

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: BAKER COMMUNITY CENTER
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DATE AND TIME: Saturday, September 24, 2005
8 a.m. to 11:47 a.m.

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

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A P P E A R A N C E S

MEMBERS PRESENT:

- RON KEMPER (CHAIRPERSON)
- CAROLE ANNE WILEY
- JON McQUISTON
- WALLY LEI MGRUBER
- DR. WILLIAM (BILL) PRESCH
- RON SCHILLER
- PAUL SMITH
- WILLIAM A. BETTERLEY
- DAVID CHARLTON
- HOWARD J. BROWN
- DR. TOM SCOTT

STAFF PRESENT:

- LINDA HANSEN, DISTRICT MANAGER
- HECTOR VILLALOBOS
- DORAN SANCHEZ
- LARRY MORGAN
- ROXIE TROST
- GAIL ACHESON

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P R O C E E D I N G S

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6 CHAIRMAN KEMPER: I'll call the meeting
7 to order. I would like to welcome everybody that made
8 today's DAC meeting. Bill Betterley, would you like
9 to lead us in the pledge of allegiance.

10 (Pledge of allegiance.)

11 MR. SANCHEZ: Before we get started,
12 please, just remember to state your name and speak
13 slowly and clearly and look at the court reporter so
14 we make sure she gets everything you are saying. Make
15 her job much easier. Thank you.

16 CHAIRMAN KEMPER: Next thing on the
17 agenda is to review the agenda. And we can make any
18 changes in the agenda that the board feels necessary
19 at this time. Is there any request for changes or
20 corrections in the agenda?

21 MR. SMITH: Raise a question on the
22 Surprise Canyon status report. I have not met with
23 Rick Crow prior to this meeting, and we have not had a
24 committee meeting. But there that's no reason why we
25 can't be on it.

4

1 MS. HANSEN: Dick will not be here
2 today. We had a very brief handout which didn't get
3 here either. So I will do my best to cover it in the
4 District Manager's report, and we can take this agenda
5 item out of the agenda.

6 MR. HILLIER: Question. Jerry Hillier,
7 San Bernardino County. The times that are stated on
8 the agenda, are you locked into those? Or if the
9 agenda rolls faster, are you going to be able to
10 accelerate the meeting today so that it might reach an
11 adjournment earlier than the stated 3 o'clock?

12 CHAIRMAN KEMPER: We are not going to
13 hold people over, so if we get through the agenda at a
14 quicker pace, then we will retire earlier.

15 We will scratch that from the agenda, then.

16 The next item on the agenda is to approve
17 the June 24th and 25th transcripts.

18 MR. PRESCH: So moved.

19 MR. BROWN: Second.

20 CHAIRMAN KEMPER: I have a first and
21 second. Any discussion? Hearing none, all in favor
22 signify by saying aye. Any opposed? Any abstentions?
23 Motion carries unanimously.

24 The next item on the agenda is Council
25 member reports. I will start with Ron Schiller on the

5

1 left.

2 MR. SCHILLER: I don't have anything to
3 report other than to say I appreciate the hospitality
4 out at Zzyzx, and I want to thank Bill for his
5 hospitality. I thoroughly enjoyed it.

6 MR. BETTERLEY: I don't have anything to
7 report except I had the pleasure of being at a little
8 going away party for Linda Hansen last Tuesday night
9 at the California Citrus Park, which I didn't even
10 know existed. And it's a state park which was very
11 nice. And I didn't realize that Linda had such clowns
12 on her staff. You would have enjoyed Doran's
13 presentation, and Dick Crow was out of this world. It
14 was very good.

15 And Linda, I want to tell you I am saddened
16 that you are leaving and so happy you are going to
17 enjoy the rest of your life. And we appreciate the
18 few years we have had with you.

19 MS. HANSEN: Thank you very much.

20 MR. LEIMGRUBER: It's good to be back at
21 the DAC meeting. Missed a few.

22 I do want to report on the new agreement
23 that has been signed by BLM and Imperial County for
24 new fee collection and compliance efforts at our
25 Imperial Sand Dunes Recreational Area. I commend

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1 Doran, his counterpart, Neil Hamada, and so forth.
2 BLM did issue a press release, and for those who have
3 not received a copy, I have extra copies here. For
4 those who want some more technical data, I do have the
5 agreement that was worked on.

6 And what we have is about 200 -- or 1,000
7 visitors on major weekends with an overall visitor
8 group of about 2 million a year. And as we manage all
9 of these visitors, there is necessary law enforcement.
10 There is just a whole host of services that need to be
11 provided, trash being another one.

12 And this agreement is going to allow
13 cooperative work agreements with BLM, our local
14 sheriff's department as we enforce the laws out in the
15 dunes. I'm glad to report that Imperial Sand Dunes
16 Recreational Area has become user friendly. We are
17 having the unruly groups dealt with. They are not
18 coming back. They know that they will be put in jail.
19 They know that their equipment will be confiscated.
20 And so we are having the return of the families, three
21 and four generation of family members recreating in
22 our dunes.

23 So if there is any more information that's
24 needed here, I would be glad to share that with you.
25 That would end my report, Mr. Chair.

7

1 CHAIRMAN KEMPER: Bill.

2 MR. PRESCH: I really don't have too
3 much to say since we did a field trip yesterday. And
4 the two major items was the BLM contract to do the
5 lizard work.

6 And two, I guess I could say that the
7 Dumont Dunes TRT has had one meeting, and that meeting
8 was an organizational meeting. We had a good turnout
9 of off-highway vehicle folks that were there. John,
10 Terry and a number of people were there. And we got a
11 program started. And we have a future meeting date
12 put up and information is available.

13 We have an e-mail list for all of the
14 members of the TRT and all of the public who want to
15 be on the TRT already set up. So the Dumont Dunes TRT
16 is well on its way from the Council's standpoint.
17 Roxie may want to say something about it later, but
18 it's going good.

19 I also want to thank Linda and follow
20 Bill's comments that it's been great working with you
21 and really appreciate it, and I wish you well. And I
22 hope to see you at Zzyzx sometime again.

23 MS. HANSEN: That might happen.

24 CHAIRMAN KEMPER: Tom.

25 MR. SCOTT: Nothing to report.

1 MR. SMITH: I would like to report on
2 one. There have been -- I apologize for missing the
3 last meeting -- two new land conservancies or land
4 trusts formed within the Mojave Desert. Their
5 purposes will be to work closely where there are needs
6 for habitat conservation plans with developers so that
7 they can help guide the mitigation measures and use
8 the mitigation measures to maximum effect.

9 Those mitigation measures, when there is a
10 development process going on, particularly in desert
11 tortoise habitat or wherever there are sensitive or
12 endangered species, would include money, that the
13 developer has to put up money to be used for purposes
14 to be negotiated with the Fish and Wildlife Service
15 and Department of Fish and Game of California. And it
16 would include the acquisition of land to replace or be
17 a substitute or mitigation factor for the tortoise
18 habitat which is lost.

19 There are substantial developments going on
20 in the Morongo Basin now. In the Morongo Basin, a
21 land trust known as the Mojave Desert Land Trust,
22 although its primary focus will be, at least for the
23 time being, in the Morongo Basin which is the
24 communities of Morongo Valley, Yucca Valley, Joshua
25 Tree, Twentynine Palms and the unincorporated areas

1 I like Wonder Valley, Landers and Johnson Valley.

2 There is another land trust, which I'm not
3 quite as familiar with, but it formed up in the
4 Shoshone/Tecopa area with the help of the Nature
5 Conservancy in Las Vegas. I believe that Susan
6 Sorrell in Shoshone is the head of that land trust.

7 So these are things that we should sort of
8 pass the word around in the desert that we have some
9 new ways to deal with mitigation measures and to help
10 things keep rolling along as development occurs in the
11 desert.

12 I know that the Mojave Desert Land Trust
13 will also independently be involved, outside of any
14 mitigation measures, in attempting to acquire scenic
15 easement along highways and some wildlife corridors,
16 all of which would be compensation to people who might
17 give up something. Something that would be mutually
18 agreed upon. Condemnation is not part of the tools
19 that will be in any of these, so it's all by agreement
20 of the parties.

21 Then I would also like to report on very
22 successful progress in the -- what was potentially
23 going to be a war between private landowners and OHV
24 interests in the Morongo Basin. And through some very
25 good work through Roxie Trost in the Barstow office

1 and Russ Scofield, who you met yesterday, who was
2 really the leader of a cooperative effort, the
3 National Park Service, the San Bernardino County
4 Sheriffs, the BLM, the Highway Patrol, and the
5 Off-Road Vehicle interests and the Citizens OHV Watch,
6 the Citizens Advisory Group out there have all been
7 meeting and have agreed on -- which is kind of a
8 landmark -- they have agreed on an educational
9 procedure going to the printers probably within a
10 month and have also agreed on various different ways
11 to try and improve the handling of unfortunate
12 interactions between the two in a very difficult area.

13 This started in the area east of Twentynine
14 Palms at Wonder Valley, which is a very difficult area
15 to deal with. It has a lot of BLM which is located in
16 a hopscotch pattern throughout a residential area.
17 Very difficult to work with. And my compliments to
18 Roxie and to Russell Scofield for really doing some
19 excellent, very good diplomacy, as well as Linda
20 Hansen, who came to meetings. And everybody felt her
21 presence at just the right time.

22 So I'm very pleased to make those reports.

23 Thank you.

24 CHAIRMAN KEMPER: Mr. McQuiston.

25 MR. McQUISTON: Hector attended the TRT

11

1 and will give us some information on that a little
2 later.

3 MR. BROWN: Howard Brown, nonrenewable
4 resources. My report is "If you can't grow it, you
5 have to mine it." It's short and sweet.

6 MS. WILEY: Carol Wiley, environmental
7 community.

8 I don't have much to report, but I'm very
9 pleased to hear Paul's report, because we are having
10 similar conflicts in Victorville. We are having a
11 meeting over the 22nd and 23rd to bring off-road
12 issues in to be discussed. I will give you a report
13 later on the outcome. It's going to be at Victor
14 Valley College.

15 I don't have much to report. I spent my
16 summer in the Northwest poking around there and
17 checking out their ecology. Went to a lichen workshop
18 in the forest with a world renowned lichenologist, so
19 I had a lot of fun this summer.

20 That's my report.

21 CHAIRMAN KEMPER: Ron Kemper, renewable
22 resources. Don't have anything to report other than
23 that we are going to sorely miss Linda and appreciate
24 everything you have done in the last three years.

25 Next thing on the agenda would be the

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1 District Manager's report. Linda Hansen.

2 MS. HANSEN: Well, a few things to share
3 with the Council this morning. First of all, this is
4 my last meeting as the District Manager for the
5 California Desert District with the Council. And I do
6 want to thank each of you for all the support you have
7 given to the agency in the work we have had to do,
8 that your presence and your perceptions at these
9 meetings and your positioning at these meetings has
10 been helpful to the agency to move things forward.

11 And I appreciate your time. I know
12 sometimes we ask an awful lot of you to be here
13 because you are all very busy people in your own
14 right, doing your jobs and other work that you do with
15 community organizations and others.

16 So I want to thank you for your commitment
17 to this Council and for the time I've had to get to
18 know each and every one of you. And some has been a
19 little longer than others, but I still appreciate
20 that.

21 As a follow-up to that, I am pleased to
22 announce that they have selected a successor for me, a
23 gentleman named Steven Borchard. And Doran is going
24 to hand out the information that is about him. It was
25 in a news release just released this week, actually,

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1 Thursday afternoon. But we did want to be able to
2 share that with you.

3 I know Steve. I worked with him
4 previously. He was in the Redding office, worked with
5 the Trinity River Task Force, which was a very
6 extensive project and quite contentious and maybe a
7 little different than off-highway vehicles, but I
8 think that his time with that will be a really good
9 basis for him in working with all of you as we
10 complete route systems and looking at designation of
11 lands for recreation uses and other opportunities.

12 He has experience with planning and other
13 things, which I think will be really good. He is
14 right now completing a Congressional Fellowship
15 Internship with the U.S. Senate and will be done with
16 that. He will be here after the first of the year.

17 As an interim, there will be and has been
18 appointed an acting District Manager. His name is Rob
19 Roudabush. Rob has visited the desert previously. He
20 comes from the Washington office budget staff,
21 primarily. However, he is also very involved in the
22 National Landscape System, so he will, I think, bring
23 some good information to us. And we are hoping that
24 he will also be helpful to us as we look at budgeting
25 packages for the future.

1 We are kind of going to glean information
2 from him, hopefully, that will help us be better
3 positioned to do good jobs for budgets for the desert
4 for the conservation areas. So I think you will enjoy
5 both of these people. They are long-time BLM people
6 and they understand, I think, the culture. They also
7 come with a good understanding of what goes on in the
8 Washington office, so they bring that understanding
9 with them.

10 And I wish them both well, but I think you
11 will truly enjoy working with Steve when he gets here
12 in January. He has a really good background, and he
13 is just an all-around nice kind of guy, a very open,
14 certainly accessible kind of person. So I'm sure he
15 will want to be meeting with you. And after he gets
16 here and established, I know he will want to strike up
17 his own relationship with you. So it was a great
18 selection, and I'm glad to have him coming.

19 Okay. While we mentioned --

20 CHAIRMAN KEMPER: You are going to leave
21 your home phone number in case they need you back?

22 MS. HANSEN: Well, the first thing I'm
23 going to do, I'm going to Europe for five weeks, so
24 catch me if you can.

25 There are a couple other things. You all

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1 should have in front of you one of these little
2 medallions. This is presented to you as public
3 service people for the BLM in lands in California. It
4 comes from our state director through the district and
5 to you. Today is actually the recognized Public
6 National Lands Day, so I think it's very appropriate
7 that you are here today and that we can provide to you
8 this small token of our appreciation for the work you
9 all do for public service to public lands. They will
10 not go in the casino slot machines, even if you take
11 them out of the plastic. They won't recognize them as
12 a coin. But they are a small token of our
13 appreciation for you.

14 And Wally, you did mention now, we have
15 this wonderful agreement with Imperial County. They
16 are going to be helping us even more so in our
17 management, and hopefully, the improvement of our
18 public services to people in Imperial Sand Dunes.

19 So I have something I am going to will to
20 you, Wally. This is my Hero Haulers Desert Dunes kind
21 of little guy, and it's a memento for you as our
22 representative from Imperial County to the board.
23 That's for you to remember us by, and you are now a
24 member of our Hero Hauler's Group.

25 MR. LEIMGRUBER: The rescue bug that BLM
16

1 does have is used quite often, and thank you very
2 much, Linda.

3 MS. HANSEN: I think the new agreement
4 with the County is going to be a wonderful asset.

5 Very briefly on Surprise Canyon, our
6 update: We are still trying to get and hope to get an
7 Administrative Draft circulated. It will go to the
8 TRT, Paul, before, and I think Dick has targeted about
9 the middle of October for that to happen. He has been
10 working very diligently with Park Service staff and
11 BLM staff up in Ridgecrest trying to wrap up the
12 writing of the various portions.

13 The Administrative Draft will then be
14 circulated within the agencies. It's for internal
15 review. It's not an external review of the document.
16 Its purpose is to check the technical adequacy and to
17 make sure we have done what we should do in terms of
18 meeting our mandates under the National Environmental
19 Policy Act, writing a document to meet the standards
20 that we have for the issues covered in that document.

21 So once that is completed, then we will
22 issue a draft to the public for their review. And we
23 are anticipating that draft document should be out to
24 the public by the end of the calendar year. It has
25 been -- I think the process of Surprise Canyon has

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1 been kind of off -- different. Let me say different,
2 I guess. Working with the Park, having some of the
3 things happen that adjusts priorities in two federal
4 agencies, not only National Park Service, but BLM, has
5 set this aside for months. And I'm sorry for that.

6 However, I think that we are also trying to
7 complete a document that will do the things it needs
8 to do, that will clearly look at a range of
9 alternatives appropriate for Surprise Canyon, both for
10 the Park and for BLM. And I think it's a good
11 document that clearly looks at and describes impacts
12 and effects and outcomes. So I think when you finally
13 get to that document, hopefully you will be pleasantly
14 satisfied that it has at least on the draft level done
15 what it needs to do. And we will be working back
16 through the TRT.

17 So again, the Council will have an
18 opportunity to weigh in at that point when the draft
19 is available. Unless you all have some particular
20 questions about that, I guess that's all I would say
21 about Surprise Canyon.

22 MR. SMITH: Will that be a public
23 document?

24 MS. HANSEN: The Administrative Draft is
25 not. The draft will be. The Administrative Draft is

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1 an internal review by agency folks to make sure the
2 technical accuracy is correct. So that is not a
3 public document. And I know that was a question for
4 your group. We sent you some information.

5 MR. SMITH: I wanted to make sure I was
6 still up to speed.

7 MR. SCHILLER: When do you expect the
8 public document out?

9 MS. HANSEN: Before the end of the
10 calendar year, but I don't have an exact date.

11 CHAIRMAN KEMPER: Hector?

12 MR. VILLALOBOS: I had a call last night
13 from Dick Crow -- I'm Hector Villalobos, the field
14 manager for the Ridgecrest field office.

15 And he just wanted to give you a little
16 update on what I think is the Administrative Draft
17 Environmental Impact Statement. Dick Crow. And
18 evidently he may not have been able to get ahold of
19 you.

20 MS. HANSEN: I didn't talk to him
21 yesterday.

22 MR. VILLALOBOS: Anyway, what he
23 mentioned to me was to make sure that when the draft
24 is out or the Administrative Draft is out, that the
25 cooperators will also be able to view that. And

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1 that's the agencies included in the review, which
2 is -- you have the list of cooperators?

3 MS. HANSEN: Yes. The internal review
4 will include the BLM, the Park Service, Inyo County,
5 California Department of Fish and Game, the Lahontan
6 Water Quality Control Board, and the Timbisha Tribal
7 Council. We have initiated consultation with the
8 tribe also. That is something fairly new, and we will
9 be meeting with them at their request.

10 MR. VILLALOBOS: We may be doing a
11 consultation next week on the 28th. And Linda, I
12 wanted to know if the TRT will also be reviewing the
13 Administrative Draft, because it was my impression
14 from talking with Dick Crow.

15 MS. HANSEN: They will have a meeting
16 with Dick before we release it to the agencies for
17 administrative review.

18 MR. SCOTT: Linda, maybe I wasn't
19 listening carefully enough, but there is a draft EIR?

20 MS. HANSEN: No, there is not a draft
21 EIR.

22 MR. SCOTT: It's still in the planning
23 stages of what will happen at Surprise Canyon? That's
24 the document coming out now, so I didn't understand
25 the environmental documentation. Is that in step with

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1 this process?

2 MS. HANSEN: Yes. Our EIS/EIR is a
3 combined document. It talks about the planned actions
4 and then does an analysis of those actions.

5 MR. SCOTT: But the plan has to be
6 formulated to the EIS moving along with those things
7 which would qualify. I'm sorry to be such a
8 dunderhead so early in the morning, but it seems like
9 shouldn't the EIR come after the blood is on the
10 ground?

11 MR. VILLALOBOS: I think what we are
12 doing is an EIS. It's an EIS, and at this point there
13 is no real state or county action that is being
14 analyzed. What's being analyzed is action through the
15 canyon on BLM and Park Service land.

16 MR. SCOTT: Maybe I should just find
17 out. It sounds like it --

18 MR. VILLALOBOS: You are coming in
19 almost after all the analysis has been done. A lot of
20 analysis has been done and put together into a draft
21 EIS. And the analysis is analyzing a number of
22 alternatives for accessing to the canyon, including no
23 access.

24 MR. SCOTT: That was the part I
25 misunderstood. So you guys have already gone through

21

1 the process of deciding the range of possible
2 alternatives and those are now on the table?

3 MR. VILLALOBOS: That's all coming
4 together. And this is the Administrative Draft EIS,
5 which is right before we go public with it. But
6 internal reviews will be done with the other agencies
7 that are identified as cooperators.

8 CHAIRMAN KEMPER: Okay. Jerry Hillier.

9 MR. HILLIER: Jerry Hillier, San
10 Bernardino County. This is not an issue that affects
11 San Bernardino County, but I have, of course, been
12 involved in some of the periphery associated with it.

13 I would ask -- or suggest would be the
14 better term -- that in light of the 10th Circuit
15 decision September 8, those issues that have been
16 associated with Surprise Canyon, that before the
17 Administrative Draft is concluded, that BLM does have
18 a discussion, advisory, with their solicitor's office
19 as far as integration of that decision with whatever
20 they propose relative to this route.

21 The recent discussions I have with the
22 Washington Solicitor's office regarding the decision
23 is that some policy decisions and its applicability
24 beyond the area of the 10th Circuit are still under
25 consideration at the department, but the outcome of

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1 that dialogue and legal position and whatever
2 direction may come down to the Bureau could affect
3 some of the decisions associated with this action
4 affecting the lands of both agencies.

5 So I would simply ask that this is a new
6 piece that's come down the pike, and before the draft
7 gets too far along, that there simply be a pause there
8 to incorporate at least thought relative to the 10th
9 Circuit decision.

10 MS. HANSEN: Yes, Jerry, we are aware of
11 that decision. We have been providing information
12 from our perspective back to Washington. It's in a
13 briefing paper that has been provided to the
14 Washington office. We also are working closely with
15 the solicitor's office.

16 MR. HILLIER: I just wanted it for the
17 record.

18 MS. HANSEN: We are aware and are
19 looking at any implications, and that will be
20 considered before any draft document is released.

21 MR. McQUISTON: I'm curious with respect
22 to that, what input Inyo County may have regarding the
23 range of options and alternatives. It would seem like
24 in light of that decision, they would be a
25 stakeholder.

23

1 MS. HANSEN: They are a cooperator in
2 the document, and they will have an opportunity to
3 have input before the final draft -- before the draft.

4 MR. McQUISTON: Right. But I guess my
5 question was perhaps outside of the scope of this, but
6 as a county, have they expressed anything in light of
7 that decision as to how they may want to review the
8 status of that road?

9 MS. HANSEN: Not that I'm aware of.
10 Hector, have they contacted you in any way?

11 MR. VILLALOBOS: No, no, as we make
12 progress. I think initially they raised a very
13 similar question as RS 277.

14 MR. McQUISTON: Okay. Thank you.

15 CHAIRMAN KEMPER: Okay. At this time if
16 there is anybody from the public -- we went a little
17 bit out of sequence on the agenda, but I see we have
18 some questions and answers regarding Surprise Canyon.

19 Is there anybody in the public that would
20 like to address Surprise Canyon at this time? We will
21 move on to the next report which will be for questions
22 and answers regarding yesterday's field trip.

23 MR. BETTERLEY: I would like to thank
24 Roxie and her staff, because they really went
25 overboard for us yesterday and showed even the

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1 representatives from the Dunes that we have sand in
2 San Bernardino County, too, and I think it was very
3 good. Thank you.

4 And another thing, when I was talking about
5 the little party for Linda, I didn't know we had a
6 songbird within our ranks. But Roxie made up and her
7 little group made up quite a song they sang to Linda
8 and her party. It was very good.

9 MS. HANSEN: I am continually surprised
10 by the creativity and the talent.

11 MR. LEIMGRUBER: Since we weren't there,
12 perhaps Roxie could hum a few bars of that.

13 MS. TROST: Still stuck in my head.

14 MR. LEIMGRUBER: Ron, I would just like
15 to compliment again Roxie and her staff in
16 coordinating this event for all of us. Some of us
17 have dunes and other areas have the dunes that their
18 visitors enjoy. And what I like about all of this is
19 that agencies are coming together cooperatively
20 working together to accommodate all of the visitors.
21 And as the Dumont Dunes population grows, the
22 Recreational Area Management Plans have to be in place
23 to accommodate these visitors.

24 And I was impressed with the ranger that
25 went out to the motor homes and says, "You know,

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1 perhaps you need to be aware of where your equipment
2 goes," and handled the issue very professionally. And
3 you could see where that is administered at home and
4 that BLM is not impacted with such activity that we
5 have experienced down in the Imperial Sand Dunes area.
6 And we would like to emulate some of that as well.
7 And as people come down to recreate, be responsible
8 for their actions and then come back for many pleasant
9 trips.

10 So thank you, Roxie, for all of the help
11 yesterday.

12 MR. SCOTT: Is there any chance that we
13 can draft a letter? Do we have that capability as the
14 Advisory Council to thank the individuals and have
15 some of it going into the personnel files, because I
16 found it to be a real rich experience as far as
17 information goes. And I felt the way they had the
18 discourse going in the group, it was a very good
19 outreach. Do we have anything we can do to thank
20 them?

21 CHAIRMAN KEMPER: The answer is yes, and
22 we can hold it over for the action items at the end.

23 MR. SCOTT: All right, I will draft it.

24 CHAIRMAN KEMPER: Next thing on the
25 agenda is for a break, but I'm going to try to push

26

1 through that, if possible. Has everybody had an
2 opportunity to read the field reports from the area
3 managers? I will start down here with Ron Schiller.
4 Any comments regarding the field reports?

5 MR. SCHILLER: No, not really.

6 MR. BETTERLEY: None.

7 MEMBER LEIMGRUBER: I have none.

8 MR. PRESCH: No, I have none.

9 MR. SCOTT: No.

10 MR. SMITH: I have two.

11 One is for Roxie, I think, and that has to
12 do with -- I think we are operating under some new
13 rules with the management of the cattle allotments,
14 which I don't feel like I'm totally up to speed on.
15 But are there any things going on with the cattle
16 allotments in your area that we should be aware of in
17 terms of doing scientific work or anything of that
18 nature?

19 MS. TROST: Not that I'm aware of, Paul,
20 as far as the scientific work that's going on. Do you
21 know something that we don't?

22 MR. SMITH: No. No. I just felt like,
23 you know, the technical review team isn't doing very
24 much. I think Washington has taken a look at the
25 rules, and I thought, is anything happening that we

27

1 should be aware of with respect to the cattle
2 allotments?

3 The second question I have would be for --
4 I think it's Needles, and that has to do with the
5 issue of the desert guzzlers for bighorn sheep. And I
6 have received a lot of inquiries from people. "A lot"
7 to me is like five or six. I'm for the
8 public-at-large, for anybody that doesn't know. I'm a
9 public-at-large representative on the DAC, and the
10 questions are, are these guzzlers moving forward? And
11 as part of that process, have there been any
12 California Department of Fish and Game studies of the
13 effect of these guzzlers on other wildlife other than
14 species that might be hunting with respect to these
15 guzzlers?

16 Because previously, in answer to that
17 question some years ago, I think the answer is
18 Department of Fish and Game had done no studies. So
19 how am I doing, Larry?

20 MR. MORGAN: Larry Morgan, Needles field
21 manager. Early this month we issued a Notice of
22 Proposed Action for wilderness for proposal from
23 California Fish and Game for big game.

24 CHAIRMAN KEMPER: Last time we were
25 here, the air conditioner didn't work, so --

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1 MR. MORGAN: So the proposal was
2 submitted, and we have been working with their staff,
3 three members of their staff. We have been out on the
4 site at least once, maybe more. And we are trying to
5 get background information about habitats and animals
6 and their studies. And we are going through the
7 analysis process at this point.

8 The NOPA that went out I think the second
9 or so of September. We are soliciting comments from
10 the public, and that's where it's now at. We are in
11 the middle of the process. And we are doing -- we are
12 trying to hone down the proposed actions so we know
13 exactly what we are talking about or what they are
14 desiring, so when we go through the analysis process,
15 we can speak to all the issues that come up.

16 MR. SMITH: Are there some studies that
17 Fish and Game has done that aren't disseminated that
18 should be that would qualify some of it?

19 MR. MORGAN: We have been talking with
20 them on a week-by-week basis, and I will bring that
21 subject up. They have been sharing rather freely most
22 of their data with us. And so we have been looking at
23 a number of different options on what they can or we
24 would like them not to do and vice versa. So it's
25 been a very interesting process so far.

1 And I'm looking for a good working
2 relationship built from this. In fact, we had a
3 recent invitation to go on a tour of guzzlers for our
4 staff members to see what these guzzlers actually look
5 like on the ground after they are completed. And
6 there are several of them that -- Jerry Mulcahey, if
7 you guys are aware of that biologist that works around
8 Blythe, he invited us to go out and visit these sites.
9 So we will probably be doing that in the next month or
10 so.

11 MR. SCOTT: There is enough controversy
12 on putting in guzzlers or not. Maybe this should be
13 an action item for the DAC? It seems like that might
14 be something worthy of discussion. We are about to
15 tip into that right now.

16 MR. SMITH: I can feel from inquiries to
17 me that this won't go away unless Fish and Game has
18 done some substantive studies that really analyze the
19 effect of the guzzlers. Maybe that's part of what is
20 coming together.

21 MR. MORGAN: Also, we did a recent tour
22 with them, and a number of their biologists weren't
23 with us because they are actually doing studies right
24 now. They are actually inventorying sheep. And I
25 guess they do that through the middle or last part of

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1 October, so that's underway.

2 MS. HANSEN: I would also just like to
3 remind the Council, and Tom, this was before you were
4 a member here, but the Northeastern Colorado Plan
5 Amendment for the CDCA plan laid out the groundwork
6 for a number of guzzlers to be installed potentially
7 through cooperation with the Department of Fish and
8 Game across the NECO area, if you will, of the
9 California desert area.

10 So there are multiple proposals
11 anticipated. And when we analyzed that within the
12 Northeastern Colorado Plan, we looked at areas of
13 potential for doing that. What we are at now is what
14 we call more of an activity level planning part that
15 is physically siting those on the ground and talking
16 about the implications locally, not globally.

17 So I guess, not knowing exactly how you
18 would like to characterize this as an issue for the
19 Council, I would ask you to think about that a little
20 bit and maybe certainly it can be an agenda item for
21 future agendas or can potentially be something that
22 you may want to have a small working group work with
23 BLM on. And I just -- but I want to remind Council
24 that that was a part of our planning process. And has
25 been allowed for, I guess, in that process.

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1 MR. MORGAN: In reference to livestock
2 grazing, I know of no activity unless you know of
3 something or heard of something just recently.
4 Anything new?

5 MR. SMITH: It was a question out of
6 lack of knowledge.

7 CHAIRMAN KEMPER: Jerry Hillier. Hang
8 on, Larry.

9 MR. HILLIER: Just a comment. Jerry
10 Hillier, San Bernardino County.

11 Having worked with guzzlers and Fish and
12 Game for a number of years, from my knowledge, I'm not
13 sure that there is really any documented studies. I
14 think most of the work -- and we have to ask Fish and
15 Game and I guess I would encourage if they are
16 controversial, that maybe perhaps Fish and Game come
17 in and there be a dialogue established. Most of the
18 controversy, and I suspect some of what you have
19 heard, is the controversy associated with the
20 reinstallation of watering facilities in the Mojave
21 National Preserve, and that has been quite
22 controversial.

23 I think historically it has been the
24 conventional wisdom that guzzler installation is a
25 very positive thing. Certainly, it has been -- I

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1 think bighorn sheep people would agree that, in fact,
2 the restoration of many of the populations throughout
3 the desert have been a direct result of guzzler
4 installation.

5 Deer, I think probably, is perhaps less so,
6 but they do rely on them during periods of drought.
7 The upland game birds and tortoises and other species,
8 there is anecdotal information. But I'm almost
9 positive there is little in terms of anything that
10 would reach the level of a scientific study. Randy
11 Rieser, who used to be part of this board, I know was
12 very active in the southern desert with the result of
13 guzzlers. And I think he was passionate about the
14 good they were doing. And I think that that has been
15 a general subtext of this is that it certainly can't
16 do any harm, and particularly during periods of
17 extreme drought and those winters when we don't get
18 much winter precipitation.

19 And if it doesn't do any harm, it must do
20 some good someplace. What I would do is suggest that
21 perhaps sort of ask BLM simply to bring in somebody
22 from Fish and Game if this is a burning topic. Except
23 in the Mojave Preserve, I'm certainly not aware it's a
24 burning topic there in terms of a large broad public
25 concern that guzzlers shouldn't be installed.

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1 MR. SMITH: The five or six calls I got
2 were in direct response to the Sheephold Valley
3 holdings.

4 MR. MORGAN: I'm sure it was also in
5 direct response to the NOPA that went out. My
6 understanding is that the preserve is starting the
7 desert program back up.

8 MR. HILLIER: They issued a decision?

9 MR. MORGAN: That's what I was told.

10 CHAIRMAN KEMPER: I couldn't hear what
11 you said.

12 MR. MORGAN: Fish and Game has told me
13 that they have been working with the preserve on
14 starting the desert program back up. That's only what
15 I heard.

16 CHAIRMAN KEMPER: Bill Betterley.

17 MR. BETTERLEY: I can speak a little to
18 that. A gentleman by the name of Richard Bershawn who
19 has worked with Fish and Game and the Preserve is very
20 active in repairing -- I think they were working on
21 20-something guzzlers in the preserve. And that's the
22 group that took over Camp Cady or worked with the Camp
23 Cady group. I think you know them, Bill. And they
24 have been very active. After Mary Martin left, they
25 have a little bit of work going on. It's really

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1 working well is what my understanding is.

2 MR. PRESCH: A month or so ago now, the
3 Mojave National Preserve had a scoping meeting held in
4 Barstow one evening. They expected 10 or 12 people,
5 and when I left, there was 125 individuals there. And
6 the Safari Club had come in with a court reporter and
7 provided cookies and drinks and water and maps and
8 were clearly much better prepared.

9 The Park, I think, underestimated the
10 controversy. And the scoping meeting was to talk
11 about the guzzlers and get some ideas for a report
12 that the preserve is putting together, a plan of
13 action, if you will. And I think the work is going to
14 go forward beginning a week from Monday when the
15 climate changes. And I think we will have more to
16 say.

17 But it was really a very interesting
18 meeting because of the number of people that showed up
19 and just completely overwhelmed the Preserve staff.
20 There were only three of them there, and like I said,
21 there were 125 people, which kind of blew everybody
22 away that there were that many people in Barstow on
23 Tuesday night.

24 MR. HILLIER: They were all
25 pro-guzzlers?

1 MR. PRESCH: All pro.

2 MR. STEWART: John Stewart with the
3 Association of Four-Wheel Drive Clubs. Maybe some
4 response to Paul Smith's questions about studies. The
5 Society of Conservation of Bighorn Sheep is a group of
6 volunteers that take care of guzzlers throughout a
7 majority of the Mojave region. Their counterpart is
8 Randy Rieser with the Desert Wildlife, Unlimited, down
9 in Imperial County, and some over in Arizona. Within
10 the Society of Conservation of Bighorn Sheep, the
11 water source volunteers, of which I am one of them, we
12 make twice-a-year inspections of various guzzlers.

13 During our inspection trips we note
14 observations such as physical sightings of animals,
15 any wildlife in the area, whether they be game animals
16 or nongame animals. And just make little check marks
17 down on a sheet of paper, looking for game birds,
18 nongame birds and other observation, whether it be
19 physical sightings, tracks, feces, droppings.

20 There are also assigned transects out
21 there, of which they are looking for counting of
22 trackings and droppings from the sheep. This
23 information is collected and reported to the
24 Department of Fish and Game. So there is some data
25 available within the Department of Fish and Game. As

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1 to who is actually collecting it, I'm not sure. Can't
2 tell you. But there is data being collected about the
3 various usage through the various observation forms
4 within the guzzler areas.

5 CHAIRMAN KEMPER: Howard.

6 MR. BROWN: I have a question in regards
7 to the NEPO guzzlers, the notification that went out
8 saying here is a proposal that we have. Let us know
9 of any issues that we need to look at before we come
10 to some final proposal.

11 MR. MORGAN: Correct.

12 MR. BROWN: Basically, you are looking
13 for input on issues, not saying here is what we are
14 going to do in the discussion?

15 MR. MORGAN: That's correct. We are
16 opening it up. We would like to hear comments from
17 you.

18 CHAIRMAN KEMPER: You will continue to
19 report to the Council when you have more information?

20 MR. MORGAN: Yes.

21 CHAIRMAN KEMPER: Okay. Jerry Hillier.

22 MR. HILLIER: I had a question regarding
23 one of the field office manager's reports. Shall I
24 make it now or wait until later comment?

25 CHAIRMAN KEMPER: You can pose it now.

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1 MR. HILLIER: Just a minor question.
2 It's directed to Barstow Manager Roxie Trost. You
3 have got an indication here of a company applying for
4 a solar energy plan. And you suggested an initial
5 location siting at Johnson Valley OHV area. Is that
6 the only area and there are three sites within Johnson
7 Valley, or are they scattered throughout the area, or
8 can you fill in the blanks?

9 CHAIRMAN KEMPER: Roxie, you have such a
10 quiet little voice, I'm going to ask you to move next
11 to the reporter.

12 MR. BETTERLEY: She had a hell of a
13 voice Tuesday night.

14 MS. TROST: Roxie Trost, Barstow field
15 manager.

16 In response to your question, Jerry, we
17 will be having a meeting with the Sterling Company
18 next Wednesday. And we have identified three other
19 locations for them to review. So no decision has been
20 made as to where they are going to make their
21 application.

22 I had a couple of other things that I would
23 like to share. Can I do that now?

24 CHAIRMAN KEMPER: Yes, you may.

25 MS. TROST: I wanted to thank all of you
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1 for coming out and sharing with our projects. And you
2 probably noticed the enthusiasm in the Barstow staff.
3 They have a lot of pride in their projects, and they
4 are very anxious to share that with you. And they
5 wanted me to thank all of you for coming out.

6 I also wanted to share some of my
7 philosophy on Dumont. I didn't get a chance to do
8 that yesterday, and the sound wasn't real good once we
9 got to China Ranch. But I view our glass as over half
10 full out at Dumont. It's not the situation that
11 Glamis was in a few years ago, and I know things have
12 changed out there as well.

13 Pat mentioned to you carrying capacity, and
14 it seems to me that in six years, if we found one day
15 that there were a lot of people there, that we don't
16 necessarily have a capacity issue, but we may have an
17 issue regarding distribution. So that's my view on
18 that.

19 The other thing he talked a little bit
20 about was compliance. And he threw out the number to
21 you that he thought we were receiving 70 percent
22 compliance. And I have been out there every major
23 holiday, and as you noticed with Dumont, they have one
24 road in and one road out. And they capture them at
25 the choke point.

1 So I would say that our compliance is more
2 in the realm of 90 percent. Our business plan
3 identified a number of what BLM would receive out
4 there as being \$300,000, and we just about hit that
5 mark exactly. We were a little bit over it. So I
6 feel really confident where we are at with our
7 compliance out there.

8 The other thing I wanted to share with you,
9 Bill touched a little bit on our first Dumont Dunes
10 TRT meeting. We had that, and at that meeting what we
11 have done is we have identified nine slots that will
12 be on the Dumont Dunes TRT. And the Barstow office
13 right now is in the process of drafting a letter to
14 solicit nominations for those nine slots. So that
15 will be going out shortly. And anyone interested will
16 have the opportunity to respond. We are looking at
17 about a 30-day response time, notifying individuals,
18 and our first official Dumont Dunes TRT meeting is
19 scheduled for January 26. That's it.

20 MR. BETTERLEY: Where will that be held?

21 MS. TROST: Back in Barstow.

22 MR. LEIMGRUBER: Imperial County has
23 been approached -- actually on our West Mesa. A lot
24 of that is Bureau land-managed property. And I don't
25 know the exact amount of acres that has been requested

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1 but it's rather large. This is part of San Diego --
2 or Semper Energy who is looking at this. They have
3 not come before the county board on a presentation.
4 And the planning department is reviewing their
5 proposal. So we are going to continue to look at what
6 opportunities will be available from this source of
7 energy.

8 CHAIRMAN KEMPER: Okay. At this time I
9 will ask for public comment for items not on the
10 agenda.

11 MR. STEWART: John Stewart California
12 Association of Four-Wheel Drive Clubs.

13 Good morning, Council members. And I would
14 like to commend Linda Hansen for her work over the
15 past couple of years. She will be missed and her
16 efforts will be missed. She has meant a lot to the
17 desert to getting things straightened out here.

18 But it's come out this morning -- I had
19 really one big comment that I was very curious about,
20 being the geothermal project down in Imperial County
21 area under the Imperial County field office. Now all
22 of a sudden there comes up a couple of other solar and
23 geothermal projects.

24 I would like to point out that within the
25 desert region, we have an expanding visitor base.

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1 More and more people are coming out here expecting
2 recreation opportunity. Though the energy projects
3 are nice, care needs to be placed where they are
4 placed as to look at their impact on recreation.

5 The solar energy project with the
6 recommended site in Johnson Valley, Johnson Valley is
7 in the middle of the OHV area. The geothermal site in
8 the Imperial County area is also within an OHV area.
9 Now, that is a combination of BLM lands plus state
10 lands in the area. Now it looks like it's another
11 solar energy project going on in Imperial County in
12 the West Mesa area. This again is right smack dab in
13 the middle of areas that have been allocated and set
14 aside -- not really set aside, but where the
15 recreation pressure has been pushed to.

16 Any projects are going to have an impact on
17 recreation. I encourage you, if anything does have an
18 impact on recreation, to closely review it and
19 mitigate it. With the increasing population, we need
20 to make sure that the recreating public has the
21 opportunity for recreation. If we don't create the
22 opportunities, they are not provided for them, they
23 will create their own opportunities probably in areas
24 where we don't want them to go, you don't want them to
25 go, or the environment does not really support that

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1 recreation, but they are there.
2 They are coming. They will take advantage
3 of what opportunities they have. And if they are shut
4 out of an area, they will find another area. I would
5 like to make sure we do proper planning and address
6 all aspects of recreation. It's not just an OHV
7 recreation issue. It's for hikers, wild flower
8 viewers, rock hounders, gem and minerals, prospectors,
9 you name it, it's there. It's a recreational
10 opportunity. If we close off land for these energy
11 projects instead of recreation, they will find another
12 place to go. Thank you.

13 CHAIRMAN KEMPER: Thank you.

14 MS. HANSEN: I have a copy of the Blue
15 Ribbon Coalition's publication, which includes this
16 article about the OHV recreation summit in Washington.
17 Is this you, John?

18 MR. STEWART: That's me.

19 MS. HANSEN: I guess I would also ask if
20 you are -- if you had anything that you would like to
21 share with the Council regarding that trip.

22 MR. STEWART: In July, about 60
23 recreation leaders from across the nation converged on
24 Washington D.C. The main thrust of that meeting or
25 that gathering was to show recreation interest support

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1 for Representative Tom Boaz's Endangered Species Act
2 reform. Together, we made the rounds of various
3 legislators and talked about the recreation issues and
4 how Endangered Species Act issues have impacted
5 recreation.

6 Glami's Sand Dunes with the Peirson's
7 Milkvetch is a prime example. The pending study with
8 the fringe-toed lizard is another example. We know
9 there is not enough data out there. Some of the data
10 is faulty and can't be supported.

11 Anyway, during this week, we did have an
12 opportunity to meet with a lot of the elected
13 officials. I think about six or seven members were
14 also honored to spend slightly over an hour with the
15 Secretary of Interior, Gale Norton, in a very
16 productive discussion about recreational issues. And
17 again, like I stressed, we have a recreational
18 opportunity. The public expects it and the public is
19 looking for it. And we have to begin to manage for
20 recreation opportunities and get away from these
21 contentious issues and discussions of the past.

22 While I was there, different groups had
23 other deals -- and myself and Blue Ribbon Coalition,
24 along with the International Snowmobile Association
25 and Personal Watercraft Industry spent a few hours in

1 discussion of what our common interests are. And
2 whether we are on four-wheel drive, on dirt bike,
3 ATV's, any time there is a motor involved, whether on
4 land or water, we are facing similar issues. And a
5 lot of it goes back to reaching our constituents, our
6 members, and teaching the fundamentals of responsible
7 recreation and keeping access to whether it's a water
8 way or a sand dune or desert road or mountain road.
9 So we have a flood of interests in common.

10 I'm also director for environmental affairs
11 for United Four-Wheel Drive Association. And several
12 others of us met with Forest Service officials to
13 discuss my favorite topic, route designation. And BLM
14 and Linda has been in the very center of a lot of
15 contentious route designation issues in the desert.
16 The Forest Service is entering into a route
17 designation process itself, which is proving to be
18 another very contentious issue. How do you go about
19 defining what the environmental impacts or issues on a
20 route are? Can you mitigate? Is it better to close
21 it?

22 These are all questions coming up. How do
23 you define criteria? So there are a lot of issues
24 coming up that as recreation leaders, we are
25 attempting to address, not only within the desert,

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1 state, but nationwide.

2 And I would like to add that the American
3 Motorcycle Association and the United Four-Wheel Drive
4 has scheduled a recreation -- National Recreation
5 Leadership Summit Meeting for October in Chicago, at
6 which our attempt is to bring together the various
7 recreation interests from the broad spectrum that have
8 an impact or have a stakehold in public lands, just to
9 air our issues, make sure that we all address the
10 issues, and we are all working towards a common goal.

11 So from that respect, the recreation side,
12 we are working very hard to try to rein in the outlaws
13 we have in our midst. It was noted in the field trip
14 that there is one percent of the people out there
15 causing problems. We would like to bring that to even
16 a smaller value.

17 We believe that recreation is a valid
18 option for use for public lands. And as a whole, the
19 public respects that and wants to do it. And if we
20 have a place for them to recreate out there, we
21 believe they will do it in a safe and responsible
22 manner. Does that address it?

23 MS. HANSEN: Thank you.

24 CHAIRMAN KEMPER: Any more public
25 comment for items not on the agenda?

1 MS. HANSEN: I think we are at lunch.

2 CHAIRMAN KEMPER: The status report for
3 the West Mojave Plan.

4 MS. HANSEN: I would ask you to defer
5 that. Larry La Pre is going to be here today. I
6 would prefer that he be allowed to give that. So if
7 you could move other agenda items ahead of that, I
8 will appreciate it.

9 CHAIRMAN KEMPER: Adopt-a-Cabin.

10 MS. HANSEN: I think everyone is here
11 for that.

12 CHAIRMAN KEMPER: We will move forward
13 with an Adopt-a-Cabin update status report.

14 MR. VILLALOBOS: I am very happy to
15 report some progress in the Adopt-a-Cabin program.

16 The first thing I want to say is that I
17 really appreciate the support I have been getting from
18 the District Advisory Council TRT on the Adopt-a-Cabin
19 program, because it gives me the confidence to move
20 forward with some pretty interesting moves on the
21 Adopt-a-Cabin situation. So we are making some
22 progress, and I feel very good about the progress we
23 are making.

24 Since the last time we met, we had another
25 TRT meeting with the Adopt-a-Cabin volunteers on

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1 September 10th. We had a good turnout with TRT
2 members there. Supervisor Jon McQuiston was there,
3 District Advisory Council Member Howard Brown was
4 there, and District Advisory Council Member Ron
5 Schiller was there. And we joined about maybe 15, 20
6 Adopt-a-Cabin volunteers at the Copper King site. And
7 we had a good discussion on some -- the following
8 developments concerning the Adopt-a-Cabin sites'
9 status.

10 One of the things that we have done that is
11 very important is that we did -- we have been in the
12 process of reviewing our records for a lot of these
13 sites, which basically involved looking at the mining
14 claims that were associated with some of these old
15 mining cabins. And we found some interesting
16 information there. It was basically that the mining
17 claims had disappeared, gone on some of these, and
18 some of these do have mining claims. Those that had
19 mining claims were -- those mining claims had expired.
20 They weren't longer active. But we had no
21 documentation in our files that basically established
22 that whatever was left on the mining claim was
23 abandoned.

24 And that's a very important issue because
25 the question of ownership has come up on some of these

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1 sites. So we decided that we were going to look at
2 our regulations and go forward with declaring some of
3 these sites and the stuff that was left behind
4 abandoned. So we put a notice in the newspaper, in
5 the local newspapers. We gave the public 30 days and
6 notified them of the sites. And if there were any
7 disputes over ownership, they had until July the 15th
8 to file them with the BLM.

9 And we received no disputes that were filed
10 by that date. And essentially, what we have done is
11 declared a number of sites, about 14, 15 sites
12 abandoned on the public lands. So everything that was
13 left over at those locations we declared abandoned. I
14 have a list for you. Like, for example, the Astro
15 Artz, it's in Inyo County. The Beveridge Canyon
16 Cabin, the Beveridge Mill Site, the Beveridge Cabin,
17 the Bighorn Sheep Mine Cabin, the Bonanza Post Office,
18 the Buckhorn Cabin, the Edith E. Cabin, Frenchy's
19 Cabin, Copper King, the Minnieta Cabin, the Osborn
20 Cabin, the Stone Cabin, and the Panamint Valley Stage
21 Station.

22 All those sites, they were published in the
23 newspaper. We have declared them abandoned. And they
24 are now the BLM's to worry about. We posted these
25 sites, and we let the public know that these are under

1 our care. And I have a picture for you -- oh, sort of
2 some slides as to how we posted them, basically. It's
3 a little sign, yellow sign that was posted at these
4 sites.

5 MR. SMITH: What do the signs say?

6 MR. VILLALOBOS: Oh, it's a very
7 intimidating sign. It says, "Warning, property of the
8 United States." It says, "All persons are prohibited
9 under the penalty of law from molesting, destroying or
10 removing this property, and all violators will be
11 prosecuted. Do not destroy this notice. The law
12 forbids and prescribes punishment for anyone taking
13 down or defacing this notice." It's real official
14 notice.

15 MR. BETTERLEY: Great to shoot at.

16 MR. VILLALOBOS: Well, I got some
17 reports back from the volunteers. They told me that
18 some of these signs have quickly disappeared. And
19 that's to be expected. It's a very intimidating sign.
20 I think people took it the wrong way. And they
21 removed it. They don't like Uncle Sam coming in and
22 dictating to them.

23 So that's one of the things that I'm
24 working with the volunteers on is to maybe come up
25 with a more user-friendly sign, something similar to

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1 the signs that we use for our heritage sites, which is
2 a little bit less intimidating. It's a notice that
3 says, "Cultural resources in the vicinity of this
4 notice are fragile and irreplaceable." And it goes on
5 to explain the reason why we are trying to protect
6 these.

7 So we are going to try and come up with a
8 sign that's more friendly, informational, and not as
9 intimidating. And hopefully, they will stay on the
10 sites better. And I'm going to work with the
11 volunteers to try to get that accomplished.

12 Anyway, the signs did start to disappear on
13 some of these sites, and the ones that we have
14 declared abandoned are those that have no mining
15 claims associated with them, and we know now that
16 there is no ownership issues associated with these.
17 And we are lining up our volunteers to help us
18 continue to monitor these sites.

19 Those cabins, along with two other cabins
20 that we have already got quit claims on, which is
21 basically the Dawson and the Mincus Mead Cabins, are
22 sites that we are at the first phase of these cabins
23 that we are going to start working through the
24 process.

25 The other important thing that happened

1 during the time that's past here, between meetings
2 here, is that I had the opportunity to go up to the
3 state office on several occasions, two meetings with
4 the state director, with the associate state director,
5 with our deputy state director for resources, and the
6 state archaeologist for the BLM. And during these
7 meetings, I had discussions about some of the issues
8 that are related to the cabins and concerns about what
9 the volunteers have done as far as maintenance and
10 stabilization of these cabins, because that was a big
11 issue for our archaeology program.

12 And we had discussions, and they started to
13 have the understanding of the tie that the public has
14 for these cultural resources. At first it was very --
15 the issue was that we have changed the character of
16 these sites such that they are no longer important
17 archaeological resources. And I tried to say, no, our
18 volunteers have tried to help us preserve, keep these
19 sites from disappearing. It was our past policy with
20 the BLM to basically, anything abandoned out on public
21 lands, we are going to restore the site back to its
22 natural condition, and some of this stuff was
23 considered junk and removed.

24 We are still removing junk, but we are
25 trying to make sure that when we look at these sites,

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1 that our archeologists tell us what separates the
2 archaeological resources from the stuff that can be
3 removed in this modern debris that's left behind.

4 So I had -- after all these discussions
5 with our state office folks, it led to a meeting with
6 the state historic preservation officer. And on
7 August the 12th, I had the opportunity to review the
8 Adopt-a-Cabin program. And what we have done so far
9 in this program with the state historic preservation
10 officers -- one of them was Steve Mikstall, who is the
11 deputy state historic preservation officer and another
12 fellow named Dwight Duchking -- and along with our
13 state archaeologist and the associate state
14 archaeologist, we met and reviewed the program with
15 them.

16 I felt like I was going to see the wizard,
17 because it's always been this kind of mysterious, oh,
18 you are going to have to talk to the state historic
19 preservation officer. And I always kind of felt
20 intimidated by that situation, that I had done
21 something wrong and something bad was going to happen.
22 Well, the opposite result. I had the pleasure of
23 having, with the state historic preservation
24 officer -- they appreciated the fact that we had
25 volunteers that were trying to preserve these cultural

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1 resources that are important to the public, especially
2 in and around the Ridgecrest area.

3 We reviewed basically, you know, that some
4 of these things were abandoned, that we hadn't
5 established the ownership question completely on these
6 things, and we are making progress on this area. We
7 described some of the sites and some of the numbers of
8 the sites to them. We described -- I described the
9 modifications and some of the modern materials we have
10 used to stabilize these sites to them. And I also
11 described the situation that I discovered was our
12 section 106, which is compliance for federal actions
13 with the archaeological regulations, which was pretty
14 poor. Our records had very little information on what
15 archaeological surveys we had done for these sites
16 while volunteers were continuing to maintain and
17 stabilize these sites. We didn't have hardly
18 anything.

19 The only information we had was a little
20 bit of inventories that were done for some of the site
21 cleanups that we did. I couldn't even find
22 documentation for the listing to national historic
23 places, Register For Historic Places in our files for
24 a cabin, for example, Burro Schmidt, which is listed,
25 but I can't find the documentation for it. I suspect

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1 it's archived somewhere, so I'm going to continue to
2 research our files to see what we can find.

3 I explained those -- that situation. And I
4 also explained some of the resolutions that we have --
5 or steps that we have already taken to remedy the
6 situation with our cabins. I explained, for example,
7 that we had developed some procedural sites to review
8 these cabins. That we had come up with guidelines on
9 how we are going to review these cabins, especially
10 those in wilderness area. I explained that the
11 Adopt-a-Cabin program had been moved from recreation
12 to the cultural resources program under our resources
13 branch chief rather than recreation.

14 And I also explained that a map that was a
15 lot of the concern to the archaeologists had been
16 taken out of circulation. And that's a map that
17 basically shows a whole bunch of sites on the ground,
18 some of which are Adopt-a-Cabin, and some of which are
19 archaeological sites.

20 So this map basically is no longer public
21 information. And so we have withdrawn it. And they
22 were very pleased that we are not disclosing on a map
23 and pinpointing locations of sensitive archaeological
24 or cultural sites. So they appreciated that. And
25 those are the steps that we have taken to remedy the

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1 program.

2 I also went on to explain some other steps
3 that we are going to be taking for the program. One
4 of them is the inventory and the evaluation for the
5 National Register of Historic Places that we are going
6 to do on some of these cabins to determine the
7 eligibility and look at some of these cabins that have
8 been modified. And one of the suggestions that the
9 SHPO had is that perhaps some of these modifications
10 can be reversed to a certain extent where these
11 properties can be looked at as being eligible
12 properties with consultation with the SHPO.

13 One of the things I basically felt very
14 positive about is that they told me what has happened
15 has happened. And so some of these cabins may have
16 been modified, and they may not be eligible, but they
17 understand we did it with the interest of preserving
18 these cabins. After we do some further consultation
19 and after we do the archaeological surveys, that
20 perhaps some of these can be declared as just sites
21 for recreation. But some of them might be declared
22 sites that are eligible to be listed for the National
23 Register of Historic Places.

24 The other thing that I explained that we
25 initiated is a site stewardship program with the

1 volunteers. And I will explain to you in a minute
2 what we are doing with that initial move. Basically,
3 it's a monitoring program that we are getting started.

4 They were pleased, and the one other real
5 positive aspect of that is because now we've got a
6 dozen sites at least that will need to be inventoried,
7 plus a few cabins that we already have quit claims on,
8 plus a few other cabins that have mining claims on
9 them, our archeologist in the state office explained
10 to me that although there is a concern over the
11 ownership of some of these cabins, that we might want
12 to move forward on inventorying these sites. And that
13 we can do that also, with the idea that we are going
14 to address the ownership question with mine claimants.

15 So that's a pretty big start as far as
16 inventory goes. And I was kind of concerned because
17 I'm not getting funding for this program. And right
18 now I don't have any archaeologist. We are in the
19 process of hiring an archaeologist. I know I have a
20 lot of other priority one needs for the archaeologist,
21 and this is not really that high up. But I know it is
22 for the public. But for a lot of other projects, I
23 have concerns about this.

24 Well, my concern was answered by the state
25 office. The state office came forward. Our state

1 archaeologist started talking to the Washington
2 office, knowing that this is a very important issue
3 with the public. And it looks like we are going to
4 get around \$30,000 this year to start our inventories
5 of the cabins that we know there are no issues
6 associated with them. That's great.

7 We are going to try and line up around 15
8 cabins to get inventoried and identify the
9 significance for inclusion in the National Register of
10 Historic Place. And I'm also going to be working with
11 an archaeologist to try and address some of the
12 stabilization and safety and restoration needs for
13 these sites, too. So while I'm working with our
14 archaeologist, hopefully I will be able to bring
15 forward some of issues that are safety concerns. The
16 stairway is not safe, for example, in the way it is
17 right now. And if there is a modification that I can
18 do with the blessing of an archaeologist, we might be
19 able to be addressing two things at one time. There
20 were doorways that -- I will get to the safety aspects
21 in a minute, but there are other issues with these
22 cabins. I think you have heard them before about the
23 public safety concerns and hazards there.

24 Anyway, I'm going to try to squeeze as much
25 as I can out of this \$30,000 for the inventory and

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1 also looking at the potential modification that might
2 be satisfactorily done, along with the safety concern.

3 Basically, it looks like we are moving
4 along with funding, with inventories that occur on 15
5 of these sites. We have initiated an Historic Cabin
6 Site Monitoring Program and Maintenance Report. It's
7 kind of modeled after the California Site Stewardship
8 Program, Archaeological Site Stewardship Program.
9 They have a form that site stewards that right now
10 basically is under the Maturango Museum in the
11 Ridgecrest area. They have a number of site stewards.
12 They are volunteers. They sign agreements with us and
13 with the Maturango Museum. And they go out and look
14 at prehistoric sites in our area, and they monitor
15 these sites and they turn in these regular reports.

16 So I have initiated kind of a site
17 stewardship cabin program for this. And that is
18 happening with our volunteers. I already have gotten
19 a few forms back, and they are proving to be very
20 useful. I have gotten some recommendations on what we
21 might do at the sites for cleanup. And those are
22 things -- it is something that is still in the process
23 of being developed. I'm trying to work real closely
24 with our volunteers. I have asked them to give me
25 feedback on this form. If we need to change it, maybe

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1 add or take something away from this, and hopefully
2 what we are going to be doing is coming up with a
3 volunteer program that includes this monitoring
4 program with it.

5 I will pass around a blank sheet for you so
6 you can kind of take a look at the kind of
7 information --

8 CHAIRMAN KEMPER: Paul, did you have a
9 question?

10 MR. SMITH: He is really getting into
11 it. I was really interested in how the volunteers who
12 must have adopted a sense of ownership are reacting to
13 all of a sudden there is a new set of rules they have
14 to follow.

15 MR. VILLALOBOS: Well, I believe
16 initially they were very skeptical, and I don't blame
17 them because all of a sudden, I'm telling them, there
18 are ownership interests here. You have been doing
19 work that may be not approved. There are safety
20 issues that have been identified on a couple of cabins
21 out there. And there are some things we can't do.
22 One of the big things was toilets. A lot of little
23 outhouses, old ones too. Those will have to be looked
24 at by archeologists. But there are a few new ones
25 popped up and I didn't approve. And my Hazmat person

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1 was very quick to tell me, "Hey, you can't be allowing
2 outhouses to be built out there."

3 But they are coming along, and I still have
4 a good core of volunteers. And actually, there has
5 only been one volunteer we had to deal with
6 drastically because basically, he decided to do what
7 he wanted to do on the cabin and went ahead and did
8 modifications without authorization that we told
9 him -- and our law enforcement officers met with this
10 individual and said you can't be changing things
11 around now. Everything is status quo for now. And he
12 went ahead and did some things. So I basically
13 canceled his volunteer agreement and his MOU that he
14 had with the BLM.

15 In fact, I had some of the volunteers that
16 were encouraging that basically -- they said, you had
17 to do what you had to do because we knew that this
18 individual was going in a direction that was not
19 helping us any. I really feel very positive. I have
20 a good core of volunteers, and I feel positive they
21 are going to stay with us and continue to help make
22 this program a success.

23 CHAIRMAN KEMPER: Jon McQuiston.

24 MR. McQUISTON: I had a few comments, as
25 I participated in the TRT. And first of all, thanks,

1 Hector, for trips up to Sacramento and running
2 interference for us. When we established the TRT, it
3 seemed like everything was -- a lot of uncertainty.
4 There was work in the program. What is the future
5 role? And I know at our last meeting when we came
6 back, based on the recommendation of the TRT, the
7 whole Council recommended to the district that we
8 pursue this. And frankly, after the last meeting, I
9 was really very pleased with the direction because the
10 information was coming back from Hector, from
11 Sacramento, and it was all in the direction that
12 everyone wanted to go.

13 We had talked at the last meeting about --
14 we recommended they not cancel out the old agreements
15 but keep them in force and make some amendments as
16 necessary. Thank you. Those are still in effect.
17 And I know it's a work in progress. There was a lot
18 of discussion at the last meeting: On the one hand,
19 you have the safety side and the looks of these
20 buildings and said, we have some problems here and how
21 to resolve that. Now that the historic side of BLM is
22 involved, and it's saying some of these may have --
23 fall under this. And so to some extent, it's bought
24 some time on the safety side.

25 And in some cases, maybe even, in order to

1 preserve the historic value of this, maybe eliminated
2 the need for modification on some of these. So I
3 found that to be interesting. I don't know what you
4 can do to get the archaeological resources. Linda, I
5 don't know if you had anything to do with that or
6 Hector just going up there. But I appreciate the BLM
7 at whatever level in order to get some dollars to
8 begin the archaeological surveys of these. Carole,
9 were you there?

10 MEMBER WILEY: No, I didn't get to make
11 it, but I did get a response. And there seems to be a
12 very positive attitude that the volunteers have. At
13 first they were pretty upset about -- they do feel
14 ownership of these that they worked on and had been to
15 many times. And they were really concerned at first
16 about what is going to happen to their cabins and will
17 they be allowed to do this anymore? I really got a
18 positive feeling from their e-mail that they are happy
19 with the way things are proceeding.

20 MR. McQUISTON: One of the things that
21 was interesting in your discussion with the group,
22 though, the extent those get brought into the historic
23 preservation component, that it opens up the potential
24 for funding in order to maintain these. And one of
25 your concerns early on was, let's try to use historic

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1 materials where we can, so it's potential funding.

2 And even -- we are pursuing right now to
3 find out if some of these cabins may be eligible under
4 a tourism ring. It turns out we take a portion of our
5 transit occupancy tax every year to be set aside into
6 a grant program. And nonprofits, communities can
7 apply for a grant. It's competitive, and you have to
8 basically say what are you going to do in order to
9 attract visitors into Kern County.

10 We believe that these would qualify for
11 that, and you have to be able to go after some grant
12 money. And it's 100 percent grant money. It's no
13 match and can be used for materials. About the only
14 thing we put a restriction on is you can't use it for
15 another government agency's label. But it's for
16 materials and to help volunteers. It may be eligible
17 there, too.

18 I felt like a lot of the uncertainty that
19 the volunteers had and a lot of the concerns or
20 questions that the DAC displayed or talked about at
21 our last meeting, there has been substantial
22 breakthroughs in terms of defining the road map and
23 that this is doable. There is a lot more certainty
24 now of what we can do.

25 So having said all of that, thank you for

1 getting on this horse and riding it, because we know a
2 lot more now. And frankly, what we are learning is
3 good news. I don't have -- any other TRT members want
4 to make comments or not?

5 MR. VILLALOBOS: To kind of wrap things
6 up, one of the things I feel real positive about, we
7 are also involving the historic societies in our local
8 areas. Just recently, one of our steering committee
9 members in Ridgecrest, Randy Banis, had -- gave a talk
10 at the local historic society, a real positive talk
11 about how we are moving forward with the Adopt-a-Cabin
12 program.

13 And I have also had several meetings with
14 the historic society leadership in Ridgecrest. And I
15 intend to go over to Searle Valley and also meet with
16 them to get them to be involved in our program, which
17 I think will be very positive. And I think that we
18 already are getting some good results out of that
19 because the partnership that we are trying to form
20 with the local historic society, the SHPO is aware of
21 that partnership that we are trying to form with them,
22 and they mentioned that. In fact, they were out in
23 Ridgecrest not long ago for the celebration of the
24 petroglyphs at the Navy Base. And they had a meeting
25 with our historic society members and had some

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1 discussions about some of the historic sites in our
2 area.

3 So we are bringing them in as partners.
4 I'm hopeful that they will also be wanting to
5 participate in the preservation, stabilization of
6 these historic sites.

7 MR. McQUISTON: Just one question, if I
8 may, Mr. Chairman.

9 One of the things -- and this is just
10 something I thought about since our meeting -- is you
11 want to use materials that represent the period. So
12 just as a question to throw out here, is there any
13 potential or opportunity -- there are cabins and
14 buildings and facilities throughout the conservation
15 area, and some of those are going to be removed over
16 time.

17 Is there an opportunity as those actions
18 may happen, the ones that aren't going to be restored,
19 that we could disassemble, if you will, and stockpile
20 materials? They might be able to be used elsewhere
21 for those locations that fit within the framework.

22 MR. VILLALOBOS: Definitely a
23 possibility. In fact, through our monitoring that we
24 have done just recently, a recommendation has come
25 back from one of the volunteers that identified a

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1 bunch of old material at a location that basically --
2 because people don't know. They come out to the
3 sites. They see some old wood laying around and it's
4 being used for fire wood. So we are going to take
5 action on that recommendation and work with the
6 volunteers to warehouse that.

7 MR. McQUISTON: Would it be possible in
8 other regions of the district that if there are things
9 that are going to be cleaned up, some sort of
10 communication so maybe there are some materials that
11 would be used throughout the district that may not
12 exist in the Ridgecrest field office?

13 MR. VILLALOBOS: Definitely. If any of
14 that comes about, let us know. We might be able to --
15 in fact, right now, because we are trying to do a
16 restoration project we got funded for, and one of
17 these sites -- I think it's the post office, the
18 Bonanza Gulch Post Office, we have already had some
19 rough cut stuff we bought that we are going to be
20 using to do this stabilization, this program of this
21 location. And we had to go and travel a long ways for
22 that. And actually, the funds that we got from our
23 engineering program we could have used a different
24 way. But if we find stuff already out there, I think
25 that would be a good opportunity to warehouse this and

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1 see how we can use it in the program.

2 MR. SMITH: Is the Pack Rat Committee of
3 The Desert Managers Group aware of what you are doing?

4 MR. VILLALOBOS: No. I don't think so.

5 MR. SMITH: That's the archaeology. It
6 might be time now to let them know.

7 MR. VILLALOBOS: I will work with them.
8 There are a couple of members of that group that have
9 helped us in the past already. The Mojave Preserve
10 archaeologist has helped us as a volunteer.

11 MR. SMITH: Bob Ri sen?

12 MR. VILLALOBOS: Yes. They went out.
13 They were helping us with the Ruth Mine site. I
14 should make that connection. That's a good
15 suggestion.

16 To wrap things up, second phase is
17 beginning. Second phase is those cabins that have
18 mining claims and mining claimants and property
19 associated with them. We have been struggling with
20 one particular site, which is the Burro Schmidt Cabin
21 location site and tunnel. And that also has a
22 Tony Siebert --

23 MR. BANIS: Siebert.

24 CHAIRMAN KEMPER: This is Randy Banis.
25 I just mentioned his name in appreciation for the help
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1 that he gave us with the historic society.

2 MR. VILLALOBOS: At that location, we
3 are taking the hammer approach. And although we have
4 tried to avoid it, the hammer approach is that we are
5 looking -- we looked at our regulations, found where
6 we can declare a site abandoned, or they have to take
7 responsibility for it. And we are sending -- we sent
8 a letter to the claimant owner -- not the claimant
9 owner, the property owner, letting them know they have
10 30 days to comply with these regulations or we are
11 going to declare the site abandoned, and of course,
12 post it as abandoned.

13 There is only one -- there is a possibility
14 that we have -- they have rights to appeal that. And
15 it may go into the Interior Board of Land Appeals.
16 But I think you have all kind of heard about Burro
17 Schmidt and what is happening to it. It's a historic
18 cabin along with a more modern cabin location that is
19 being actively vandalized and people are basically
20 looting it. And so a lot of concern by the public has
21 been raised: What can the BLM do about it? We have
22 been trying to work with them on a volunteer basis to
23 see if they want to turn the property over to the BLM.
24 That hadn't happened for about two years now, so we
25 are taking the regulations and moving forward. We

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1 will see where that goes.

2 There are a few other cabins like that
3 where we already got some volunteer arrangements with
4 the claimants, and they are cooperating with us and
5 the public. Siebert Cabin is one of them, for
6 example. Another concern is the Bickle Camp area
7 where there are mining claimants and owners associated
8 with the property. We have worked with them on a
9 caretaker, but their caretaker left, so there is
10 concern that there may be some vandalism or property
11 might be removed inappropriately. So we are trying to
12 see what we can do to move forward on some voluntary
13 arrangements on those sites. So basically, that's my
14 report.

15 CHAIRMAN KEMPER: Mr. Schiller.

16 MR. SCHILLER: I just spent the last two
17 nights at Zzyzx and had a great time. But every time
18 I went out of my cabin and banged my head, I thought
19 about that report. I didn't really hurt anything. I
20 got a pretty hard head.

21 I would like to see if I could get a copy
22 of the list you had earlier there. And I too would
23 like to echo what Jon and the others have said about
24 thanking you for all you have done. I think that's
25 one thing that has really been in the public eye

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1 locally, if anything. It's been the Adopt-a-Cabin
2 program. And I know everywhere I go I hear talk about
3 it. What is the BLM going to do? And I think you
4 really came through for everybody.

5 So I would like to thank you for all your
6 hard work on that. Getting the \$30,000 funding and
7 such I think will make a big difference. And I know
8 that if we do find some materials around, that Dave
9 Sjaastad at the local office has already set up a
10 place at Wild Burro -- the Horse and Wild Burro
11 facility up there for storing historical-type
12 materials, and I just say thank you.

13 MR. VILLALOBOS: I want to say thank you
14 to Ron Schiller, because he really is a person, along
15 with the steering committee in Ridgecrest, that raised
16 this issue within the BLM. These cabins, you all know
17 in the past it's been our practice to go out there and
18 take a look and see when these things are abandoned,
19 to go in there and restore the site and remove these
20 structures and we are good to go. There are no risks
21 associated with that. We just get stuff out there and
22 that's it.

23 But we are trying something different.
24 It's a program that it was basically an option to the
25 burning down cabins or knocking them down and getting

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1 rid of them. So the credit really belongs to the
2 public and the group in Ridgecrest that has raised our
3 consciousness on these things. And I appreciate that.

4 I know myself as a geologist, I started
5 working with the US Geological Survey back in the
6 seventies, and it was doing a lot of surveys of old
7 mining sites. And I remember seeing and appreciating
8 them. And I tell you, it was hard, because you go to
9 these sites. And all of a sudden you get distracted
10 and you start looking around at these things. And I'm
11 supposed to be collecting mineral samples, but I'm
12 spending an hour looking around and exploring, and
13 it's fun.

14 CHAIRMAN KEMPER: We weren't paying you
15 for that, were we?

16 MR. VILLALOBOS: No, it's my lunch hour
17 and after my rock sampling.

18 CHAIRMAN KEMPER: Thank you very much.
19 Thank you. We will take public comments now.

20 MEMBER WILEY: Which cabin is this in
21 the photograph you have?

22 MR. VILLALOBOS: I don't know.

23 UNIDENTIFIED SPEAKER: Beveridge.

24 MR. VILLALOBOS: What I was suggesting
25 those little package gum cards, make a whole bunch of

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1 them.

2 UNIDENTIFIED SPEAKER: Beveridge Cabin.

3 MR. VILLALOBOS: Some of them know these
4 cabins more than I do, because I haven't been to all
5 these sites.

6 CHAIRMAN KEMPER: Thank you very much.

7 MR. STEWART: The presentation was very
8 informative. It did raise two questions in my mind.
9 First one brought up is, will this program be extended
10 to other districts within the desert region? I do
11 know that there are several cabins down in Imperial
12 County and Riverside County that would come under the
13 Palm Springs area. I would like to make sure that
14 they actually end up in some kind of a protective mode
15 where they are looked at and cared for and not subject
16 to being removed because they have become an eyesore,
17 but some kind of an active management would improve
18 that.

19 I would like to see this program be
20 expanded to the entire desert district. Not only
21 within the desert district area, but especially in the
22 Southern Sierra area, there are several mining claims
23 or cabins on Forest Service lands that working with
24 the Forest Service, I think it's a program that would
25 benefit the public itself.

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1 But the other real issue it brought up was,
2 it was mentioned if the cabins are removed in other
3 areas or removed and save materials, yes. But before
4 cabins are automatically removed, I do believe we need
5 to make sure that the history is presented so the
6 public can get out there and enjoy it and have a
7 destination to enjoy the history. It's something that
8 a lot of members of the public really look forward to
9 seeing. And I do want to say thanks to Hector and his
10 hard work. It's a viable program that has application
11 not only in the Desert District, but with surrounding
12 agencies and in other states. Thanks.

13 MR. McQUISTON: I don't think the answer
14 to your first question is known yet, but the answer at
15 least with respect to TRT and this Council and going
16 back to the minutes of the previous meeting, the first
17 recommendation that the TRT made is "The DAC should
18 continue support of the Adopt-a-Cabin program. BLM
19 should continue to develop standards and practices to
20 extend the program to other areas within the
21 California Desert Conservation Area and beyond."

22 I'm hoping personally that within the next
23 90 to 120, 150 days, this has evolved to the point,
24 policywise and practicewise, that perhaps it could be
25 looked at for expansion to other regions within the

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1 CDCA.

2 MS. HANSEN: We agreed that Hector was
3 going to sort of be the guinea pig in a way. And he
4 volunteered for that and Ridgecrest has done a really
5 great job under Hector's pushing here to find the
6 right way to do that. And I think that we will try to
7 learn from Hector's experience of what happens in
8 Ridgecrest, at least within the California Desert
9 District. That was our original -- sort of the intent
10 when we talked about it with the Advisory Council
11 previously. So I would hope that it's something that
12 the field managers for the other field offices in the
13 desert and hopefully my successor will see as valuable
14 and will use that, and I'm sure we will.

15 MR. McQUISTON: If I may, Mr. Chairman.
16 Some of the things that are being learned -- I guess
17 what I am saying is I'm not sure we need a complete
18 packaged program before considering how we might do it
19 in other regions. And I will use an example.

20 One of the things, as I understand it,
21 Hector, that you learned is these cabins there were
22 clearly no active claims on, in order to get them and
23 resolve the issue of ownership, you sent out an
24 abandonment notice. Those types of things I think we
25 know, wherever it goes, will be a process. So to the

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1 extent that those types of activities can be done
2 outside of the Ridgecrest office in preparation of
3 perhaps some things that would be considered for
4 action sooner as opposed to later.

5 MR. VILLALOBOS: I think that's a real
6 important step, because the establishment of
7 ownership -- the question has been raised legally.
8 And right now we have one case in front of IBLA where
9 we thought the property was abandoned. A mining
10 claimant took issue. We had volunteers going out
11 there to help clean up. And there is probably a few
12 others there that I am worried about that kind of
13 situation.

14 So I think it's real important to look at
15 our regulations, either on the mining side or on the
16 land regulations, basically the realty regulations,
17 and make sure we have a good record of the back --
18 that the property does not belong to anybody and it's
19 abandoned and it becomes BLM's responsibility.

20 CHAIRMAN KEMPER: Ron Schiller.

21 MR. SCHILLER: Yes, Jon, in response to
22 your question regarding those cabins on the Forest
23 Service property, Julie Molzahn at the Inyo National
24 Forest, Mount Whitney Ranger District, has expressed
25 interest in the Adopt-a-Cabin program as it's going.

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1 So please contact her and express your concern for
2 that because I have been working on that, too, and she
3 is very interested in seeing what happens with this
4 program to apply it there.

5 MR. STEWART: Thank you.

6 CHAIRMAN KEMPER: Thank you. Any more
7 comment?

8 MR. SMITH: I think that as soon as you
9 are ready -- I worry that Roxie Trost doesn't have
10 enough to do. So there are some structures up in the
11 Gold Park area which I think are out of the Barstow
12 office. Whenever it's matured to the point, we would
13 like to maybe work with Roxie to figure out how to do
14 some of those.

15 MR. VILLALOBOS: Well, we will help in
16 whatever way we can.

17 MR. SMITH: Put me on your cc list, and
18 I will see that our historic society gets it.

19 CHAIRMAN KEMPER: Yes, sir.

20 MR. BANIS: Randy Banis, B-a-n-i-s.

21 I would also like to join in the thanks to
22 Hector for taking this program on. When it came to
23 the DAC, it was like a tortoise on its back. And he
24 has not only righted her, but he put tennis shoes on
25 her and she is making some ground.

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1 I believe it's not just the work of Hector.
2 I think he is underestimating how much the impact the
3 involvement of the DAC has had in this program. The
4 very first TRT meeting when it was explained that this
5 program was going to undergo some fundamental changes
6 and that the volunteers were going to have to come on
7 board in a new cooperative program, as was expressed,
8 it was a shock. And there were some people upset and
9 there were some words going around.

10 And the fact that four of the DAC members
11 were there at that meeting and saying -- look, you
12 know, it's not just the message. It's sometimes the
13 messenger. No offense. But to hear it from others
14 and to say, look, the DAC is going to be here as well.
15 We are going to be behind this, and we are going to
16 support Hector on what he does. And they urged the
17 volunteers, look, stick with the program, stay with
18 it, please. And let's see how it works. And they
19 listened, and they did. And I think that was a very
20 important factor, having the DAC there encouraging the
21 volunteers to stick with it, stick with the program.

22 And I thank the DAC for picking it up. And
23 although at the risk of singling out one of the DAC
24 members over the other three, I have to say that
25 Supervisor McQuiston comes to meetings like this in an

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1 unusual way, with seeming just an endless bag of
2 resources and tricks that when it comes to the
3 meeting, there are these things that we don't know how
4 we are going to get there, and he offers assistance of
5 resources that are at either his fingertips or maybe
6 he has to put a boot in a butt to get it. But
7 regardless, he is willing to cash in really his
8 collateral to help this program and to give Hector the
9 kind of support from the county that's really going to
10 put all the best and brightest lights on the program.
11 So thank you to the DAC for picking this issue up and
12 providing all the help that you have, as well. Thank
13 you.

14 CHAIRMAN KEMPER: Any more public
15 comment? At this time I'm going to call for a
16 15-minute break.

17 (Recess was taken.)

18 CHAIRMAN KEMPER: Back on the record.
19 Linda Hansen, would you like to do an update on the
20 West Mojave Plan?

21 MS. HANSEN: Good morning. I was able
22 to contact Larry La Pre on the phone and tell him that
23 you guys were moving at lightning speed today and
24 since he had not left Riverside, I gave him leave to
25 stay home today.

1 And he gave me the three points in
2 particular that he wanted to make with the Council
3 today, and I will share those with you. I will try to
4 answer questions, and then we will move on.

5 On the West Mojave Plan there are basically
6 three elements left to complete. All three of those
7 are being worked on as we speak. Completion of the
8 protest responses to the final EIS. Those are in
9 process with our state office and the Washington
10 office, so they are being completed.

11 The second would be the Biological Opinion
12 on the West Mojave portion of the California Desert
13 Conservation Plan. That is also in process. We had
14 sort of an unofficial/official draft that came to the
15 agency. We have been talking with Fish and Wildlife
16 Service about the completion of the Biological
17 Opinion. We don't see anything currently in that
18 opinion that would have any significant change to the
19 plan, and so we would assume that the Record of
20 Decision would move forward with the completion of the
21 Biological Opinion as it is programmed.

22 When you see the Record of Decision, it
23 will have a few clarification points in it, things
24 that were pointed out to us through the protest of the
25 public and other context or contents since we

1 completed the final EIS. Most notably, some
2 clarifications dealing with the route designations and
3 also some clarification on some grazing questions. So
4 we will get those clarified in the Record of Decision,
5 but ultimately then it will move forward at that point
6 in time.

7 Time frame for that, well, we had hoped to
8 have a Record of Decision signed before I left the
9 district. That probably is not going to happen. But
10 it should be fairly soon. And we are anticipating at
11 least before the end of the calendar year you will see
12 a Record of Decision on the West Mojave Plan.

13 With that also comes sort of a
14 transitioning point at which we are also at right now,
15 where the County of San Bernardino, City of Barstow,
16 Victorville and others who signed on to be part of --
17 Kern County as well -- part of the habitat
18 conservation process, they will take the final EIS/EIR
19 and they have begun developing, actually, their
20 Habitat Conservation Plan for the private lands from
21 that.

22 They have initiated contacts with the State
23 of California Department of Fish and Game and US Fish
24 and Wildlife Service regarding the permits they would
25 have to acquire through that process. They are

1 working through that with them. And the BLM will stay
2 there with them simply as sort of a cooperator
3 partner. The federal agencies -- well, BLM in
4 particular, does not drive that process. That truly
5 is one that is a process that is developed through the
6 counties and the cities and other entities who want to
7 be a part of the HCP. But it will indeed be sprung
8 off of the federal plan and the EIS and EIR that was
9 completed for that. So what you saw in there was sort
10 of the beginnings of what the HCP might look at.

11 It's a different concept. The West Mojave
12 HCP is going to be different. Normally what the State
13 of California sees is a mitigation program that sort
14 of marries up additional lands for use of lands. What
15 the West Mojave Plan sets in front of them is somewhat
16 of an accumulated thing where we are asking them to
17 consider putting mitigation dollars into lands that
18 are already under some form of conservation
19 management, whether it be federal or state.

20 And so that's a little different concept.
21 And I will be honest with you that what I understand
22 is that the State is having a little difficulty, the
23 Department of Resources, in thinking out quite how to
24 work with that. But I think there is full intent on
25 their part and certainly the indications from County

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1 of San Bernardino, that they want to move forward on
2 that. So we are going to try to work with them as
3 much as we can to help that process go forward.

4 Do you have any questions?

5 CHAIRMAN KEMPER: I'm going to take
6 questions from the Council members first.

7 MR. McQUISTON: No questions, but just a
8 comment.

9 With respect to Kern County and local
10 government, the benefit of this plan has been HCP,
11 the uncertainty. And frankly now with the Base
12 Realignment and Closure Commission concluding, and we
13 know in the area of Ridgecrest/China Lake, somewhere
14 between 1800 and 2200 direct jobs will be coming over
15 the next six years. And likely another thousand or so
16 jobs in technical support, contractor support, and
17 there are estimates of anywhere from 2,000 to 5,000
18 indirect jobs, services, supplies and so forth, that
19 the importance of this is probably really coming to be
20 focal.

21 There is -- I won't say the State of
22 California, I will say within California Fish and
23 Game -- difficulty in approving this plan. And maybe
24 some of it has to do with the fact that it is
25 different. Because the mitigation fees that are

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1 collected can actually be used to enhance habitat or
2 species conservation or restoration on federal land.

3 So I think to some extent dollars that they
4 don't control may be -- it's affecting their cash
5 coffers. And I'm sure there are some other reasons.
6 But I was in Sacramento three or four weeks ago, and
7 we are trying to put together a meeting. There are
8 three different districts of California Fish and Game
9 that are affected by the West Mojave Plan. So we are
10 trying to set a meeting up with representatives from
11 those districts, the director of State Fish and Game,
12 perhaps Secretary Chrisman, and San Bernardino County
13 and Kern County to get around the table to see what we
14 can do, because after 12 or 14 years, what we are
15 looking at now, the HCP component, is California Fish
16 and Game saying, oops, we didn't lie; the truth
17 changed, and we changed our mind. A complete
18 reversal.

19 And we think that that's not prudent, and
20 frankly, not acting in good faith. We hope to get
21 some of the policy level folks together around the
22 table to at least talk about it.

23 MEMBER CHARLTON: I have a question
24 about how much time it's going to take for this HCP to
25 be put together. I have been working on military for

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1 quite a while and just recently got back to Edwards
2 and working on the Natural Resources Management Plan
3 there. But before that, I was in Riverside, and their
4 HCP was bigger than the West Mojave Plan. So is it
5 going to be a process that's going to take that long,
6 because these are documents saying we are going to put
7 the rules that are stipulated in the West Mojave Plan
8 in effect when it's signed.

9 MR. McQUISTON: On the HCP side, as I
10 understand it, once we get a buyoff of all the local
11 and state governments, we still have to do a state
12 CEQA review and study that. So even if the parties
13 agree, and this is what you want to adopt, it's still
14 subject for the HCP components for full CEQA review.
15 So it's not something that's going to happen real
16 quick. But if we don't start, because it's a lengthy
17 process -- but we are hoping we can get that meeting
18 of the minds and start moving forward.

19 MS. HANSEN: On the other hand, I want
20 to make sure that you understand that the federal
21 action is complete with the Record of Decision on the
22 West Mojave Plan. And the proposed action for the
23 West Mojave Plan is our plan that goes out. The HCP
24 can join that later and marry up with that, and there
25 is provision for that in there. But we do have a

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1 federal land-use plan in there, an amendment to the
2 California Desert Conservation Area Plan for the West
3 Mojave area that is federally mandated, finished.

4 CHAIRMAN KEMPER: That's the end of the
5 road for you.

6 MS. HANSEN: That's the end of the road
7 for us -- well, until we go to court.

8 MR. SCOTT: This is my way of saying,
9 good job, Linda, that this was a plan that came out of
10 the federal agency and looked at incorporating the
11 local groups so that they were sort of spearheading
12 this. One of the reasons why the states are going to
13 be hesitant about this is because in the past, it's
14 always been the local agencies going forward and
15 saying everything will happen on federal lands. And
16 that's part county land. So I think the separation of
17 this plan from Clark County or even Western Riverside
18 where they said, Well, we have the Forest Services
19 lands we could use as preserves, without ever having
20 the Forest Service involved initially. And the Forest
21 Service came out and said, well, no, these are Forest
22 Services lands. These lands are already designated
23 for certain purposes. And you can't simply call them
24 preserves. So I think this plan is different in that
25 regard, and I hope that the state will work with us.

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1 MR. McQUISTON: Frankly, the state has
2 been a stakeholder for years, State Fish and Game has.
3 But for whatever reasons, they have changed their mind
4 at the eleventh hour, U.S. Fish and Wildlife is on
5 board with this. So we are trying to figure out what
6 it is and move on with this.

7 And frankly, we don't -- I don't think we
8 are going to get anywhere until we get three regional
9 folks together, the State director of Fish and Game,
10 the two counties, and try to resolve this. We need to
11 move forward after 12, 13 or 14 years and get this
12 plan adopted so that we can begin the environmental
13 review process on the HCP component.

14 MS. HANSEN: I think I would agree with
15 Jon. I think there may be some policy issues for the
16 State of California that will have to be dealt with,
17 so that is at a different level than perhaps has been
18 addressed earlier.

19 CHAIRMAN KEMPER: Any more comments or
20 questions from Council members? I will take questions
21 or comments from the public.

22 MR. STEWART: You mentioned -- John
23 Stewart. You mentioned three elements, and yet I
24 only -- you only enunciated two of them. Protest to
25 be completed, protest responses, and the third one?

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1 MS. HANSEN: Record of Decision.

2 CHAIRMAN KEMPER: Jerry Hillier.

3 MR. HILLIER: A couple of comments. I
4 really concur, Jon, there that we need to have this --
5 while Fish and Game didn't file a protest letter,
6 their comment letter was disturbing, to say the least.
7 And speaking for San Bernardino County, I think we
8 welcome the opportunity to meet with folks in
9 Sacramento to get the policy decisions made to put
10 this back on track as far as the State of California
11 is concerned.

12 We have come too far. You can debate
13 whether this has been a 14- or 16-year process. The
14 fact of the matter is there have been an awful lot of
15 work done and California Fish and Game has been at the
16 table from the outset. And for them to now raise
17 concerns at the level that they did is disturbing to
18 all of us.

19 There are actually four counties involved.
20 To some extent in a small area of both Los Angeles
21 County and Inyo County, they would also to be
22 involved. To the extent to which they would share
23 these concerns with California Fish and Game,
24 certainly with Mojave ground squirrel, Inyo County has
25 a stake with that. I'm not familiar with Los Angeles

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1 County to the extent they would share our concerns,
2 but certainly that needs to be done.

3 The EI statement that was done to meet the
4 NEPA requirements was also, as I recall, crafted in a
5 way that, while there does need to be a CEQA process
6 in terms of adoption, the environmental data that was
7 developed was intended to meet both NEPA and CEQA
8 requirements. So while it's going to take some time
9 to do the CEQA process in terms of the administrative
10 processes, there should not have to be additional
11 burdens placed upon the local governments, counties
12 and cities to do further analysis and data gathering.
13 But the longer this thing is allowed to drag out, the
14 more that data becomes cold and the more people can
15 get into the act and say you have to do additional
16 studies and all.

17 So I think certainly speak for San
18 Bernardino County and I think Kern County. We don't
19 want to linger over this a long time. And the
20 processes are administrative, and we don't want to
21 have to get back into the field again and bear those
22 additional costs. So it's eminently important that
23 this thing move quickly.

24 The last thing is -- I think I know the
25 answer, but there has been a petition filed for the

1 listing of the Mojave ground squirrel. The plan does
2 have a conservation set forth that incorporates the
3 ground squirrel, particularly in the northwest part of
4 the habitat. And it's intended that that take care of
5 the Mojave ground squirrel, regardless what its status
6 is. It's currently state listed but not federally
7 listed.

8 Do you anticipate that if Fish and Wildlife
9 Service made a decision, that the West Mojave Plan
10 would have to be amended? Or are the conservation
11 measures that are contained in the plan which
12 accommodate the Desert Tortoise, that those
13 conservation measures in that conservation area in the
14 northwest part would be adequate to also meet the
15 requirements of the Mojave ground squirrel if it were
16 listed by the Fish and Wildlife Service?

17 MS. HANSEN: We recently started some
18 discussion with the State of California Department of
19 Fish and Game and other adjoining federal
20 jurisdictions through the Desert Managers Group. We
21 put together a small group that started looking at
22 that question, not just specifically to the West
23 Mojave Plan, but overall, what was in place that would
24 serve as a potential conservation strategy for the
25 Mojave ground squirrel.

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1 It's unfortunate that the petition has been
2 filed. I think that group was hoping that through
3 some discussion and review of what was available, they
4 could maybe forestall that. However, it has been
5 filed, so Fish and Wildlife Service would have to deal
6 with it.

7 From the West Mojave Plan perspective, we
8 tried to do a little bit of forecasting for the Mojave
9 ground squirrel. And I think we believe there are
10 adequate measures within the West Mojave land on the
11 federal lands and adequate actions in place that
12 probably we would be able to meet the requirements of
13 the ground squirrel on the federal lands. However, of
14 course, until it goes through the process and if it
15 does get listed, then, of course, there is an issue of
16 designation of critical habitat and other things that
17 would have to happen before we would potentially have
18 any direction in a subsequent Biological Opinion for
19 ground squirrel on the federal lands.

20 So that is way out there, and not being
21 able to see too clearly in my crystal ball, I think
22 it's important to know -- and you bring up a good
23 point, Jerry -- that we did try to consider that.
24 Just kudos to the larger super groups and the other
25 people who took a look at the plan and try to see what

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1 was out in front of them.

2 We made some shifts in land use
3 classifications in the West Mojave Plan specifically
4 to address Mojave ground squirrel habitat. So I think
5 we believe we are in pretty good shape. However,
6 should it be listed, should all those things happen
7 and become a federally listed species, then we would
8 have to go back to Fish and Wildlife Service again and
9 through another consultation process, find out if any
10 amendment to the plan would need to be made.

11 MR. HILLIER: I would hope that given
12 the West Mojave Plan and given that there is this
13 conservation area set aside and a management program,
14 that indeed under the current Endangered Species Act
15 that you could -- not you, Fish and Wildlife
16 Service -- that indeed critical habitat would not be
17 necessary because criteria for designation of critical
18 habitat excludes those areas under conservation plan,
19 protection program, or some manner and degree of
20 management for the species. And technically, then,
21 the West Mojave Plan being in place with a Record of
22 Decision and involving the federal lands might be
23 deemed to already meet the critical habitat
24 requirements. I would hope that that would be the
25 outcome.

1 I did have -- and just to add to what you
2 said relative to this meeting, I did ask Jon
3 McQuiston's field manager to attend that meeting on
4 the Mojave ground squirrel. And while it was a good
5 discussion, it's clear that there are -- there is huge
6 information gaps. And whether the Fish and Wildlife
7 Service even has enough information to consider
8 listing it, I'm not sure. There is a tremendous need
9 to round out information.

10 MS. HANSEN: To that end, BLM has
11 undertaken and will be doing some additional studies
12 and doing some inventory on the ground squirrel stuff.
13 We have an agreement to do that. And I guess the
14 other thing I would say is similar to what we tried to
15 achieve through the Carbonate habitat strategy, which
16 is also a part of the West Mojave Plan: That the Fish
17 and Wildlife Service can determine that existing
18 things that are in place, management, allocations that
19 are in place, can serve as a conservation plan for a
20 species. And I think that really was sort of what we
21 were hoping to move for with the West Mojave Plan.

22 MR. HILLIER: Good job. I'm sorry it's
23 not able to be signed while it's in your tenure.

24 MS. HANSEN: I have some sort of
25 creative thoughts about how I might get my name on it.

1 MR. HILLIER: I hope you can.

2 MEMBER CHARLTON: The petition points
3 out that much of the conservation area doesn't have
4 populations of it; that there are three viable
5 populations. Only one is within the conservation
6 area, and there is no linkage that they are using
7 these as the weaknesses.

8 MS. HANSEN: I guess just as -- there is
9 disagreement on all of that. So until I guess -- in
10 some centers as to whether there are four discrete
11 areas or three.

12 MR. HILLIER: Or a map of --

13 MS. HANSEN: Or perhaps a larger, you
14 know, area of activity than we think about. So yes, I
15 understand that. That's all in the future. Who knows
16 how that --

17 MR. SMITH: If I understand correctly,
18 and I'm not sure of that, one of the problems with
19 Fish and Game is that they are looking now at the West
20 Mojave Plan and having misgivings that the West Mojave
21 Plan doesn't require finding new mitigation land.

22 MS. HANSEN: I think it stems around the
23 fact that the State of California is held to what they
24 call a fully mitigated determination, or something
25 along those terms, on an HCP. So when the county --

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1 and I'm not the best representative for this, maybe
2 Mr. McQuiston can fill in the blanks for you -- it's
3 my understanding when the county or someone goes to
4 the State of California and asks for a -- wants an
5 HCP, basically it gives them permission to move ahead
6 and take action on private lands, understanding that
7 mitigation is accounted for.

8 The state has to meet what they call a
9 fully mitigated standard. I don't know, Jon, if you
10 can put that in better words. But is that not the
11 kernel of sort of the part --

12 MR. McQUISTON: I'm not sure. But as a
13 person who sits and watches the process, I have been
14 in office for eight years. They have been at the
15 table all along. And as a layperson, they didn't get
16 what they wanted at the table. And now they are
17 staying it's my game and my marbles, and you are going
18 to play by my rules.

19 And I think that's bad faith. And I think
20 that's essentially, when you boil it down to
21 everything else -- I mean, usually it's the other way
22 around. U.S. Fish and Wildlife Service, it's hard to
23 meet all of their criteria and get their buyoff
24 usually. They are on board with this.

25 It's Fish and Game that's not. And now on ⁹⁵

1 the HCP component, they have a statutory role. And
2 Monday morning quarterbacking the process they have
3 been involved in for all these years, I will call it
4 what it is: It's bad faith.

5 MR. SMITH: Usually there is a public
6 education component that has to come into these HCPs,
7 I think. So this is just a point of communication.

8 Now, the Desert Managers Group has received
9 its grants and has actually hired somebody to go
10 forward with the desert -- with the public education
11 component of their Desert Tortoise program. So that
12 may be something that could easily be brought in when
13 you are sharing expertise and getting the most bang
14 for your buck.

15 MR. HILLIER: A lot of the state
16 problems -- and I can't speak entirely for the state
17 because I have not fully studied their issues -- but
18 the "fully mitigated," as you point out, is a good
19 share of the problem, and their concerns whether the
20 plan imposes enough conservation measure to meet that
21 fully mitigated standard in the context of their
22 biologists.

23 The other is a sense that there hasn't been
24 a complete enough inventory on all of the species to
25 set forth what the impact of the plan would be

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1 relative to exact numbers that would be affected by
2 the plan, both positively and negatively, and that
3 there needs to be some degree of species accounting as
4 a result of plan implementation. And the fact of the
5 matter is that nobody has a clue what those might be.

6 And I sat at many meetings with the Super
7 Group where there was this dialogue that went on with
8 Fish and Game. And on more than one occasion you walk
9 out of the room and you would think that at least
10 there was an understanding that there wasn't enough --
11 God didn't have enough money to develop all of this
12 data. And some of this was going to have to be simply
13 dependant on ongoing monitoring to determine whether
14 the plan was being effective. And in many of these
15 species, we don't have a baseline. And the target
16 species was indeed Desert Tortoises, and that's been
17 listed for 16 years now and we still don't have a base
18 line on Desert Tortoises.

19 So some of the state concern is that these
20 baselines have not been fully developed and their
21 reluctance to buy off on a plan until such has been in
22 place. And the plan forecasts what the take might be
23 or what are the positives and negatives. And the
24 state by their own admission hasn't got money enough
25 to even determine that for themselves. And whether

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1 they want the plan proponents to do that or not, I
2 don't know, but Jon's thought there that there does
3 need to be a policy level meeting in Sacramento is a
4 point very well taken, and it needs to be followed up
5 on. We are not going to solve it here today.

6 MEMBER CHARLTON: I was involved in the
7 planning process on the West Mojave Plan since the
8 very beginning. And I know that eventually with time
9 we had what we call Larry species and West Mojave
10 species. And after having just a few months'
11 experience using the Riverside Multi-species Plan, it
12 goes into much detail about any species that's on any
13 list and provides you a lot of information to go by.

14 So the West Mojave Plan has selectively
15 left off some of these isolated species. And my
16 thoughts are that this Habitat Conservation Plan would
17 have to at least knowledgeably cover all these species
18 and mention them and come up with a methodology of
19 projecting what they call "isolated populations."

20 CHAIRMAN KEMPER: I have one comment and
21 a challenge for Linda before she leaves, and the
22 counties.

23 We spent quite a bit of time here this
24 afternoon not only getting informed but I think
25 everybody is thinking about how they can make a

1 positive input. The first comment I will make is that
2 getting an agency to sign off like State Fish and Game
3 is a little bit like seller's remorse. You hate to
4 agree today with what might be tomorrow. And I think
5 everybody who has owned real estate or entitlements
6 has said, if I -- look what I would have got if I had
7 hung on for another ten years. So that's the first
8 problem that we have to get past is human nature.

9 The second is what I would like to do is
10 challenge you to come back to the DAC to ask us or to
11 give us direction on how we might help resolve the
12 problem. I realize that we only give our advice to
13 the District Manager and the Secretary and to
14 Congressmen who need it, but if we had consensus here
15 on the DAC in support for the plan, maybe that would
16 be helpful. But I will challenge you guys to come up
17 with something to bring back to us.

18 Okay. Linda.

19 MS. HANSEN: I have two other very short
20 items, if I could just share them with the Council,
21 not West Mojave related.

22 Two things: First of all, the Desert
23 Managers Group as a group has received the Department
24 of Interior's award for conservation efforts. It's a
25 nationally acclaimed reward, and I think that the

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1 group deserves that award. And there will be an award
2 ceremony back in Washington during October. And so we
3 will have folks there, along with John Hamill, who has
4 come and talked to you, but has done just a yeoman's
5 job in the coordination work that he does for the
6 Department of Interior. And I want you to know that
7 that has been given to the Department of Interior
8 Desert Managers Group, and that includes not only
9 Department of Interior, but the other members of the
10 group.

11 So the counties of Imperial, Kern, San
12 Bernardino, have all indicated that they would like to
13 join in that group. And Wally has attended one
14 meeting, and the Kern County representative has been
15 at every one since you all joined on. And I know that
16 the other managers who are part of the Desert Managers
17 Group appreciate that and fully appreciate the
18 commitment of your time to do that. But I think you
19 can join that, knowing that at least there is great
20 support for the work that's being done there.

21 The other thing is bragging rights. Last
22 Friday we attended an awards luncheon with the
23 California Route 66 Preservation Foundation. The BLM
24 received its Inaugural Award, the Founder's Award for
25 its work with the foundation on helping to further the

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1 interpretation and the preservation of the route. And
2 there are some really wonderful work being done there
3 by a lot of volunteers in that group. And I think
4 it's a really great thing that they saw our agency as
5 being instrumental in helping them get that going. I
6 think you all need to take some pride in that too.

7 So thank you, that's it. I'm done
8 bragging.

9 CHAIRMAN KEMPER: Thank you, Linda.

10 Okay. If it's okay with everybody, we
11 have -- the next item on our agenda is for Council
12 Round Table, and normally where we would do action
13 items. And the next item is public comment. So if
14 it's okay I will take the public comment first, so
15 they may shape the action items. If I don't have
16 any -- is that okay with everybody? Okay.

17 Any public comment items that were on or
18 off the agenda?

19 MR. STEWART: John Stewart, with
20 California Association of Four-Wheel Drive Clubs.

21 I deal with lots of issues both in the
22 state and nationwide. And recently it's come to my
23 attention that the Forest Service has developed a
24 little pamphlet called "Environmental Intervention
25 Handbook For Resource Managers." It was developed by

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1 the Pacific Southwest Research Station of the U.S.
2 Forest Service in Riverside. This little book gives
3 you a nice breakdown of what exactly are behavior
4 problems and how to resolve them.

5 And I would recommend that the BLM look at
6 some of the eight other agencies for tools like this
7 to help deliver or hand out to the various land
8 managers, their field representatives as a useful tool
9 in stopping or alleviating some of the potential
10 conflict areas out there.

11 Another, Arizona, in the state of Arizona,
12 recreation interests, along with BLM and the Forest
13 Service, several years ago sat down and developed a
14 route designation decision tree. I can provide a
15 copy. I don't have a copy with me. But this decision
16 tree is a process where the factors affecting routes
17 is looked at. And each route is then scored and run
18 through a series of questions and answers. And at the
19 end, you will find out if a route has factors that can
20 be mitigated, cannot be mitigated, or there are no
21 issues with the route so now this route then becomes
22 part of the recreation route inventory.

23 Again, these are other tools that other
24 people have that you may find they may be useful in
25 response to some of the contention that has developed

1 within the desert region, and just a way to prevent it
2 and work towards the future. These are tools that we
3 can look at.

4 CHAIRMAN KEMPER: Thank you. Any other
5 comments from the public? Okay.

6 I will open up this up for the round table
7 meeting and summary. We will cover action items and
8 then get to our next meeting location and calendar
9 dates. Mr. Schiller.

10 MR. SCHILLER: I appreciate being ahead
11 of schedule today and being very early. However, I
12 have some concern after the last meeting we had at the
13 DAC in Barstow. I received a lot of folks who
14 missed -- comments from folks who missed the
15 Adopt-a-Cabin portion of the meeting, thinking that it
16 would be later in the afternoon, and we had already
17 adjourned and gone. So I wonder if it might be
18 appropriate on our future press releases and notices
19 in the Federal Register to put a disclaimer on there
20 that we may be early, and if you have an issue on the
21 agenda, it's important for you to be there when the
22 meeting starts because we may have an accelerated
23 agenda. So that's a point I would make because I
24 don't expect to hear anything today, but I certainly
25 did hear from a number of people on that at the

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1 Barstow meeting.

2 CHAIRMAN KEMPER: Is that a motion?

3 MR. SCHILLER: Sure, that's a motion.

4 MR. BETTERLEY: I second that.

5 CHAIRMAN KEMPER: Any discussion?

6 Hearing none, I will call for the question. All in

7 favor, signify by saying aye. Opposed? Any

8 abstentions? Motion passed unanimously.

9 Any other action items? Paul.

10 MR. SMITH: Yeah. I think the Surprise

11 Canyon TRT is going to be looking to do something. I

12 needed to clarify who is on it. There was some

13 confusion before. Ron, you are on it, if I'm right?

14 CHAIRMAN KEMPER: Ron Schiller.

15 MR. SMITH: Jon McQuiston, and using his

16 assistant or the planning person, Lorelei Oviatt.

17 Carol Wiley is on it. Howard, are you on it?

18 MEMBER BROWN: Not anymore.

19 MR. SMITH: I'm on it. Talking with Tom

20 Scott, he would like to be on it. I don't think

21 that's happened before, so can we add Tom?

22 CHAIRMAN KEMPER: You can do it by

23 motion.

24 MR. SMITH: Yes.

25 CHAIRMAN KEMPER: I think by de facto,

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1 the chair sits on all TRTs; is that correct?
2 MR. SMITH: I don't know the answer to
3 that.
4 CHAIRMAN KEMPER: Linda?
5 MS. HANSEN: You can.
6 CHAIRMAN KEMPER: I'm not asking to. I
7 don't have an interest in going to every single TRT.
8 MS. HANSEN: I don't believe your
9 charter calls for you to be a member of every TRT.
10 MR. SMITH: Would you like to be?
11 CHAIRMAN KEMPER: No.
12 MR. SMITH: So I would make a motion.
13 Is there anybody that I haven't named that thinks
14 they are on there that I missed?
15 CHAIRMAN KEMPER: Go over the list
16 again.
17 MR. SMITH: Ron Schiller, Lorelei
18 Oviatt, Carole Wiley, Tom Scott and myself.
19 CHAIRMAN KEMPER: And Jon McQuiston.
20 MR. McQUISTON: Lorelei for me.
21 MR. SMITH: Jon or Lorelei.
22 CHAIRMAN KEMPER: Do we have a second?
23 MR. McQUISTON: Second.
24 CHAIRMAN KEMPER: Any discussion? Ron
25 Schiller.

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1 MR. SCHILLER: Yes. I would think that
2 somebody from Inyo County should be involved in this,
3 especially since they changed supervisors now. And I
4 think the current new supervisor has expressed some
5 concern about Surprise Canyon. So I would suggest
6 that maybe contacting him, probably, being the county
7 supervisor responsible, might be a good idea.

8 MS. HANSEN: Inyo County is a cooperator
9 in the process, Ron, so, yes, they are already.

10 CHAIRMAN KEMPER: My understanding of
11 the TRT, the TRTs are actually made up of people
12 within the whole Council. And you can pull from
13 whatever outside resources you want.

14 MR. SCHILLER: Even though they are a
15 cooperator, I would think that they may not
16 necessarily be aware of the TRT meetings and at least
17 should be maybe informed of them and would probably be
18 a good resource there, I would think.

19 CHAIRMAN KEMPER: I would think so, too.

20 MR. SMITH: I like the theory and the
21 principle. So this is a question to Linda in a sense:
22 If this is an administrative draft that we are looking
23 at and we are going to look at it before it gets
24 distributed to the other cooperators, then you
25 wouldn't want to have the other cooperators -- they

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1 will be looking at it -- they will be looking at it as
2 part of that process.

3 MR. SCHILLER: It might be of some
4 benefit to us as a TRT that the information they could
5 provide at the TRT meeting might be of benefit.

6 MR. SMITH: I would agree with that.
7 So --

8 CHAIRMAN KEMPER: As the chair of the
9 TRT, Paul, I think when we did our grazing TRT, we
10 pulled in every resource we could find to make sure
11 that we had as much information as possible to make a
12 recommendation to the entire DAC. That's your job.

13 MR. SMITH: Does that sound right to
14 you, Linda, in terms of the Administrative Draft
15 process?

16 MS. HANSEN: I believe that the TRT has
17 the ability to request anyone to attend your meeting,
18 should you want, for information-sharing purposes.
19 Inyo County as a cooperator will have an opportunity
20 to review the Administrative Draft before it goes
21 final to the public, however they choose to do that
22 within their county organization.

23 If your concern is that Inyo County has an
24 opportunity to say something about what happens in the
25 county, they certainly do, Ron, and hopefully will.

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1 If you want to use them in your TRT, that's fine.
2 That does not mean they become a member of your TRT.
3 However, also recall, there is a larger planning group
4 that has worked with us in the initial development of
5 this document. And Inyo County was part of that, as
6 well. Andrea -- I forget her last name.

7 MR. SCHILLER: Clark.

8 MS. HANSEN: -- Clark. She was the one
9 who was attendant at those meetings. And I'm sure
10 that that group or whoever substitutes for those
11 people originally will also have an opportunity to
12 meet one more time before the draft goes final. So
13 that would bring them back in.

14 CHAIRMAN KEMPER: Jon McQuiston.

15 MR. McQUISTON: Just a comment. The
16 administrative review, as I understand it, will go
17 forward to the cooperating entities, of which Inyo
18 County, as you mentioned, is one. So they will
19 receive the administrative review.

20 With respect to the TRT, it's my
21 understanding that the traditional TRT is made up of
22 DAC members, but we have made exceptions to that. In
23 fact, the Dumont Dunes TRT, at our last meeting we
24 appointed several additional folks.

25 In your absence last time, Mr. Chairman, I

1 was told that for a TRT, the chair of this group may
2 appoint anybody they may choose. I agree with Ron
3 Schiller's statement that they may be -- Inyo County
4 may be cooperating from the perspective of receiving
5 the administrative review, but under the umbrella of
6 the TRT, I would think that somebody should be
7 appointed by the chair of this group that says Inyo
8 County, we would like for you to provide somebody on
9 the TRT.

10 I'm trying to pinch hit a little bit as the
11 local elected official here, but clearly, that
12 jurisdiction is in Inyo County, so I would suggest
13 that you should appoint somebody from Inyo County to
14 be on the TRT.

15 CHAIRMAN KEMPER: I want to get this
16 back on point. We have a motion and second regarding
17 DAC members that were nominated to the TRT. I think
18 what you are asking for is maybe a separate action.

19 MR. SMITH: That might be real good. We
20 will get that out of the way.

21 MR. McQUISTON: I agree.

22 CHAIRMAN KEMPER: Any other discussion?
23 Hearing none, everybody in favor signify by saying
24 aye. Any opposed? Any abstentions? Motion carries
25 unanimously.

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1 MR. McQUISTON: If you wanted to appoint
2 someone from Inyo County, I think the Supervisor
3 Michael Dorame would be the person you would want to
4 take.

5 CHAIRMAN KEMPER: Is that a motion?

6 MR. SCHILLER: Second.

7 CHAIRMAN KEMPER: I have a motion and
8 discussion.

9 MS. HANSEN: I guess my question would
10 be, would you not want to contact the supervisor
11 first? I mean, I understand your desire to have them
12 be involved, but I --

13 MR. McQUISTON: The contact would be an
14 invitation to participate in the TRT.

15 MS. HANSEN: Then I would suggest you
16 change your motion, not that you direct that person or
17 that you have that person made a member, but that you
18 issue an invitation to the supervisor of the County of
19 Inyo.

20 MR. McQUISTON: That would be my motion.

21 MR. SCHILLER: Second.

22 MR. LEI MGRUBER: And just a comment. I
23 provided to Ron the directory of CSAC for the Inyo
24 County administration supervisors, and I agree with
25 Linda. We should make that appeal to the new

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1 Supervisor Cervantes and let him participate.

2 MR. McQUISTON: That is the intent of my
3 motion. We can't direct Inyo County or Supervisor
4 Cervantes to be on the TRT. We can invite them by
5 virtue of office and jurisdiction to be a member of
6 that.

7 CHAIRMAN KEMPER: Motion has been
8 amended.

9 MR. HILLIER: You're --

10 CHAIRMAN KEMPER: Hang on just a second,
11 Jerry. Okay. Any other discussion on this Council
12 regarding the motion?

13 MR. LEIMGRUBER: I think to specifically
14 address this to Richard Cervantes as the fifth
15 district supervisor, that's what we need. So at least
16 it's clear as to who is going to be receiving this
17 invitation, fifth district supervisor of Inyo County.

18 MR. McQUISTON: I would be happy to make
19 that contact for you, Mr. Chairman, if you so choose.

20 CHAIRMAN KEMPER: Sometimes leading this
21 group of people is like pushing a train uphill. But I
22 think it would be better if we have consensus. Jerry,
23 do you have anything burning?

24 MR. HILLIER: Just probably make the
25 motion exact and so that there doesn't get to be a

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1 conflict later on, it ought to probably be fifth
2 district supervisor Cervantes or his designee to
3 invite them, just as you have designated Lorelei to
4 act in your place. He may wish his planning director
5 or somebody else from the county to sit in for him and
6 so that that person doesn't show up ambiguously, the
7 invitation should go to him to participate or permit
8 him to designate somebody from the County of Inyo.

9 MR. McQUISTON: I will incorporate that
10 friendly amendment into my motion, either Supervisor
11 Cervantes himself be invited or his designee.

12 MR. SCHILLER: Right.

13 CHAIRMAN KEMPER: And the second
14 concurs. Any other discussion? All in favor signify
15 by saying aye. Any opposed? Any abstentions? Motion
16 carries unanimously.

17 Any other action items? I have a couple of
18 notes to remind everybody if somebody would like to
19 make a motion. There was talk earlier about writing a
20 letter of appreciation to certain employees regarding
21 the field trip and information that was provided for
22 this last field trip for this DAC meeting, and I think
23 Tom volunteered to write the letter. Do you want to
24 make a motion to that effect?

25 MR. SCOTT: Sure.

1 MR. McQUISTON: Second.

2 CHAIRMAN KEMPER: I have a motion and
3 second. Mr. Presch.

4 MR. PRESCH: Yeah. I'm worried about
5 precedent. I don't want to not write letters like
6 this, but we had an excellent field trip a couple
7 meetings ago in Needles and a year or so ago we got
8 stood out in Ridgecrest. And we didn't do that then.
9 And if we do that now, then I assume every DAC meeting
10 we will have to do that. And I'm not opposed to it,
11 but I'm just wondering if that's something that the
12 DAC needs to do.

13 MR. BETTERLEY: Very good point.

14 CHAIRMAN KEMPER: Bill, you have some
15 comments?

16 MR. BETTERLEY: No, but I really agree
17 with Bill. I don't know if we want to set a precedent
18 by this. Maybe just the board themselves showing
19 Roxie, just from here today verbally, is -- should be
20 enough because rather than to go with a motion on
21 that.

22 MR. SCOTT: Let me just ask. There is a
23 point here I think about the employees who took the
24 time to help us, and I think that -- I like to see
25 that people are rewarded, especially this particular

1 group, because it's obvious they not only took their
2 time to talk to us, but they were also very well
3 informed and beyond what I would consider what a
4 normal employee might be held to as doing.

5 So I think they are doing a great job, and
6 I would like to see these things rewarded. So I don't
7 know whether you guys want to do this each time, but
8 it seems like it's a nice thing to do with a group who
9 has really put a lot of effort into what they have
10 been doing for BLM. And at the same time, willing to
11 share that with us.

12 MR. SMITH: I don't think we say thank
13 you enough, so I'm going to vote in favor of the
14 motion. And I would probably say vote in favor of it
15 the next time.

16 MR. McQUISTON: Just as a seconder of
17 the motion, I have no problem setting precedent. It
18 means folks in the future better meet the bar.
19 Otherwise, you may not get one.

20 MS. HANSEN: If I might add, maybe as an
21 alternative, as long as you have an official record,
22 you can always enter into the official record an
23 official thank you from the Council for the field
24 tours that you were given and for those people who
25 participated. And that can obviously be shared with

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1 the employees who are part of that. And it does
2 become part of an official record in that there is
3 recognition without specifically singling out any one
4 particular employee, although we do have exemplary
5 employees.

6 And I appreciate Tom --

7 MR. LEIMGRUBER: Mr. Chair, if I may, a
8 few years ago we had many BLM officers respond to our
9 sand dunes, and the County of Imperial took it and we
10 expressed our appreciation and we did that in a
11 written formalized statement.

12 And I agree with this Council here that we
13 want to recognize the jobs well done. And by going
14 into the official record, that should suffice a lot of
15 that. And if individual areas have that appreciation,
16 they should respond accordingly.

17 CHAIRMAN KEMPER: I have just a couple
18 comments myself. I think what Tom was trying to
19 accomplish was something that would go into their
20 personnel record. So it was something that could be
21 reviewed in their performance file.

22 I can also share with you that the last
23 time I was in Washington as the chair of the DAC, what
24 was discussed was a grading program where we would
25 actually as DACs and RACs, we would actually grade the

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1 performance of area managers and district managers so
2 that Washington would know.

3 And that was something that they had looked
4 at implementing, though I haven't heard anything more
5 about it. So that may have gotten a lot of people
6 upset. I don't know. But I am certainly not opposed
7 to rewarding people for doing a really nice job.

8 I agree with Jon. That gives everybody a
9 reason to shoot for a higher level on the bar. If
10 there is no more discussion, I will go ahead and call
11 for the question. All in favor signify by saying aye.
12 Any opposed? Any abstentions? Motion carries
13 unani mousl y.

14 MS. HANSEN: Can I ask you to read the
15 moti on?

16 (The record was read as follows:

17 "CHAIRMAN KEMPER: There was talk
18 earli er about writing a letter of appreciation to
19 certai n employees regarding the field trip and
20 i nformation that was provided for this last field trip
21 for this DAC meeting, and I think Tom volunteered to
22 write the letter. Do you want to make a motion to
23 that effect?

24 MR. SCOTT: Sure.")

25 CHAIRMAN KEMPER: I had a couple of

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1 other notes regarding anything that the DAC could do
2 to help maybe get Fish and Game off dead center. And
3 that's a challenge that comes before the county
4 officials and the agency. And I think maybe it's too
5 soon to do anything at this meeting, but maybe at the
6 next meeting we can talk about it.

7 Then I had a question for Hector if he is
8 still here. Hector, do you need any sign of continued
9 support from the DAC or have you got everything you
10 need from us regarding the Adopt-a-Cabin program?

11 MR. VILLALOBOS: I think through the
12 TRT, continued participation and encouragement, and
13 that we stay with the TRT and continue the TRT
14 meetings that we are having with volunteers.

15 CHAIRMAN KEMPER: I want to compliment
16 you. I have heard some really nice things from the
17 TRT members of the job you are doing with the TRT, and
18 they are appreciative of your efforts. Thank you.

19 That's all I have. Does anybody have any
20 action items? Okay. What we need to do is select the
21 next meeting location, the date, if possible, and
22 agenda topics that the members would like on the next
23 agenda.

24 MR. PRESCH: I would like to make just a
25 suggestion or to put this out on the table. I would

1 like to discuss the idea that we consider this the
2 last meeting of this term and that we have our next
3 meeting after the arrival of Steven Borchard as the
4 new district manager. And the press announcement says
5 the first of January or so, and that we look at a
6 meeting somewhere towards the end of January or early
7 February to give him a chance to acclimate a little
8 bit and then meet with him.

9 And also, I believe that the package for
10 nominations for members of the DAC has gone forward
11 and hopefully we would have new members of the DAC in
12 line and prepared for a meeting at that time. So that
13 we could have the new DAC, with the new district
14 director, and start off on a fresh foot.

15 CHAIRMAN KEMPER: That's a motion?

16 MR. PRESCH: I don't know if it's a
17 motion, but it could be.

18 MR. LEIMGRUBER: It's a motion?

19 MR. PRESCH: It's a motion.

20 MR. LEIMGRUBER: I will second the
21 motion.

22 MR. BROWN: The Surprise Canyon draft,
23 would that have been on the agenda were we to have a
24 meeting in December? Or would that affect any
25 reporting of that by postponing the meeting?

1 MS. HANSEN: No, that's fine. Won't
2 matter.

3 CHAIRMAN KEMPER: Jon McQuiston.

4 MR. McQUISTON: Fine with me on the
5 motion and second. I would just like to set a date in
6 January so we leave here with a specific date.

7 CHAIRMAN KEMPER: Any other discussion?
8 Mr. Hillier.

9 MR. HILLIER: I wanted to make a comment
10 on the dates. I, for one, looking back over the last
11 year, as one who regularly attends these meetings,
12 really appreciated you setting out a schedule between
13 last January and this meeting in September and getting
14 those calendars so that we in the public who attend
15 these knew in advance and had them locked in. It made
16 our planning very much easier. And also
17 coordinating -- most of us, and most of you, serve on
18 a lot of other boards and commissions and so -- and I
19 recognize with the transition with the new manager
20 it's going to be a little more difficult. So setting
21 this meeting perhaps in late January or early February
22 will fit rather well.

23 I would just simply like to say for the
24 record that as soon as you have an opportunity to meet
25 him and get acquainted with him, that you do the same

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1 for 2006 as you did for 2005. It probably would be
2 inappropriate to do that at this meeting until you
3 have had a chance to have a dialogue with him. But
4 the fact that the department has been slow on making
5 appointments to the DAC -- in fact, I found out today
6 that the 2005 have not been officially made, but that
7 the members have been allowed to continue and to
8 participate. And who knows what is going to happen to
9 the 2006 appointments. It's becomes unbelievable.
10 But I certainly would encourage you to do the 2006
11 meeting date at that first meeting in 2006 as far as
12 you have had a chance to dialogue with him and set the
13 meeting dates for the calendar year.

14 MR. BETTERLEY: We did that last year.

15 MR. HILLIER: Yes, and it was
16 outstanding.

17 MR. BETTERLEY: That will really help
18 us, even as members of the DAC, to get this
19 calendared.

20 CHAIRMAN KEMPER: Let's clear the item
21 that we have a first and second on. Any more
22 discussion?

23 MR. SCHILLER: Question: Are we only
24 discussing the date and not the place, or is it
25 appropriate to --

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1 CHAIRMAN KEMPER: Not to have it in
2 December, but to have it sometime in January. But
3 there is no discussion in the motion as to what that
4 place will be.

5 MR. SCHILLER: I wanted to recommend a
6 place, but if that's not appropriate at this time --

7 CHAIRMAN KEMPER: Not appropriate as
8 part of the motion, but we can move into it. Any
9 other discussion? I will call for the question. All
10 in favor signify by saying aye. Any opposed? Any
11 abstentions? The motion carries unanimously.

12 MR. PRESCH: January 27 and 28 is a
13 Friday. The last week end of January.

14 CHAIRMAN KEMPER: Would it be
15 possible -- does anybody have a problem with that,
16 Friday 27th and the 28th? Does that work for
17 everybody?

18 MEMBER CHARLTON: I would like to
19 mention the time of year and weather. The location
20 will make traveling difficult if the weather is bad.

21 MR. LEIMGRUBER: We can have it in the
22 desert.

23 MR. PRESCH: It's supposed to be a
24 normal rain year, so it shouldn't be very tough for
25 traveling.

1 MR. SCHILLER: I was going to recommend,
2 since we had a Surprise issue, as part of the WEMO, we
3 have the CAPA issue coming up for designation routes
4 in the El Pasos; we have the Adopt-a-Cabin program in
5 the Ridgecrest area. And the last time we got snowed
6 out. I was going to recommend that maybe we consider
7 Ridgecrest since we have those items right there.

8 CHAIRMAN KEMPER: What are the chances
9 of getting snowed out again?

10 MR. SCHILLER: Pretty slim.

11 MR. PRESCH: Slim to none, and yet we
12 had this last time. Where is that picture of us
13 building a snow man?

14 MR. SANCHEZ: On my desk.

15 CHAIRMAN KEMPER: Let me deal with one
16 issue at a time. 27th and 28th works for everybody?
17 While we are thinking about dates, the calendar that
18 worked out this year -- in other words, the second
19 week and the third week, whatever weekend it was
20 through the course of the year -- does that work for
21 everyone if we set it out as dates for next year?

22 MR. SCHILLER: Say that again.

23 CHAIRMAN KEMPER: If we go back and we
24 look at this last year's calendar. And our second
25 meeting occurred on the second weekend in April.

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1 Let's say our third meeting was this one. It occurred
2 this weekend. Those were all weekends that worked out
3 well for last year. Can we use those same weekend
4 dates as a projected meeting schedule so everybody can
5 set their calendars?

6 MR. SANCHEZ: I think what you talked
7 about earlier, wait until you have the new district
8 manager. And then I believe the new members will be
9 seated. And I believe at that time with everyone
10 present, you could probably make that determination
11 with the new members as well as the district manager.
12 He may have some input as you develop this schedule.

13 CHAIRMAN KEMPER: Okay. So you just
14 want to set the one meeting?

15 MR. LEIMGRUBER: Yes. And the location
16 of our next meeting?

17 CHAIRMAN KEMPER: It's been suggested
18 Ridgecrest. Does anybody want to suggest somewhere
19 else? El Centro is pretty nice that time of year.

20 MR. BETTERLEY: I have a suggestion.
21 That is the big time of the year at the Imperial Sand
22 Dunes. You might want to think about taking a look at
23 what happens there. The second meeting in 2006 would
24 be out of their season.

25 MR. PRESCH: It would also probably be

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1 hot.

2 CHAIRMAN KEMPER: You mean in
3 Ridgecrest?

4 MR. LEIMGRUBER: Well, the area of
5 discussion is Ridgecrest or the El Centro area. El
6 Centro area in January would be good for some of the
7 water guzzlers that we have discussed. Especially we
8 will probably have more of our visitor passes update
9 information on that. So January would be a good
10 opportunity in the El Centro area if further months
11 out into April, Ridgecrest would be a little better
12 weatherwise.

13 CHAIRMAN KEMPER: How does April work
14 for Ridgecrest?

15 MR. SCHILLER: I would say okay. I
16 would say Hector probably would want to have some
17 input there. But April is usually pretty good.

18 CHAIRMAN KEMPER: So El Centro for
19 January. Is that okay?

20 MR. LEIMGRUBER: It will work good.

21 MR. PRESCH: Doran, do you have a
22 problem?

23 MR. SANCHEZ: We want to visit all parts
24 of our district. We have gone to Needles, Baker,
25 Ridgecrest, and we haven't been to El Centro for two

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1 years. And I want the Council to consider going down
2 to visit the dunes, because there are issues to see.

3 MR. BETTERLEY: I would make a motion
4 that we have our next meeting in El Centro.

5 CHAIRMAN KEMPER: On what dates?

6 MR. BETTERLEY: On the 27th and 28th of
7 2006 in January.

8 CHAIRMAN KEMPER: I have a motion. Do I
9 have a second?

10 MR. McQUISTON: Second.

11 MR. PRESCH: Second.

12 CHAIRMAN KEMPER: Several seconds. Any
13 discussion? Mr. Hillier.

14 MR. HILLIER: One other thing. And it's
15 noted is one of the field office manager's reports is
16 the Eastern San Diego County Plan that's currently
17 getting started, which is the opposite direction from
18 El Centro but is an area that I suspect that most of
19 this Council is probably unfamiliar with.

20 And it is a very unique area, and it's kind
21 of a special area in the Desert District because it's
22 not like any other part of the Desert District.

23 I'm not so sure that it wouldn't be
24 worthwhile to look at maybe a -- I hesitate to say a
25 three-day meeting where you could go visit Eastern San
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1 Diego County and the Dunes and incorporate a meeting.
2 And maybe what you could do is have the meeting at a
3 remote location where you could -- where you could
4 basically be in the field for both days. But it's an
5 opportunity, if you are going to be in El Centro,
6 getting into Eastern San Diego County from there would
7 be an easy hop.

8 And it's going to be an issue that is going
9 to come up for discussion as that plan continues to
10 emerge. So the bureau can work out the logistics, but
11 I would encourage you not to just look at the dunes
12 but take advantage of you being down there in the
13 south.

14 CHAIRMAN KEMPER: So noted. And you
15 will keep that in mind?

16 MR. SANCHEZ: And I will be in close
17 communication with the Council members, with the
18 district manager, and so we can strategize on what
19 that may look like as we get closer. But we will be
20 looking for input from all of you.

21 CHAIRMAN KEMPER: Mr. Schiller.

22 MR. SCHILLER: I have a comment. Since
23 I'm not familiar with dune buggies or dunes, maybe
24 Wally or could arrange a dune buggy ride for us.

25 MR. LEIMGRUBER: That can happen.

1 MR. BETTERLEY: Wear a face mask.

2 MR. LEIMGRUBER: We will have 100 of
3 them buggies lined up for you.

4 CHAIRMAN KEMPER: Any more discussion?

5 MR. SMITH: I would like to entertain
6 that maybe you could arrange for somebody from the
7 Immigration Service to give us a briefing of
8 immigration problems on the border down there.

9 MR. LEIMGRUBER: I can give you the
10 straight scoop on that real quick.

11 CHAIRMAN KEMPER: Okay. I believe the
12 motion is to have the meeting in El Centro on those
13 days. Any more discussion? All in favor, signify by
14 saying aye. Any opposed? Any abstentions? Motion
15 carries unanimously.

16 Then we will be in contact in regards to
17 agenda items. Okay.

18 Just food for thought, Linda. How many
19 people are being replaced on the Council?

20 MS. HANSEN: I believe we have three
21 returnees and two new.

22 CHAIRMAN KEMPER: How many do we have
23 this year?

24 MS. HANSEN: Well, those are the ones
25 that are back there right now. There are five seats

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1 that come up every time for either renewal or for a
2 new nomination. Those of you who are -- your first
3 three years, you can be renominated for a second
4 three-year term. Those of you who are in your last of
5 six years, those seats need to be turned over to a new
6 nomination. So who has six and who's got three?
7 Doran, do you know off the top of your head what would
8 be coming up next?

9 MR. SANCHEZ: For this year's
10 nominations, of the five, two people did not reapply.
11 So two will not be back. On September 31 Jim Bugera
12 and Preston Arrow-Weed will retire. So our nomination
13 package will include two representatives to fill these
14 spots, public-at-large representing Indian interests,
15 and transportation.

16 We have three members that are eligible for
17 reappointment: Dr. Bill Presch -- I think he will be
18 back. And Ron Schiller and -- who am I forgetting?
19 One of you -- Dave Charlton are up for reappointment.
20 So we have three reappointments and two appointments.

21 Given the delay that we have been
22 experiencing with this administration, what we did, we
23 actually submitted our nomination package six months
24 early. It is now in Washington. How it's in the
25 BLM's review, and headed towards the Secretary's

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1 office. We feel relatively confident that given the
2 six-month time frame, that we should have our
3 appointments selected and announced hopefully late in
4 November or early December.

5 So with the arrival of our new district
6 manager, we should have the entire seated Council,
7 with the new district manager going into our January
8 meeting. And that was the strategy of submitting our
9 package six months early.

10 CHAIRMAN KEMPER: The reason I asked the
11 question, Doran and Linda, is that when I came in, we
12 had an orientation. And I found that orientation very
13 helpful. So possibly at least for the new members
14 coming in, maybe a little time could be given to them
15 prior to the first meeting.

16 MR. SANCHEZ: The big difference -- and
17 I think it was extremely valuable -- when you came in,
18 we actually had four new members. And it was a
19 tremendous opportunity for us to help educate you a
20 little bit about the Bureau of Land Management. At
21 this time we have three returning members and two new
22 members, plus a new district manager. So I think it
23 would be a wonderful opportunity.

24 What I probably would have proposed is a
25 three-day meeting, but one day devoted to an

1 orientation with you and the new district manager and
2 where you meet the new members. The second day you
3 want a field trip, and the third day business. But I
4 think that's real important not only to become
5 acquainted and meet your new district manager, as well
6 as your new incoming Council representatives.

7 CHAIRMAN KEMPER: Is there a remote
8 location down there so we could trap everybody so they
9 would be required to bond?

10 MR. SANCHEZ: I think there are several
11 that we could look at. And I think as we develop --
12 communicate a little bit more over the next couple of
13 months, and what I would really like you to do is
14 think about some of the issues. There are a lot of
15 issues down there: Guzzlers, there is a new
16 geothermal proposal that we may have more information
17 on. Also, the Imperial Sand Dunes, and as Jerry
18 stated going toward the San Diego side, there are all
19 kinds of things going on.

20 MR. LEIMGRUBER: The solar panels.

21 MR. SANCHEZ: Yes. We need you to help
22 identify some agenda items. We can't be bouncing from
23 county to county in a short period because what we
24 want to do is give you a quality experience about
25 three or four issues. When they have you scattered

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1 over two counties it's difficult. So as a Council,
2 think of what you would like to hear about. What
3 would you like from us, because that's why we are
4 here, to provide you that kind of information.

5 So we will work on that and see if we can't
6 get a consensus. That will help us try to find a
7 remote location. I may try to take you to some nice
8 place out in the middle of desert and like Jerry said,
9 kind of central to both and see if that wouldn't work.
10 But we need to talk about that.

11 CHAIRMAN KEMPER: The reason I bring it
12 up is we dealt with some real contentious issues. And
13 where we got the best results is we not only had a
14 field trip, but people had an opportunity to sit
15 around the camp fire or barbecue. And the ones that
16 really were troubled by an issue got to visit with
17 some of the other people on the Council until 10:00 or
18 11 o'clock at night, and we were able to get a more
19 cohesive group out of it.

20 So if we can take advantage of those types
21 of opportunities, I think it's a real good idea rather
22 than staying at the Hilton or the Best Western. Just
23 a thought.

24 Any other discussion?

25 MR. SMITH: I move we adjourn.

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MR. LEI MGRUBER: Second.

CHAIRMAN KEMPER: Second. Any opposed?

Motion carries.

(The proceeding was concluded at 11:47 a.m.)

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

I, Judith W. Gillespie, a certified shorthand reporter, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of September 24, 2005.

Dated this 19th day of October, 2005, at Riverside, California.

Judith W. Gillespie, CSR No. 3710