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WE THE CEPIELIK FAMILY OF 4

PEOPLE AND OUR RACE TEAM OF 18 MORE

OPPOSE THE 29 PALMS EXPANSION

INTO THE JOHNSON VALLEY OFF-ROAD

AREAS. AS CITIZENS WE HAVE &
NEED ACCESS TO PUBLIC AREAS FOR

RECREATION AND SINCE THE '80'S
THE RECREATION AREAS HAVE BEEN

REDUCED SIGNIFICANTLY. THE MARINES

HAVE AN OPTION TO GO EAST BUT

THE OFF-ROAD COMMUNITY HAS

NO OPTIONS. THE BLM NEEDS

TO MAKE SURE ALL CITIZENS NEEDS

ARE PROVIDED FOR.

Written comment

thank you for this forum - - - -

Randy Engen /property owner/ Imperial County

(Concern) El Centro Field Office

BLM has told us that the previously successful "Desert Scrub Down" will now have to put a fee on any and all volunteer help that wishes to participate in a desert clean up.

Thier is something completely wrong when a governmental agency claims that we will be charged a fee to do a desert clean up.

The SRP process is a mess.
"Desert Scrub Down Cancelled for year 2011.

DAC meeting comments by

Lee Perfect

[REDACTED]

[REDACTED]

[REDACTED]

I have been going off road and racing off road for 30 years. I grew up in Barstow and it was the perfect opportunity to recreate and work hard to get money to keep my off road vehicles going. I have worked in the off industry and made my living solely or for extra money since 1994. I have also raced and volunteered for MORE racing and MDR and other organizations for the last 15 years.

The recent tragedy in Lucerne Valley last year was an accident. I can understand the need to review policies but it was an unfortunate accident. In the 40 plus years off organized off road racing there has only been a couple deaths in the US and Mexico which is a remarkable record considering the amount of car and other accidents daily. There is a need and it is a privilege for people to use these open OHV areas. The money that everyone paid in for green sticker money is being robbed and used for other areas of the government instead of using it to police and educate people on the OHV land that is was designated and collected for. There is a current trend with event organizers that are struggling with meeting the constantly changing and unrealistic permit requirements that the BLM is requiring to get a permit and run an event. The requirements seem to change constantly and even days before the event. I fear that without these sanctioned racing events, poker runs etc., there will be unorganized events and more accidents in the desert with the lack of organized and marked track race events. The current off road race promoters have great track records and are working hard to improve and have safe events.

Allow racing and organized events to continue in the desert, this is what the land was set aside for and money collected for rangers and the BLM to use to educate and enforce use rules. If these unrealistic requirements continue the races will stop happening. This will result in a negative economic ripple effect that will go through the small communities like Barstow and Lucerne Valley , Nevada and Arizona and end there much needed income to the business that these races bring to these towns. There are countless companies from big to small that cater to off road racing that will suffer and close. These are huge companies like Ford and BFGoodrich tires all the way down to local fab shops, parts stores, rv companies and specialty shops. In the current US economy this would be a horrible added burden on families and the economy.

Make a constant obtainable permit requirements that don't change. These unrealistic insurance requirements will stop the racing from happening.

The requirement to pay for and have 10 -15+ rangers at the races is too expensive and not realistic when only 1 or none was required in the past with no problems. The rangers are not helping work together with the promoters to improve the desert racing environment and make it safer. We need to have the rangers get involved and help educate and guide people at the races to learn the new policies. Rangers

sitting distant in vehicles and waiting for someone to make a mistake and then give the promoter a demerit does not help to improve things.

Allow promoters to establish volunteers and teams of rovers for course monitors and road course flagmen. This is currently being done with good result and cut down on the expensive number of hands off rangers that are being required and charged to the promoters.

I am 42 years old with a 5 year old son. I want him to experience (if he wants) the open OHV deserts and be able to race in a event when he grows up. Going to the desert is a great family lifestyle and we don't want to lose it. Why should Americans have to go to Mexico to race off road in the future? Do we really want this entire industry to go spend their money in Mexico and possibly be put in harms way crossing the border into Mexico with the drug problems they are experiencing. Let the racing continue and keep people working and spending money on the off road racing community.

3/26/11

BLM SRP meeting

1. Added insurance requested by the BLM for spectators.
2. Does this request being made not have to be passed by law through congress?
I believe the BLM must follow the guide lines set in place and request stated above must be enacted by Congress.?

Are people covered by insurance as a fee for with or with out and event entering such , Dumont or El Marge , Glamis ?

3. Training for BLM employees acting as monitors in the field
4. What training has been provided to each employee?

We had an incident at the first event of the year where we where told some one had set a 55 gallon fuel drum on the ground and we were not informed of such until after the event was over, and did not have a car number or pit location.

5. My question to this is why did the monitor not approach the person that had the fuel drum set on the ground and advise them this is not allowed to happen on public lands.
6. This should have been approach no matter if and event was in place or not.
or contact his supervisor immediate on the radio as we handle any and all problems on the spot as we fill by doing so the public becomes aware of the rule?
7. I fill that the added cost with of all the BLM field monitors and BLM Rangers we need more accountability. We know receive an account by mail after the race that states the number of monitors and Rangers (LEO) we see both Rangers and Monitors set in the trucks window to window speaking with each others for and hour or more at a time not trying to tell them what the jobs are but shouldn't they make there presents know to the public would like to see all monitors and field employees that attend an event check in with us at the start of there workday and check out delivering there field reports to the field supervisor Larry Blaine, This way during our awards presentation we can inform all the people attending the event of the correction need in the future.

Working with the BLM can be a very easy task if we set forth a set of rules and not add to them just days before an event

8. I think the number of Rangers and Monitors sent out of the BLM should be cut in have as with this economy the cost are becoming to the point people will not be able to afford racing this in turn will mean the loss of jobs through the industry which will not only affect the off road world but all the small business such as res trauants,Malls, hotels the list goes on and on.

My Name is Jeff Knoll. I have been involved with the promotion and organization of off-road sporting events since 1990. I have participated in off-road recreation since 1975 as an enthusiast and off-road racer. I have competed in bicycle, motorcycle, car and truck racing. I have held every position possible on a professional car and truck race team including driver, crew chief and team owner. In 2007, I co-founded a new type of off-road racing (Ultra4Racing.com) that has grown to attract a worldwide fan base that recorded over 16,000 spectators at our most recent event (King of the Hammers) in California. Ultra4 Racing events are organized across the United States and Canada. I have written the rule book for two classes of racing for "Best in the Desert" and the rule book for Ultra4 and UTV racing with Hammering Productions Inc.

Off-roading has been a large part of my entire life; I have raised my family in the desert. My experience in the desert has been fostered through relationships with the California Association of 4 wheel drive clubs, and the AMA. Through interaction with these groups I have been taught responsible use of our public lands and in turn past along this responsible use mantra. The possibility that special recreation permits (SRP's) will become too difficult for organizers to obtain is a paramount concern for me. SRP's are the first line of education of the public regarding responsible use, and one could argue that the service user groups provide regarding education at events reduces the management burden of the BLM in providing a safe place to recreate. If OHV user groups are no longer able to obtain an SRP it will be detrimental to our national public lands. The education process may never be able to capture the attention of the people who need it the most.

Following the August 2010 California 200 tragedy, I have worked closely with the BLM California Desert District and industry leaders to identify solutions to the increased safety concerns for off-road racing on public lands. Spectator safety has, in short, become the largest focus of my attention since August 2010. In researching different types of automobile racing, I have found that no matter the safety measures taken, automobile racing is inherently dangerous to all participating and spectating. The MDR California 200 will take its place among the worst automobile racing tragedies in motorsports history, sharing similarities with the notorious 1955 LeMans disaster, where 83 spectators lost their lives when a Mercedes driven by Pierre Levegh, travelling 150 mph, clipped a slowed car in front of the main grandstand and hurled in flames into the crowd. This accident resulted in Mercedes withdrawal from motorsports until 1999. Literally facing the end of auto racing, promoters gave new emphasis to spectator safety, and spectator deaths dropped drastically, but even with barricades and safety fencing racing accidents have continued in modern racing history. In 1999, the Indy Racing League race at Charlotte Motor speedway resulted in the deaths of three spectators when debris went over the barrier and fencing. One year earlier, three spectators were also killed by debris at a Championship Auto Racing Teams race in Michigan international Speedway.

Off-Road racing is like no other sport in the world. Hemingway hit the nail on the head if he said "There are but three true sports--bullfighting, mountain climbing, and motor-racing. The rest are merely games." I can think of no other form of auto racing that allows the spectator to immerse himself in the environment that is the very challenge of the race. The desert is an inhospitable place that conjures images of fear in some. Its terrain is diverse and extreme. The very freedom that attracts fans of the sport now threatens its very existence. It is unrealistic to imagine miles of barrier installed around the open expanse of a desert racing course, or the scar that would destroy the scenic beauty of the ever-changing panorama. The challenge of just getting to a remote site is half of the attraction in itself. The

opportunity to enjoy the outdoors and the entertainment of auto racing in the beauty of the open deserts that most will never witness.

Walls and fences will not save off-road racing. A diminished entertainment experience will force our fans away from the races, and if the fans leave so will the industry leaders and race teams. Education is the answer! By clearly defining the rules for spectator engagement, promoters, organizers, and land managers can begin to follow a unified guideline that, in time, will educate participants and help create a safer environment for off-road racing. It appears that the SRP process is on the right path, but additional change's, and preparation will need to be made to create a fair system of management of our public lands. A system that allows a user group the freedom to recreate within the law, and not be discouraged or feel that they need to act outside the rules and regulations of our national policy. Unfortunately what works for one area or user group may not work for all. After much research coupled with real life experience obtaining and executing an SRP for the 2011 King of the Hammers event, I have found a couple points that are important to the SRP process.

- 1.) **Monitors:** Based on my personal experience observing the BLM monitors at King of the Hammers, the current monitor program is flawed. BLM Monitors currently lack the training, and ability to make a difference in the safety of SRP participants. A Monitor who has been tasked to work at an OHV event, and has very little or no OHV experience is not the correct person for the job. A person whose regular job description is in a clerical or maintenance position does not currently possess the skill set to report on an organizers performance in the field.

A potential solution would be the consideration of training for BLM staff members or sub contracting this service to industry ambassadors. Event Organizers in good standing are currently far better qualified to insure the public safety at an OHV event, than most others.

- 2.) **Enforcement:** Organizers are required to maintain a safe spectator area, or areas, but the current Memorandum of understanding with the San Bernardino County Sheriff does not allow for enforcement of spectators who refuse to maintain a safe distance from a race course, stay inside a boundary, drive on a race course or consider the legitimacy of a temporary area closure.

A potential solution would be to consider a CFR that allows BLM rangers to enforce a posted off limits area during an OHV users groups SRP.

- 3.) **California Government Code 831.7**

I believe California Government Code 831.7 does afford the BLM some protection against liability if adhered to and should be considered as part of the SRP process. It spells out a number of items that are important to off road recreation in California. Most important is that California recognizes OHV use as a "Hazardous Recreational Activity".

(a) Neither a public entity nor a public employee is liable to any person who participates in a hazardous recreational activity, including any person who assists the participant, or to any spectator who knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury to himself or herself

and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or persons arising out of that hazardous recreational activity.

(b) As used in this section, "hazardous recreational activity" means a recreational activity conducted on property of a public entity that creates a substantial, as distinguished from a minor, trivial, or insignificant, risk of injury to a participant or a spectator.

"Hazardous recreational activity" also means:

(1) Water contact activities, except diving, in places where, or at a time when, lifeguards are not provided and reasonable warning thereof has been given, or the injured party should reasonably have known that there was no lifeguard provided at the time.

(2) Any form of diving into water from other than a diving board or diving platform, or at any place or from any structure where diving is prohibited and reasonable warning thereof has been given.

(3) Animal riding, including equestrian competition, archery, bicycle racing or jumping, mountain bicycling, boating, cross-country and downhill skiing, hang gliding, kayaking, motorized vehicle racing, off-road motorcycling or four-wheel driving of any kind, orienteering, pistol and rifle shooting, rock climbing, rocketeering, rodeo, self-contained underwater breathing apparatus (SCUBA) diving, spelunking, skydiving, sport parachuting, paragliding, body contact sports, surfing, trampolining, tree climbing, tree rope swinging, waterskiing, white water rafting, and windsurfing. For the purposes of this subdivision, "mountain bicycling" does not include riding a bicycle on paved pathways, roadways, or sidewalks. For the purpose of this paragraph, "body contact sports" means sports in which it is reasonably foreseeable that there will be rough bodily contact with one or more participants.

(c)

(HERE ARE THE EXCEPTIONS BELOW)

(1) Notwithstanding subdivision (a), this section does not limit liability that would otherwise exist for any of the following:

(A) Failure of the public entity or employee to guard or warn of a known dangerous condition or of another hazardous recreational activity known to the public entity or employee that is not reasonably assumed by the participant as inherently a part of the

hazardous recreational activity out of which the damage or injury arose.

(B) Damage or injury suffered in any case where permission to participate in the hazardous recreational activity was granted for a specific fee. For the purpose of this subparagraph, a "specific fee" does not include a fee or consideration charged for a general purpose such as a general park admission charge, a vehicle entry or parking fee, or an administrative or group use application or permit fee, as distinguished from a specific fee charged for participation in the specific hazardous recreational activity out of which the damage or injury arose.

(C) Injury suffered to the extent proximately caused by the negligent failure of the public entity or public employee to properly construct or maintain in good repair any structure, recreational equipment or machinery, or substantial work of improvement utilized in the hazardous recreational activity out of which the damage or injury arose.

(D) Damage or injury suffered in any case where the public entity or employee recklessly or with gross negligence promoted the participation in or observance of a hazardous recreational activity. For purposes of this paragraph, promotional literature or a public announcement or advertisement that merely describes the available facilities and services on the property does not in itself constitute a reckless or grossly negligent promotion.

(E) An act of gross negligence by a public entity or a public employee which is the proximate cause of the injury.

(2) Nothing in this subdivision creates a duty of care or basis of liability for personal injury or damage to personal property.

(d) Nothing in this section limits the liability of an independent concessionaire, or any person or organization other than the public entity, whether or not the person or organization has a contractual relationship with the public entity to use the public property, for injuries or damages suffered in any case as a result of the operation of a hazardous recreational activity on public property by the concessionaire, person, or organization.

C. 1 a) spells out in no uncertain terms that the public should be made aware of the hazardous recreational activity. This can be accomplished by posting signs at the entrance of the OHV areas. C1b) does not exempt the BLM as an SRP is a Group use or permit fee to the SRP holder. And the last paragraph of 831.7 states that nothing limits the liability of an SRP holder. Therefore the SRP stipulations are excessive under the guidelines of 831.7 and the federal Government is accepting

risk in the state of California that it does not need to bear. In doing so it could be perceived that the BLM is excessively creating a requirement to staff an SRP when it could be working alongside the SRP holder to make sure that the requirements of 831.7 are being met.

In closing I propose that qualified upstanding event organizers have a greater duty and ability to maintain public safety at an OHV event than the BLM field offices currently possess. The BLM should consider a method to ensure that the requirements of California Government Code 831.7 are being met as a priority rather than attempting to create a policy that it has very little chance at seeing National or even State wide standards being equally enforced. This opinion would allow the cost recovery method of SRP enforcement to be substantially reduced to the SRP holder and ensure that our public lands can continue to benefit from the reciprocating partnership for education that OHV user groups are successfully promoting.

Thank you for your time.

Jeff Knoll



3/26/11

California Desert District Advisory Council Meeting

BLM

Victorville, CA

Special Recreation Permit Comment:

Comments:

My family, friends and business partners have been involved with Off-Road Racing in Barstow, CA and Lucerne Valley, CA sanctioned by MORE (Mojave Off-Road Racing Enthusiast) from 2007 to current.

Each time we come to the race we spend money in the area on services, food, fuel and entertainment. The hobby that we enjoy also provides income to many high desert automotive service providers.

These races have provided a safe, professional and fun atmosphere for myself, family and friends and I am concerned that changes to insurance requirements and the cost of staffing will prohibit my family from participating as well as creating an environment that off-road racing will not survive in California.

This is a sport that has been safe for many, many years.

Safer than most all weekend family adventures.

While in actuality there are few racers, there are many knowledgeable enthusiasts who would love to be more involved in the sport.

SRP Recommendations for Consideration:

- **Allow promoters to establish volunteer course monitoring teams who can report to a single BLM Ranger Supervisor or command center at an event. This will reduce the labor costs and in turn costs to the promoter and participants.**
- **Do not introduce increased insurance requirements above what is currently required. The current standard works, maintains costs and does not create an environment for fraud or misuse.**

Thank you,

Dave Bolles

