside County Plan. As
22 soon as that was passed, state bond monies started
23 flowing in from various parks bonds, even from a water
24 bond that had been passed by the voters, because a
25 master plan like this indicates there has been

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1 consensus on where we are going to do something and
2 where we are not. So they are much more attractive to
3 grantors, whether they be state, federal or even
4 nonprofits.

5 CHAIRMAN KEMPER: Just a point of
6 clarification, and correct me if I'm wrong, Larry.

7 When we are talking about \$3 million a year
8 for implementation, we are just talking about the

9 amended portion of the West Valley, or the West Mojave
10 Plan; is that correct? What I am remembering is going
11 back to the original document in 1980. It put out a
12 budget in 1990 dollars of \$100 million a year.

13 MR. LA PRE: Yes. We are talking about
14 just the West Mojave portion, and what you just said
15 is the reason for Bill Haigh saying don't assume an
16 increase in agency funds because there are a lot of
17 promises in the original Desert Plan that couldn't be
18 met.

19 MEMBER DENNER: You never got the \$100
20 million that you estimated the cost was going to be;
21 is that correct?

22 MS. HANSEN: I haven't seen it in the
23 bank account.

24 MEMBER DENNER: I didn't think so. What
25 is BLM's current budget to manage all the conservation

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1 district?

2 MS. HANSEN: What I can tell you is our
3 MLR funding, which is the basic programatic funding,
4 has been, still remains, pretty close to a little over
5 \$18 million per year for this district. I think this
6 year it's 18.145 or something like that in the MLR
7 funding for this year. That does not include any
8 special appropriations or other fee allocations or
9 other special grant dollars. That is just our base
10 funding from the base program areas.

11 CHAIRMAN KEMPER: How much of that \$18
12 million is allocated towards fighting wild fires, or
13 is it a separate allocation?

14 MS. HANSEN: It is not. That does not
15 include the wild fire program.

16 CHAIRMAN KEMPER: Okay.

17 MEMBER DENNER: Didn't you also take a
18 hit of 7 percent? Is that before this or after?
19 Didn't BLM nationwide take a -- or you don't know
20 about it yet?

21 MS. HANSEN: Are you referring to the
22 rescission bill? Actually, when all of that is sort
23 of weighed out, what happens normally in the
24 rescissions is that it's a percentage, but it's a
25 percentage to the department or across the board.

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1 Sometimes by the time that actually gets flattened
2 out, it doesn't necessarily hit at the same percentage
3 down here on the ground. California I know did lose
4 some funding based on the rescissions. But I'm not
5 sure that it was a full 7 percent of our base budget
6 when all was said and done. Some of that money came
7 back to us again through return to it. So I guess I
8 don't know specifically how much.

9 CHAIRMAN KEMPER: Paul.

10 MEMBER SMITH: Larry, I wonder if I
11 could get sort of this -- and some of it may be a
12 repeat, but I want to make sure we have an

13 understanding of jurisdictional overlaps with the
14 county and the states and the local governments.

15 The fee structure that you talk about, the
16 \$380 and the \$770 and the five times \$770, that's set
17 forth in the West Mojave Plan. Now, if the County of
18 San Bernardino adopts a habitat conservation plan, to
19 what extent is the county bound by these numbers?

20 MR. LA PRE: Well, they are going to
21 charge that fee.

22 MR. SMITH: Then this is the mitigation
23 fee?

24 MR. LA PRE: Yes.

25 MR. SMITH: So that's not really -- for

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1 anybody within this area, that's no longer a
2 negotiable thing they would work out with the Fish and
3 Wildlife or --

4 MR. LA PRE: I wouldn't say that.

5 MR. SMITH: Now, that's the gist of the
6 question.

7 MR. LA PRE: We had \$770 per acre is the
8 average price per acre in the DWMA north of Barstow.
9 It's a lot lower in Lancaster and a lot more in other
10 places, like right here in Barstow. Then we have the
11 half-to-1, 1-to-1 and 5-to-1 multipliers on the fee,
12 depending if you are on disturbed, undisturbed or in
13 the conservation area.

14 We heard from the Fish and Game in the

15 comment letters and from a few other people that the
16 fee wasn't enough. And I think I would say it's
17 negotiable. For projects on BLM land, that's what we
18 propose and that's what we are going to use. If you
19 want to put a com site on our hilltop, that's what you
20 pay.

21 CHAIRMAN KEMPER: I'm going to ask the
22 question, though it may not be appropriate because I
23 think you are talking primarily about BLM land and the
24 fee structure. I understand that we would like to see
25 it charged to private land holders, as well. But I

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1 have a concern on the fairness.

2 My first comment would be, if I understood
3 your comments correctly, the \$770 an acre was for the
4 conservation area, areawide. That was an average?

5 MR. LA PRE: Right.

6 CHAIRMAN KEMPER: What I can share with
7 you is in 30 years as a real estate broker and
8 currently involved in the industry, some of that
9 conservation area is near the 15 freeway which is
10 demanding \$20 a square foot. In other words, \$800,000
11 an acre. And some of the areas in the DWMAs, which
12 are the far outlying areas, maybe only have a retail
13 value in today's market of \$50 or \$100 an acre.

14 MR. LA PRE: Okay. The value is not the
15 value in the whole desert conservation area. It's in
16 the tortoise conservation areas. That value does not

17 include land next to the freeway.

18 CHAIRMAN KEMPER: Okay. I misunderstood
19 your comment.

20 MR. LA PRE: It's a subset of the whole
21 planning area.

22 CHAIRMAN KEMPER: My next question would
23 be, in that I believe some of the values far outreach
24 the DWMAs area for private ownership, especially in
25 large plottages is probably very low, do those private

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1 interest ownerships have the interest of trading their
2 land at a value of \$770 an acre as mitigation?

3 MR. LA PRE: Oh, you bet. The market
4 still prevails. One big difference of this plan and
5 other habitat conservation plans is that we have a lot
6 of willing sellers that are out in areas without
7 utilities and without water. But they are private
8 land. And in fact, after last week I have spoken to a
9 whole number of them. They can sell for whatever they
10 want. The mitigation fees go into a pool controlled
11 by the local governments. And then if land needs to
12 be acquired, they go acquire it, dealing with the
13 landowner, the \$100-an-acre landowner or the
14 \$2,000-an-acre landowner. And it's that averaging
15 that costs the \$770.

16 But some of this land that's worth \$100 an
17 acre is not going to get paid \$770. I wasn't exactly
18 sure the intent of your question, but the market

19 controls the price of the land, not the land.

20 CHAIRMAN KEMPER: I understand you have
21 come up with a market price or a market value. Land
22 in the DWMA, according to what you told us earlier, is
23 worth \$770 an acre. And that's what it would be worth
24 to the agency or a mitigation value. Let's say that I
25 had six acres in the DWMA, and I wanted to put a cell

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1 site on one of them and I was willing to give you the
2 other five. That would mitigate the one acre of
3 development -- maybe?

4 MR. LA PRE: Well, we would take it.
5 There's not necessarily enough detail in the plan to
6 discuss those land offers instead of cash, or like
7 density transfers within the private sector that are
8 features of other ACP's. I can tell you, though, that
9 what we do now in the DWMA in critical habitat on
10 undisturbed land with tortoises is 6-to-1. And it's
11 governed by a formula set -- the California statewide
12 tortoise plan, also called the MOG plan for Managers
13 Oversight Group, and there are multipliers on the land
14 value depending on disturbance, critical habitat,
15 presence of tortoises, and the most you can pay now is
16 6-to-1. So the West Mojave helps in the highest
17 habitat value areas. And it's the same in the lowest
18 habitat value areas, might even be a little less on
19 the disturbed site.

20 We receive money every year from utilities

21 such as PG&E and The Gas Company, because they want to
22 put a new valve on their pump station and disturb one-
23 half of an acre of already disturbed land. And so
24 they go give us a half acre somewhere else. Under the
25 West Mojave Plan, they would only have to give us a

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1 quarter acre.

2 CHAIRMAN KEMPER: Under the mitigation,
3 and if we follow what Clark County has done in the
4 heavily urban sprawling area, BLM has actually done
5 auctions in their high intensive uses areas that
6 haven't kept the values of public land.

7 Is there something in the West Mojave Plan
8 that allows for that? One of my concerns is that,
9 especially when we see a stepped-up mitigation for
10 critical habitat, is that in San Bernardino County
11 where we are at today, less than 2 percent of the
12 undeveloped land is in private ownership. The rest
13 is -- belongs to some kind of government agency. So
14 when we are looking at trades of 5 and 6 to 1 and we
15 only have 2 percent to start with, it really limits
16 the economic engine within this county.

17 So is there a vehicle by which BLM-owned
18 land that is next to urban sprawl can be auctioned
19 similar to what they are doing in Clark County,
20 Nevada?

21 MR. LA PRE: Well, there is, but the
22 scale is so much different in Nevada. Our lands next

23 to cities are pretty much scattered parcels that are
24 called "unclassified." And those are available for
25 sale, "disposal" as we call it, or exchange. And we

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1 asked different cities, are they interested in this,
2 that, or the other parcel? To tell you the truth,
3 most of them were a little too far out for the cities
4 to have a big interest. In a few cases, there are
5 identified BLM parcels that we could dispose of and it
6 could become part of a city. There is nothing, I
7 don't think, within a city right now. They are all in
8 the spheres of influence.

9 CHAIRMAN KEMPER: Paul.

10 MEMBER SMITH: Yeah. Larry, again, just
11 to make sure that we understand things, if there is --
12 Ed LaRue has identified parcels that aren't within
13 DWMAs that are very rich tortoise habitat. My guess
14 is that's because they are below the minimum threshold
15 size for DWMAs, which is so many acres or something?

16 MR. LA PRE: Well, yes and no, and you
17 live in one.

18 There are two areas that have a lot of
19 tortoises but have no real practical way of
20 conservation or making it a solid block of
21 conservation lands. One is the Brisbane Valley, which
22 is between Highway 66 and Interstate 15 and
23 Victorville and Barstow, where the Victorville
24 landfill is. I don't know if you are familiar with

25 that mining area at the south end. That area has a
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1 lot of tortoises, but it has highways on both sides
2 and cities at both ends, and it doesn't make a good
3 DWMA.

4 So we call that a special review area.
5 This is different than the biological transition
6 areas. And what that means is if you build something
7 in there, you've got to move your tortoises, and you
8 still have to do surveys in there. There are a lot of
9 tortoises. They have to be protected to the extent
10 possible. And it may actually end up being a
11 translocation area.

12 The other is Copper Mountain area between
13 Twentynine Palms and Yucca Valley. And that area has
14 a lot of tortoises, and even right in Yucca Valley.
15 That's another special review area where you can't
16 just build. You have got to look for your tortoises
17 and move them out of harm's way.

18 MEMBER SMITH: If they build like the
19 college is planning to, if they do build, do they
20 still pay mitigation fees? I guess they work the deal
21 out with Fish and Wildlife?

22 MR. LA PRE: I haven't heard that the
23 college has a deal. If they follow the West Mojave
24 Plan, they do have to pay half-to-1 or 1-to-1 to pay
25 mitigation fees, plus they make sure the tortoises

1 aren't killed.

2 MEMBER SMITH: Thank you.

3 CHAIRMAN KEMPER: Jon.

4 MEMBER McQUISTON: My questions are
5 related to the habitat conservation component, part B
6 of part 2. You made a comment earlier about Fish and
7 Game not thinking that the fees were appropriate. My
8 question goes along the lines that one of the reasons
9 we got the buy-in from the private sector on this is
10 they are looking for predictability, streamlining and
11 so forth. Fish and Game, as I understand, was a
12 participant in some of the Super Groups?

13 MR. LA PRE: Oh, yes.

14 MEMBER McQUISTON: Should I be concerned
15 about that comment in the context that if local
16 government adopts this plan, and we are thinking the
17 fee is going to be one thing, in order to get the
18 predictability, that Fish and Game, California Fish
19 and Game is now saying maybe not? It may be something
20 higher?

21 MR. LA PRE: Yes.

22 MEMBER McQUISTON: Would that not then
23 be counter to the very intent of trying to put
24 together a plan for predictability and certainty?

25 MR. LA PRE: Well, it's negotiated.

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1 Kern County, for example, has a very good set of
2 negotiators. Other plans have had price inflation
3 indices that have been used where the fee creeps up a
4 little bit each year. And even those generally have
5 to be approved by ordinance, again. I have talked
6 with all the local jurisdictions, and they are
7 standing firm with what we have right now.

8 MEMBER McQUISTON: It's my understanding
9 that an HCP at its very core purpose is to eliminate
10 negotiations.

11 MR. LA PRE: That's correct. It is.

12 MEMBER McQUISTON: If this habitat
13 conservation plan fails to do that because one of the
14 participants says I don't like the outcome, it seems
15 to me it might jeopardize whether or not local
16 government wants to sign up to, supposedly, an HCP
17 that is intended to clearly define a road map process
18 and dollars. If it doesn't do that, it seems to me it
19 fails to meet the intent of an HCP.

20 MR. LA PRE: Well, once you get the
21 signatures, you stop negotiating. But up until the
22 wildlife agencies and the local jurisdictions sign,
23 they keep talking.

24 MEMBER McQUISTON: What is the benefit?

25 MR. LA PRE: I think your help will be

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1 necessary in some of this.

2 MEMBER McQUISTON: What is the benefit,
3 let's say, in Kern County adopting the ordinances to
4 implement the HCP if, in fact, we have not set a
5 mitigation fee that private landowners can count on
6 being the fee if they want to do some sort of
7 development? That, to me, was the principal
8 motivator, if you will, for private lands and local
9 government to adopt this is it was going to take much
10 of the uncertainty and much of the negotiation out by
11 establishing a set mitigation fee.

12 MR. LA PRE: That's correct.

13 MEMBER McQUISTON: It sounds to me what
14 I am hearing is there is a possibility that this
15 number is only the starting point for negotiation and
16 not the end point.

17 MR. LA PRE: Well, I just said that we
18 got a letter from Fish and Game saying that the fee
19 might not be enough and a couple other groups said the
20 same thing. I didn't say that either BLM or the local
21 jurisdictions was going to change their mind. I don't
22 know how that will work out.

23 MEMBER McQUISTON: Thank you. I
24 appreciate your comments, but certainly that's
25 something that's going to be a critical component as

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1 to whether local government wants to buy into this or
2 not. If it doesn't achieve the intended purpose,
3 there is going to be a lot of disappointed folks.

4 MR. LA PRE: The principal of certainty
5 and not having to negotiate your own mitigation every
6 time you want to do something is the overriding
7 principle.

8 MR. McQUISTON: That is the backbone of
9 an HCP. And if that backbone is not in place, I am
10 just wondering what do we have.

11 CHAIRMAN KEMPER: Was Fish and Game part
12 of the process for the last five years?

13 MR. LA PRE: Oh, yes.

14 MS. TROST: The whole 15.

15 CHAIRMAN KEMPER: And now that it's out,
16 they might have changed their mind?

17 MR. LA PRE: I can't speak for Fish and
18 Game.

19 CHAIRMAN KEMPER: I understand. Any
20 other questions? Ron.

21 MEMBER SCHILLER: I have a question.
22 Earlier you mentioned the Copper Mountain area and a
23 strip near Victorville that has a very high population
24 of tortoise, but it's not suitable for DWMA; right?

25 MR. LA PRE: Yes. The area near

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1 Victorville is called Brisbane Valley and near
2 Twentynine Palms is called Copper Mountain.

3 MEMBER SCHILLER: So the problem is they
4 are in close proximity to development, the city and
5 community, but there is a very high population of

6 tortoise. That tells me something. I don't
7 understand. If we have got this situation close to
8 these communities but we can't use it as a DWMA
9 because of development, then why are these remote
10 areas out here lacking in tortoise when this one over
11 here is in abundance of tortoise, but we can't use it?

12 MR. LA PRE: The Brisbane Valley is kind
13 of unusual because it hasn't been the center of
14 economic development. The infrastructure doesn't
15 extend to the area between Highway 66 and Interstate
16 15 other than mining infrastructure. And that's
17 another reason that mining and residential are not as
18 compatible as areas outside. So Victorville is mainly
19 spreading towards other areas and not into Brisbane
20 Valley.

21 Now, in the Copper Mountain area, there
22 have always been a lot of tortoises. Development
23 pattern has been kind of scattered. Large lots in the
24 community of Joshua Tree and in parts of Twentynine
25 Palms away from the main towns of the Yucca Valley and

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1 Morongo Valley or near the base in Twentynine Palms.
2 And there is a lot of natural land in with a one-acre
3 lot with a nice house on it. Tortoises are still
4 walking around. That's less explainable, just like
5 tortoises that walk into people's backyards in Barstow
6 is not terribly explainable, but there they are.

7 MEMBER SCHILLER: It would seem to me
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8 that we should take a look at what is going on in
9 these areas and what's occurring out here where we
10 don't have the perceived conditions which were
11 designated as DWMAs, it seems like we might be barking
12 up the wrong tree if that's what is occurring.

13 CHAIRMAN KEMPER: If I could just make a
14 comment. I think you talked about the Oro Grande area
15 being heavily populated with tortoises. And those
16 people in the audience who don't know or are on the
17 Council, Oro Grande has several thousand acres of
18 alfalfa fields. And I think maybe one of the reasons
19 the tortoises are doing so well there is they have
20 plenty of pep in their food with alfalfa. We do know
21 when they fed tortoises alfalfa in the tortoise
22 management area in Clark County, they started
23 immediately producing double hatches of eggs and that
24 sort of thing.

25 I think Jon had a question.

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1 MEMBER McQUISTON: I just had a follow-
2 up question. Under the current statutory schemes -- I
3 apologize if this sounds over simplistic -- who has
4 the final authority on what the impact fee is going to
5 be, Fish and Game or BLM or the local jurisdictions?

6 MR. LA PRE: The local jurisdictions.

7 MEMBER McQUISTON: I like that.

8 MR. LA PRE: Well, that is the answer.

9 And at some point maybe it will come to a showdown.

10 Here is our HCP. This is what we are charging. We
11 have shown that we can do this much management and buy
12 this much land, take it or leave it. It may get to
13 that. But we have the backup studies to show that
14 these fees will support this plan.

15 CHAIRMAN KEMPER: Any more questions or
16 comments?

17 MEMBER SCHILLER: Just one quick
18 question.

19 I don't know if it's for a county or for
20 the bureau. But is there a lower limit on the size of
21 a parcel before it requires mitigation? For example,
22 if you've got one individual who has five or ten acres
23 and wants a single dwelling to build his house, a
24 single dwelling on that lot, is there any
25 accommodation for that or does he have to pay the full

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1 tilt as a developer?

2 MR. LA PRE: There is a lower limit. A
3 lot of plans have single family dwellings exempt. I'm
4 trying to remember. I believe our final answer on
5 that was 2-and-a-half-acre single family is exempt.

6 MEMBER SCHILLER: Two and a half?

7 MR. LA PRE: I kind of need to check the
8 plan, but we do have the exemption for the single
9 family.

10 CHAIRMAN KEMPER: Meaning anything 2 and
11 a half acres or larger would be exempt?

12 MEMBER SCHILLER: No, no. What I mean
13 is if you are building one house on 40 acres, if it's
14 exempt on 2 and a half acres, it would be exempt on 40
15 acres?

16 MR. LA PRE: It's based on the amount of
17 disturbance. So your house is only going to take a
18 quarter acre.

19 CHAIRMAN KEMPER: So it's not based upon
20 the size of the parcel. It's based on the size of the
21 ground disturbance upon which the improvement will
22 lie?

23 MR. LA PRE: Actually both of those. 2
24 and a half and less are exempt. And less than a half
25 acre disturbance on a larger parcel is exempt.

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1 CHAIRMAN KEMPER: Okay. Any other
2 questions or comments? If there isn't any, I know
3 that our reporter would love to have a break, so I
4 will break for five minutes. And then we will enter
5 into public comment period. I don't see -- Doran, do
6 you have public comment cards? If you would see Doran
7 for public comments.

8 MR. SANCHEZ: They are on the table
9 outside.

10 CHAIRMAN KEMPER: We are adjourned for
11 five minutes.

12 (Brief recess was taken.)

13 CHAIRMAN KEMPER: I will call the

14 meeting to order, and we are back on the record.

15 There are a couple of things I need to do.

16 In regards to the Adopt-a-Cabin program, we had two
17 letters submitted. I'm going to hand them to the
18 court reporter for her to submit them into the record.
19 They were submitted by Randy Banis and Beth Porter.

20 I do have some comment cards. However,
21 before I call them up, I will let you know that the
22 next segment of the Council meeting will be in regards
23 to action items. And what I know of, it will be, I
24 believe, fee structures and a TRT for off-road use.
25 And then also an action item for the Adopt-a-Cabin

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1 program. So if anybody would like to make a comment
2 regarding those to go on the record prior to a motion
3 being made, this will be the time to do it.

4 Lyn McAfee.

5 MS. McAFEE: My name is Lyn McAfee. I
6 was very interested to hear about the development of
7 the West Mojave HCP because in my day job, I'm
8 executive director of the Nature Reserve of Orange
9 County. And the Nature Reserve of Orange County
10 manages the NCCP HCP habitat conservation plan for
11 Central and Coastal subregions of Orange County. And
12 all of these HCPs and NCCPs seem to be developing a
13 little bit differently, so it was very interesting for
14 me to hear how this one was being developed.

15 I would also like to make a little

16 correction, Larry, about how much the Orange County
17 NCCP charges for mitigation fee. That's \$50,000, not
18 \$20,000. And that was established in 1996 when the
19 NCCP HCP was established, and the wildlife agencies
20 are beginning to think that's a little low. So I
21 guess it all depends on where you live. But that's
22 not really the reason I came today.

23 I came today to talk a little bit about
24 what I do in my discretionary time. And in my
25 discretionary time for the past five years, I have

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1 been involved in the Adopt-a-Cabin program, as sort of
2 a participant in the Friends of the Minnetta Cabin.
3 And we have done a lot to rehabilitate this cabin as
4 well as other cabins and preserve them in both the
5 recreational sense and in an historic sense for the
6 public, for the good of the public.

7 I think this program is extremely important
8 because it does preserve history. It prevents these
9 cabins from deteriorating or getting burned down
10 because the people who visit the cabins are very
11 pleased, as evidenced by comments in the logs that
12 each of these cabins have where people can put their
13 comments. They are very enthusiastic. And it's just
14 amazing. Since we have rehabilitated this cabin,
15 people who come to visit it take care of it. That is
16 just really an outstanding thing, because before it
17 was rehabilitated and fixed up, the cabin was --

18 people would come, and they would shoot and they would
19 do all sorts of things that were really destructive to
20 not only the cabin, but the environment around the
21 cabin.

22 So just the very fact that somebody is
23 there obviously taking care of the place, making it
24 habitable, it's fun for the public, it's fun for the
25 people who are actually volunteering their time to do

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1 this for the public. And I think that it's really an
2 important program for the future, and I do hope you
3 support the program. Thank you. Any questions?
4 Thank you very much.

5 CHAIRMAN KEMPER: Thank you, Lyn.

6 Marie Brashear.

7 MS. BRASHEAR: I had a number of issues
8 that I was going to raise, but because we do not have
9 public comment with respect to each of those issues as
10 they come up on the agenda, the people I needed to ask
11 questions of are not here. And I think maybe this
12 board needs to go back to what earlier boards did when
13 I was a member of this august body and open comment at
14 the end of each issue to the public. Thank you.

15 CHAIRMAN KEMPER: Thank you, Marie.

16 MR. McQUISTON: Mr. Chairman, I thought
17 we had adopted a position in support of that proposal.

18 MS. BRASHEAR: You have, but it's not
19 been adhered to.

20 CHAIRMAN KEMPER: We'll certainly follow
21 that in future meetings.

22 MR. McQUISTON: Thank you.

23 CHAIRMAN KEMPER: Be sure and remind me.

24 MEMBER BETTERLEY: Remind Doran.

25 CHAIRMAN KEMPER: Sam Merk.

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1 MS. MERK: My name is Sam Merk. I have
2 a smattering of ideas and things that I wanted to talk
3 about because of the fact that you don't have a
4 comment period for the public after each topic, so
5 please bear with me that it's kind of scattered.

6 But since this is going to hit me the
7 hardest and the most, real quick, and in regards to
8 the DWMA plan, I have concern that our counties and
9 cities might try to buy off on something that is
10 not -- that has not been designated in blood, you
11 might say, by the Fish and Game department. So I
12 would only ask my county officials that they please
13 try to get the Fish and Game department to establish a
14 price before they sign off on something that may not
15 be there.

16 That was the first thing I wanted to say.
17 And I do have concern that some of these places they
18 are talking about, even though I know that these lands
19 involve everywhere from L.A. to Inyo County, that some
20 of these fees are really going to hurt Inyo County,
21 specifically the Olancha area, Darwin and the northern

22 part of Trona. And I don't think that -- I think that
23 there should be distress fees and so on and so forth
24 that should be looked at a little bit more in depth.

25 And I was a little bit distressed because

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1 of the fact that the agenda was changed so much that
2 the program that I was going to see this afternoon was
3 held actually this morning in regards to the
4 Adopt-a-Cabin. And I know that a lot of people drove
5 up here specifically to hear about the Adopt-a-Cabin,
6 but they came up this afternoon and they found out it
7 had already been presented. So a few of them already
8 left. And I felt that that wasn't a good way for you
9 to interface with the public at all.

10 I do feel that the BLM is doing a better
11 job with a Adopt-a-Cabins than they did with, let's
12 say, in history when Patty McClean was the field
13 manager out of Ridgecrest, when it was the BLM's
14 policy at that time to set fire to some of these
15 cabins. And when people now talk about razing cabins
16 and so on and so forth, it was by the BLM. It wasn't
17 by the public. It was by BLM that they were actually
18 firing these cabins. And I wanted to make sure that
19 this board understood that, because I feel like
20 history is being changed.

21 I also think it's a good idea to have an
22 informal site management plan, not that you have to
23 put everything in -- lock everything down. But it

24 would be good to go back in history on some of these
25 cabins and see if they did have a tin roof or

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1 whatever. However, there were many cabins that I went
2 and visited back in the sixties that they were using
3 Propane. They were using pit -- they had toilets, pit
4 toilets, and so on and so forth. And I think that's
5 part of the history of these cabins and that should be
6 kept going as much as possible.

7 I guess that's really all I have to say at
8 this time except please keep to the agenda. Thank
9 you.

10 CHAIRMAN KEMPER: Thank you, Sam. David
11 Matthews.

12 MR. MATTHEWS: Dave Matthews.

13 First of all, I would just like to, in
14 keeping with the spirit today, relate that while I was
15 on break, I heard that the BLM was demolished and we
16 can all go home now. Sorry, Hector.

17 Back on the Adopt-a-Cabin program, Jon
18 McQuiston asked the question about, could we tell how
19 some of these old cabins were heated years ago. And
20 on some cases, that may be feasible to find. But I
21 know that probably on many of them you would never be
22 able to tell, because before a lot of people became
23 aware of some of these cabins out there, and they were
24 a little more remote or less accessible, that a lot of
25 stuff went out of there to antique shops or somebody's

1 home. So I think even in some cases, if you were to
2 bring an archaeologist in there and say, what was
3 there before, there is not going to be evidence there
4 for them to tell, really, in some cases.

5 Also, on the cabins, it was mentioned that
6 there were various inputs into the logbooks. And I
7 was just curious, where do these logbooks come from?
8 Do they just appear? Does the BLM provide them? Is
9 there a standardization as to what information goes
10 into them? It was just a matter of curiosity.

11 Let's see here. Well, never mind on that.

12 On the WEMO plan, I think it was Bill
13 Betterley asked my question -- or asked one of the
14 questions for me. And that is, what happens if some
15 of these agencies don't sign up? And I think, to kind
16 of add to that idea, is that it's the bottom line.
17 It's going to be easier to do business with this plan
18 than it has been.

19 Also, I'm curious. I haven't gotten into
20 the plan that much. There are two questions I had
21 with regard to the actual publication that came out.
22 There is a CD in the back. Is that just for maps or
23 is that the whole document?

24 And also -- oh, has education been
25 addressed in the plan, the public education, because

1 this was mentioned this morning on a couple of other
2 topics. And I do know that there was a task group
3 which was in existence briefly that did cover that
4 specific topic. And I haven't been hearing anything
5 about whether or not it got into the plan or not,
6 whether anything is being done in that respect.

7 I guess that pretty much takes care of all
8 the rest of this here, I think. All right. Thank
9 you.

10 CHAIRMAN KEMPER: Thank you,
11 Mr. Matthews. Jerry Hillier.

12 MR. HILLIER: Thank you very much,
13 Mr. Chairman.

14 One thing I ought to do is compliment the
15 Chair on moving the meeting along so efficiently. I
16 have seen many more meetings of this council when you
17 had a 1 o'clock item and people were still waiting
18 until 4 o'clock. So the meeting has moved along quite
19 smartly, and it's obviously because of your good
20 leadership.

21 CHAIRMAN KEMPER: What exactly do you
22 want?

23 (Laughter.)

24 MR. HILLIER: Actually, I had just a
25 couple of comments and questions. It is indeed

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1 interesting that on Monday, the Secretary of the
2 Interior is going to be out in the area and signing
3 the Lower Colorado River Multi-species Conservation
4 Plan over in Boulder City. And that plan, they do
5 have a bottom line total. That's in 2003 dollars and
6 is estimated to cost \$626 million to implement. So
7 regionally, there are some plans that are out there
8 that are going to be a call on the federal budget.
9 That plan has committed 50 percent for federal
10 funding, all of which is going to have to come from
11 appropriated funds that do not exist. The rest is
12 going to come from state funds. I don't know how
13 California is going to pay its 50 percent there.

14 But our friend, Buster Johnson, the county
15 supervisor from Mojave County, called me up the other
16 day, and a bill is moving through the Arizona
17 legislature right now to tack on an additional boating
18 tax fee. So one way or another, these plans have to
19 be paid for and that leads to my question.

20 The \$770 fee -- and I believe in my
21 comments, and I haven't had a chance -- I haven't even
22 seen the plan yet. I was out of town. But the Clark
23 County fee is I believe \$580, \$560, \$580, somewhere in
24 that neighborhood. That's for development and
25 buildout. My understanding is that fee is indexed for

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1 CPI so that it doesn't have to be revisited annually.

2 It just simply marches along. Is the \$770 going to be
3 indexed, or is it going to have to be revisited as
4 land values change?

5 MR. LA PRE: It will be indexed.

6 MR. HILLIER: Okay. So that can be
7 fixed or that can be addressed in the record of
8 decision, then?

9 MR. LA PRE: It's either buried in the
10 plan now, and I wasn't as familiar with the economic
11 details, or it can be fixed in the Record of Decision.

12 MR. HILLIER: Second, my understanding
13 is the plan has been issued in final form, but without
14 a biological opinion from Fish and Wildlife.

15 MS. HANSEN: That's correct.

16 MR. HILLIER: When is the biological
17 opinion going to be issued, and how is that going to
18 be timed relative to the Record of Decision? Are you
19 going to do a Record of Decision before the B0, or are
20 you going to wait the B0 and then let it stand for 30
21 days or so before you do an ROD? That's a technical
22 question, but it's rather important from a timing
23 standpoint.

24 MS. HANSEN: We will wait for a
25 biological opinion before issuing a Record of

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1 Decision, as we have on others. It's anticipated that
2 we will have that Record of Decision within the review
3 period -- the B0 within the review period. Beyond

4 that, you have to ask Ray Bransfield because I don't
5 know.

6 MR. HILLIER: When you are talking "we,"
7 you are talking the agency, the Council and the
8 public, all simultaneously?

9 MS. HANSEN: Yes. What has been
10 happening with the most recent B0s, they are issued to
11 the agency electronically, followed by a hard copy
12 which is the signature page. It's immediately
13 available to the public off the Web site.

14 MR. HILLIER: Fish and Wildlife Service
15 Web?

16 MS. HANSEN: Yes.

17 MR. HILLIER: Fws.gov. But we have to
18 know that it is indeed issued, unless that's on our
19 little star favorites.

20 MS. HANSEN: We have been trying to make
21 sure that we coordinate with Fish and Wildlife Service
22 the notification of the release of the biological
23 opinions, since many of them are associated with court
24 reviews up to this point. West Mojave is not at this
25 point. We have been able to notify people quite

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1 quickly when they are received.

2 MR. HILLIER: Okay. So hopefully we
3 will have that before any protests are due?

4 MS. HANSEN: Yes.

5 MR. HILLIER: The last thing I would

6 like to do is make a comment about the 30-day period.
7 Given that this process, arguably, has gone on for --
8 some say 12 years, some say 15 years, but it's still a
9 significant length of time. And the volume that's now
10 on the final thing, the 30-day review really does --
11 and I know that's all the agency is required to do --
12 but it seems to me it's rather minimal, given the
13 complexity of the issues and the time it takes.
14 Concurrently, that it's income tax time and a few
15 other details. But most of us can probably live with
16 it, but it is putting a hell of a stress on the
17 public, I think, in general there to only allow 30
18 days. I think a 60-day period would be much more
19 appropriate. Let's see. Is there anything more? No,
20 that's it. Thank you.

21 CHAIRMAN KEMPER: Thank you,
22 Mr. Hillier.

23 Before we move on, I would like to
24 apologize to the people that didn't get here in time
25 to hear the Adopt-a-Cabin program. It is important

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1 for you to understand that the agenda is made up on
2 estimated times. There wasn't anything moved on the
3 agenda. We just happened to be coming up on the lunch
4 hour about an hour ahead of schedule. And I apologize
5 for being ahead of schedule, just as I will in times
6 past when we have been three or four hours behind
7 schedule. So please let everybody know we didn't move

8 the agenda item. We just got through the morning's
9 agenda a little faster than I expected.

10 I will open it up for action items and
11 discussion. The first action item that was actually
12 asked by the agency was the Adopt-a-Cabin. Jon
13 McQuiston.

14 MEMBER McQUISTON: Thank you,
15 Mr. Chairman.

16 I would like to submit a motion which would
17 read as follows: "That the Desert Advisory Council
18 adopt a resolution in support of the Adopt-a-Cabin
19 program and form a TRT to provide advice and
20 recommendations on management practices and potential
21 for further expansion."

22 MEMBER BETTERLEY: I second that.

23 CHAIRMAN KEMPER: Before I have a
24 second, I think Paul Smith had a similar motion. Did
25 you want to expound on your motion, or does that cover

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1 yours, as well?

2 MEMBER SMITH: No, it doesn't cover
3 mine. Jon has added the suggestion for the addition
4 of a TRT, so I would say let's go with Jon's and see
5 where the discussion takes us.

6 MEMBER BETTERLEY: I will second the
7 motion.

8 CHAIRMAN KEMPER: I have a motion and
9 second. Jon, if you will hand in the motion so I will

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10 have it in case there are any questions. And I will
11 open it up for discussion. Any comments amongst
12 Council members? Preston?

13 MEMBER ARROW-WEED: What was the second
14 to what you said about the cabin, and then the next
15 one was --

16 MEMBER McQUISTON: To form a TRT to
17 advise the BLM on possible management options or
18 whether this should be expanded to other areas outside
19 of the Ridgecrest field office within the broader
20 conservation area.

21 MEMBER ARROW-WEED: To get a TRT. Fine.

22 CHAIRMAN KEMPER: Any other questions?
23 Comments? Seeing none, I will call for vote. All in
24 favor, signify by aye. Any opposed? Hearing none,
25 the motion carries unanimously.

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1 The next action item that was asked for was
2 in regards to Dumont Dunes, the recreation fee
3 program.

4 MEMBER DENNER: Actually, Mr. Chairman,
5 I had requests for two actions. Before the Dumont
6 Dunes, we discussed special use permits and cost
7 recovery for special events.

8 CHAIRMAN KEMPER: Go ahead and make a
9 motion.

10 MEMBER DENNER: I would like to make the
11 following motion with regard to that:

12 "I would like to make a motion to place an
13 item on our next DAC agenda to discuss possible
14 formation of a stakeholder group or TRT to develop
15 guidelines and procedures to standardize, as much as
16 possible, applications for special use permits, costs
17 estimating and cost accounting for special events
18 conducted within the CDCA."

19 CHAIRMAN KEMPER: I have a motion. Do I
20 have a second?

21 MEMBER McQUISTON: Second.

22 CHAIRMAN KEMPER: John McQuiston
23 seconds. Any discussion? Seeing none, I will call
24 for the vote. All in favor, signify by saying aye.
25 Any opposed? Motion carries unanimously.

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1 MEMBER DENNER: Second motion I have has
2 two parts. And it has to do with Dumont Dunes and El
3 Mirage and fee collections there.

4 First part says, "The Council would
5 recommend that the DAC be recognized as the Recreation
6 Resource Advisory Council, that's RRAC, as required by
7 new federal law."

8 Second part says, "The Council would
9 recommend that TRTs be established, authorized by the
10 DAC, similar to the TRT operating at the EIS DRA for
11 Dumont Dunes and El Mirage composed of representatives
12 from groups who pay the fees at those areas and
13 community representatives who have an economic

14 interest in the continuing operation of those
15 recreation areas."

16 MEMBER BUGERA: Second.

17 CHAIRMAN KEMPER: I have a motion and
18 second. Any discussion?

19 MEMBER SCHILLER: Or question?

20 CHAIRMAN KEMPER: Ron.

21 MEMBER SCHILLER: My question would be,
22 when you say "those who pay the fees," I'm curious if
23 that would consider other interests who use the area,
24 like not in Dumont but in El Mirage, where I don't
25 know the boundaries of that area, too. But I suspect

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1 there is some other activities there that are other
2 types of recreation. Would that be included in this
3 TRT?

4 MEMBER DENNER: That's why I phrased it
5 that way, Ron. I didn't take any particular
6 recreation group. If anybody uses the area and pays
7 fees, they should have a voice in how those fees are
8 distributed. And that's the purpose of the TRT.

9 MEMBER SCHILLER: Thank you.

10 CHAIRMAN KEMPER: Any other comments?
11 Seeing none, I will call for the vote. All in favor
12 signify by saying aye. Any opposed? Motion carries
13 unanimously.

14 Any other action items that any Council
15 member would like to bring up?

16 MEMBER DENNER: Yeah, Ron. In view of
17 Gerry Hillier's comments about the 30-day period for
18 the comments on the WEMO plan, I think that a lot of
19 us feel like we are really going to be pushed to have
20 worthwhile input in 30 days. I don't know if any
21 other Council members feel that way or not, but maybe
22 there is a need for a motion there, too.

23 MEMBER SMITH: Let me just interrupt and
24 ask Linda that if we made a recommendation that the
25 period be extended to 60 or 90 days to make sure that

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1 there is adequate time to review this really massive
2 document, would that create an imposition on the BLM?

3 MS. HANSEN: It could.

4 MEMBER BUGERA: Why?

5 MEMBER SMITH: Fifteen years?

6 MEMBER BUGERA: All we want is 60 more
7 days.

8 CHAIRMAN KEMPER: Linda, I will also ask
9 you -- we have always asked you -- we have always
10 asked you to be very candid. Is there any chance that
11 if this group recommended that it be extended to a
12 60-day period, that that would even be considered?

13 MS. HANSEN: Yes. It can be considered.

14 MEMBER BUGERA: Would it be?

15 MS. HANSEN: Yes, it would.

16 MEMBER McQUISTON: Ninety days?

17 MEMBER SMITH: Mr. Chairman, I wonder if

18 I could ask for us to break our normal rules of order
19 and have Mr. Hillier address us?

20 CHAIRMAN KEMPER: Mr. Hillier, we will
21 recognize you. Please come forward.

22 MR. HILLIER: Thank you. I just was
23 sitting there having a thought. And I recognized
24 there that there are legal and statutory requirements
25 involved here.

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1 One of the things that might be an
2 alternative -- it isn't all that I suggested there in
3 terms of going to a 60-day comment period, but might
4 well be to extend the comment period to the point of
5 30 days after the biological opinion is received so
6 that at least people would have a full 30 days to
7 evaluate the document, also in the context in the same
8 amount of time to evaluate it in the context of what
9 the biological opinion may say because, frankly, none
10 of us know what is in that.

11 CHAIRMAN KEMPER: Linda, do you have any
12 thoughts?

13 MS. HANSEN: Can we go off the record?

14 CHAIRMAN KEMPER: Yes, let's go off the
15 record.

16 (Discussion was held off the record.)

17 CHAIRMAN KEMPER: We are back on the
18 record.

19 MR. HILLIER: Let me just add one other

20 comment to what I did relative to having the
21 biological opinion. And knowing that -- I lost my
22 train of thought. Forget it.

23 CHAIRMAN KEMPER: Mr. Denner.

24 MEMBER DENNER: Mr. Chairman, this is
25 going sideways just a little bit, but I want to ask

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1 Linda why the BLM settled for an October date for a
2 biological opinion on the Ramp. You know, it seems
3 like all of the work and all the background has been
4 done. The Fish and Wildlife has been working with
5 that issue for a long time. Why is it going to take
6 from April to October for them to formulate the
7 biological opinion? And if there is a problem, it
8 means it kills another whole recreation season for
9 that Ramp.

10 MS. HANSEN: If I might clarify. We are
11 not waiting for another biological opinion. We have
12 the final BO for the ramp. What the October date is
13 relates to what the judge has set for the schedule for
14 hearing both the contest to the biological opinion
15 and a contest, then, subsequently to the Ramp
16 decision. It is not waiting for another biological
17 opinion.

18 MEMBER DENNER: I'm sorry. I understand
19 that. But I guess I'm asking why did the BLM not
20 request from the judge to expedite that schedule so we
21 know what's going to fall out after the decision.

22 It's going to take time.

23 MS. HANSEN: Believe it or not, this is
24 an expedited schedule which the judge has agreed to.

25 CHAIRMAN KEMPER: Paul.

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1 MEMBER SMITH: Yeah. I think it's time
2 to make a motion, and then the motion can be followed
3 up with additional discussion.

4 So I move: "Resolve that the Council
5 recommend that the response period for the West Mojave
6 Plan be changed to 60 days."

7 MEMBER BUGERA: Second.

8 CHAIRMAN KEMPER: I have a motion and a
9 second. Any discussion? Seeing none, I will call for
10 a vote. All in favor signify by saying aye. Any
11 opposed? Any abstentions? Motion carries
12 unani mousl y.

13 Any other action items that would like to
14 be taken by the Council?

15 MEMBER SMITH: Just a point of order.
16 We have authorized two TRTs, but we haven't appointed
17 anybody to them.

18 MEMBER DENNER: I don't think we have
19 the authority to authorize them. We have made a
20 recommendati on, I think, to BLM that Council be
21 authorized to form those two TRTs. Isn't that where
22 we are?

23 MEMBER SMITH: That's fine with me. I

24 would have expected that there would be appointments.

25 CHAIRMAN KEMPER: Well, we can ask Linda

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1 how she feels about it. Does she find the need for
2 those TRTs and is she willing for people to work on
3 those?

4 MS. HANSEN: First of all, the TRT to
5 work on the special use permit scheduling and
6 otherwise, I would welcome having that TRT formed and
7 would be glad to take the names of anyone who wants to
8 be on that now.

9 The second one, the recommendation
10 regarding the DAC becoming the Recreation Advisory
11 Committee under the new regulation, I need to take
12 that back and make sure that I can at my level deal
13 with that, because that is a national issue. I will
14 have to run that back through the department, quite
15 frankly, before we can get verification that that is
16 something we would do, even though Harold indicated he
17 had talked to the Washington office today. This is
18 not something that's been finalized through the
19 department in terms of how they want to deal with
20 these. And I would want to have the time to take that
21 back through the department.

22 CHAIRMAN KEMPER: Linda, if I could make
23 a point of clarification. The first motion was for it
24 to be on the agenda at the next meeting.

25 MS. HANSEN: My mistake. That's fine.

1 MEMBER SMITH: What about the
2 Adopt-a-Cabin?

3 CHAIRMAN KEMPER: How do you feel about
4 the Adopt-a-Cabin TRT?

5 MS. HANSEN: I would give that question
6 to the field manager in Ridgecrest. He has already
7 been working with some groups. But Hector, would you
8 have an opinion?

9 CHAIRMAN KEMPER: Hector, please come to
10 the mic.

11 MR. VILLALOBOS: I wouldn't -- I would
12 welcome the opportunity to work with a TRT from this
13 group.

14 CHAIRMAN KEMPER: Thank you.

15 MR. VILLALOBOS: That's my opinion.

16 CHAIRMAN KEMPER: Thank you, Hector.

17 In that we are moving along so well
18 today, is there any interest in anybody volunteering
19 to participate in that TRT? Or do you simply want me
20 to appoint you? Ron?

21 MEMBER SCHILLER: Ron who? Me?

22 CHAIRMAN KEMPER: Were you interested in
23 the Adopt-a-Cabin TRT?

24 MEMBER SCHILLER: Yes.

25 CHAIRMAN KEMPER: Howard?

1 MEMBER BROWN: Yes.

2 CHAIRMAN KEMPER: Jon, it's your county.

3 MEMBER McQUISTON: Yes, or if I can
4 designate a proxy.

5 MEMBER BETTERLEY: Poor Lorelei.

6 CHAIRMAN KEMPER: So we have Ron
7 Schiller and Howard and Jon, and anybody else that has
8 an interest?

9 MEMBER WILEY: Yes.

10 CHAIRMAN KEMPER: Carol e. Okay.

11 MEMBER DENNER: I have a question,
12 Mr. Chairman.

13 Typically in the past when we have formed a
14 sub-body of this group, we have called it a committee
15 or whatever. And I think we have a question about
16 Roberts Rules of Order and people meeting separately.
17 But TRTs generally, as I understand them, usually have
18 a representative from this committee, this Council, on
19 the TRT. But the people that make up the -- that
20 compose the TRT are usually interest groups for
21 whatever the particular issue or effort is. And so I
22 don't know if that's a TRT if it's only going to be
23 composed of people from this Council. Is that
24 correct?

25 CHAIRMAN KEMPER: Actually, what I would

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1 expect from this group of people is to go out and
2 bring in other people and other information to
3 participate in the TRT. Even though the grazing TRT
4 only had four or five people from the Council, it
5 ended up pulling in 30 or 35 people to participate in
6 the TRT.

7 MEMBER BROWN: I have a question. In
8 that context, I guess it would be directed toward
9 Hector. Do you meet regularly with the other
10 Adopt-a-Cabin groups? Or I would think we would be
11 sitting in with them rather than telling them what to
12 do.

13 MR. VILLALOBOS: No, we don't meet
14 regularly, but they do have -- maybe about three, four
15 times a year we will have a special gathering with
16 them. We don't plan -- we don't have them planned
17 ahead of time.

18 MEMBER BROWN: Is this something that
19 you guys organized or they organize?

20 MR. VILLALOBOS: It's pretty free-
21 wheeling. If we feel it's time to get a group
22 together, we will get out and do it.

23 MEMBER BROWN: Is there any plan that
24 you know of?

25 MR. VILLALOBOS: No, not right now.

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1 When did we have the last gathering?

2 MR. SMITH: January. They have been
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3 talking. Usually we have an annual one in May. There
4 has been talk of having one in May.

5 MEMBER BROWN: Maybe that's an
6 opportunity for us to participate.

7 MR. VILLALOBOS: That would be
8 excellent.

9 MEMBER McQUISTON: I think if we could
10 do it in conjunction with those stakeholder meetings
11 to listen, that that would be an ideal forum for us to
12 hear, listen, and ultimately make whatever
13 suggestions.

14 MR. VILLALOBOS: That would be
15 excellent, because we organize them at one of the
16 locations. And you will get first-hand exposure to
17 some of the things we have been talking about, and
18 that would be excellent.

19 Again, one of the ideas that I have had is
20 to try and get the Matarango Museum interested and
21 local historical societies interested, so kind of the
22 mingling between you and some of those interest
23 groups, like the historical -- local historic society,
24 Matarango Museum, and the volunteers are a big part of
25 that group. That would be ideal to start looking and

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1 resolving and coming up with resolutions that we can
2 work with. Thank you.

3 CHAIRMAN KEMPER: Thank you. Jon, in
4 that you have a staff available to you and you are

5 really close to the issue, would it be fair to ask you
6 or your representative to chair the TRT?

7 MEMBER McQUISTON: Sure, if you would
8 like that.

9 CHAIRMAN KEMPER: Very good.

10 MR. VILLALOBOS: There is one other real
11 important group, and that's our steering committee in
12 Ridgecrest that has a big interest in that. And what
13 the steering committee does in Ridgecrest is basically
14 help me set up an agenda and conduct an open house
15 every month for our office. And we share all kinds of
16 information about what we are doing as BLM and what
17 some of the interest groups are doing. So I want to
18 make sure that they are also kind of looped into this
19 process.

20 CHAIRMAN KEMPER: Jon.

21 MEMBER MC QUISTON: I was going to say,
22 Hector, maybe at the next steering meeting, a
23 representative or myself can address this as an
24 undertaking Council wants to do. We want them
25 involved and ask for their help.

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1 CHAIRMAN KEMPER: Any more action items
2 for the Council? Any discussion from the Council?

3 Seeing none, we adjourn.

4 (The proceedings adjourned at 4:47 p.m.)

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

3

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

9 of April 1, 2005.

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11 Dated this 15th day of April, 2005, at

12 Riverside, California.

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Judith W. Gillespie, CSR No. 3710

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