U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL
ACTING AS
RECREATIONAL RESOURCE ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
SATURDAY, AUGUST 17, 2013

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REPORTED BY: DIANE CARVER MANN, CLR, CSR NO. 6008
BUREAU OF LAND MANAGEMENT CALIFORNIA DESERT DISTRICT
ADVISORY COUNCIL ACTING AS A RECREATIONAL RESOURCE
ADVISORY COMMITTEE AT 3400 MARKET STREET, RIVERSIDE,
CALIFORNIA, COMMENCING AT 1:02 P.M. ON SATURDAY,
AUGUST 17, 2013, BEFORE DIANE CARVER MANN, CSR NO. 6008.

APPEARANCES

MEMBERS PRESENT: REPRESENTING:
RANDY BANIS, CHAIRPERSON PUBLIC-AT-LARGE
DON HOUSTON NONRENEWABLE RESOURCES
RONALD V. JOHNSTON PUBLIC-AT-LARGE, CDD
SETH Shteir ENVIRONMENTAL PROTECTION
KIM CAMPBELL-ERB RECREATION
JESSICA M. REILLY RENEWABLE ENERGY INDUSTRY
(AL MUTH WILDLIFE
PRESENT TELEPHONICALLY)
DINAH O. SHUMWAY NONRENEWABLE RESOURCES

BLM STAFF PRESENT:
TERI RAML, DISTRICT MANAGER (CDD)
STEPHEN Razo, EXTERNAL AFFAIRS DIRECTOR
DAVID BRIERY, EXTERNAL AFFAIRS STAFF
APPEARANCES CONTINUED

TOM ZALE, ASSOCIATE FIELD MANAGER, EL CENTRO
TIM WAKEFIELD, ASSOCIATE DISTRICT MANAGER, CDD
JOHN KALISH, FIELD MANAGER, PALM SPRINGS
NEIL HAMADA, DUNES MANAGER, EL CENTRO
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CHAIRPERSON BANIS: Hi, ladies and gentlemen. It's 1:02 p.m., and I call the meeting of the Desert Advisory Council acting as Recreation Resource Advisory Council to order at 1:02 p.m. Thank you. Thank you, everybody, for coming. Thank you, DAC members, for rescheduling your calendars and joining us here today, and thank you to the members of the audience for spending your Saturday with us for us to hear your opinions on the matter in front of us. And thanks too to the BLM staff, as always, for giving up that Saturday and being here to help the DAC and the public to work through the issue.

Before I move on to introductions, we'd like to rise and say a Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

CHAIRPERSON BANIS: I'd like to introduce the DAC members, please. If I could start with Don.

MEMBER HOUSTON: Don Houston.

CHAIRPERSON BANIS: Ron?
MEMBER JOHNSTON: Ron Johnston.
MEMBER SHTEIR: Seth Shteir.
MEMBER CAMPELL-ERB: Kim Campbell-Erb.
MEMBER MUTH: Al Muth, wildlife. And I cover Category 3, as well as wildlife.
MEMBER SHUMWAY: I'm Dinah Shumway, Category 1.
MEMBER MUTH: Special.
CHAIRPERSON BANIS: I'm Randy Banis, the chair of this meeting, and I'd like to introduce Teri Raml, the California Desert District Manager. Teri, would you like to introduce any staff today.
DIRECTOR RAML: Sure. I will let them introduce themselves starting with Steve Razo.
MR. RAZO: Steve Razo, External Affairs, Desert District.
MR. BRIERY: David Briery, External Affairs.
MR. ZALE: Tom Zale, Field Manager, El Centro Field Office.
MR. HAMADA: Neil Hamada, BLM, El Centro, Dunes Manager.
MR. WAKEFIELD: Tim Wakefield, Associate District Manager, Desert District.
MR. KALISH: I'm John Kalish, normally down in Palm Springs, but I'm on a three-month detail in the district office filling in for Becky LaSalle.
DIRECTOR RAML: That's it.

CHAIRPERSON BANIS: All right. Today's meeting is a little unusual, or a lot unusual. What is not unusual is, it is the DAC that's familiar with each other, and we've worked together on a number of issues in the past. But what is unusual is the role we're fulfilling today, which is that of a Recreation Resource Advisory Council.

The BLM has a fee proposal for the Imperial Sand Dunes Recreation Area, and that fee proposal is required to be reviewed by Recreation Resource Advisory Council members in order for the BLM to move forward with those fees.

The California Recreation Resource Advisory Council that is chartered through the Forest Service was unable to consider this item in time for it to be implemented for this upcoming season, and therefore the Desert Advisory Council has been asked to review this matter under the terms of being an existing Resource Advisory Council. I know this isn't exactly the duty that you all have signed up for when you applied some time ago, but I appreciate your being here and fulfilling the duties that we've been asked to do.

In order to do so, we first will follow guidance that's provided to the DAC by its guiding
documents, and where those guiding documents fall silent, we will draw from the guiding documents of resource advisory councils.

And therefore are there any questions before I move on, questions from DAC members? So I apologize for playing through on my gadgets here, but I'm just getting our agenda back.

Okay. Let's move on. The first item of business is going to be a fee proposal briefing that will be conducted by the El Centro Field Office staff. And do you want to start with Tom Zale, the field office manager? I'd like to re-introduce Tom to everybody.

The floor is yours, Tom.

MR. ZALE: Okay. Thank you. Can you guys hear me, or could I borrow this microphone? Okay.

CHAIRPERSON BANIS: Pardon me while you're working on the microphone. Stepping a little out of order. I'm sorry. I forgot to introduce another member of the DAC who's participating today, and that's Jessica Reilly. I want to say hello.

MEMBER REILLY: Hi. Can you hear me?

DIRECTOR RAML: Yes, we can.

CHAIRPERSON BANIS: Thank you. The rules of the Resource Advisory Council allow for participation of members through telephonic and electronic means, and we
wish to have as many DAC members here as possible. And
Jessica, as you know, resides in Northern California,
and it would have been of great expense and time to her
to join us today. And I appreciate everyone in
understanding the latitude granted to her to participate
by phone today. So thank you again.

The floor is yours, Tom, now that the mic is
set up.

MR. ZALE: Okay. Thank you, Chairman Banis.
Hi, Jessica and the rest of the folks here on the DAC.
Neil and I want to thank you for adding a meeting to
your schedule this year and giving up another Saturday
for us. I appreciate your sense of public service.

We're here today to ask the DAC to recommend
approval of our fee proposal for the Imperial Sand
Dunes. Over the past year or so the BLM has invested
substantial time and energy in the preparation of a new
Business Plan for the Dunes. We have worked hard to
obtain outside input and made many positive changes to
the Business Plan in response to comments, suggestions
from the County of Imperial, the Imperial Sand Dunes
Subgroup, interest groups such as ASA and others and the
public.

I want to take this opportunity to thank
everyone in BLM who helped prepare the plan -- there are
many -- and also those who took the time to review the plan and offer thoughtful comments and suggestions.

In January, 2013 the DAC visited the Imperial Sand Dunes, and subgroup member Jim Bramham gave a visual vantage point from the vantage point of Osborne Overlook. Neil presented a PowerPoint to the DAC outlining the process we followed to develop the final Business Plan, the changes we made along the way and the next steps in formulating the fee proposal that's before you today.

Today we're going to take a step backwards and present a PowerPoint that begins by highlighting the Imperial Sand Dunes as a world-class venue for off-highway vehicle recreation. We put about seven and a half minutes of YouTube video footage and stills together to illustrate the Dunes visitors hard at play. The footage, I think, is fascinating.

And I've got to say I wish I had a helmet cam, although my wife tells me no one would be interested in watching the footage between me walking from the couch to the refrigerator, even though I often stumble over two dogs and dirty socks. But anyway, so we have got some awesome footage.

But I want to let you know that we've included some footage of things gone wrong and important work
that we do to help when bad things happen. Although the
to footage is not excessively graphic, there are a few
shots of people in pain, so be forewarned.

I want you to know that I am particularly proud
of the men and women who work in the Imperial Sand
Dunes. They do a wonderful job and make huge
differences on the ground and in people's lives. It's
my job to ensure they have the resources they need to be
successful. Our employees and partners work hard to
make the Imperial Sand Dunes a safe place for thousands
and thousands of visitors who recreate in this amazing
slice of America's great outdoors.

At the conclusion of the video Neil will walk
you once again through the process we followed to
develop the final Business Plan, the changes we made
along the way and discuss the fee proposal that is
before you today. Neil will close his presentation by
describing the letters that we believe are the best
indicators of strong public support for our fee
proposal. They are written by the people who know ISDRA
the best and who know our program of work there.

When Neil is finished, I will have a few more
remarks to offer to the DAC to conclude this portion of
the agenda. So Neil.

MR. HAMADA: I'm Neil Hamada again. Today I'm
going to talk to you about our 2013 fee proposal. There we go. I don't know if you can see it in the back, but this first slide here is a photo of Dune Buggy Flats, or Gordons Well. It's a photo of a typical Thanksgiving weekend. All of the circles out there, you can see, are RV's. Can we turn the lights down, maybe.

So today I'm going to talk to you about the Imperial Sand Dunes, give you a little bit of a briefing of what we do and what it's about, a description of our fee program and our business plan, financial analysis that we did, the market assessment, socioeconomic impacts for this fee proposal and no-action alternative if we don't move forward.

Imperial Sand Dunes is located in the southeastern part of Imperial County and is within a three-hour drive of major metropolitan areas. We get about a million visitors a year. And so this video that I'm going to show you again, as Tom said, is mostly off of YouTube. The music is going to be a little choppy because I didn't want to edit out some of the background sounds, but I think it tells you guys how we operate in the Dunes, why people come to the Dunes and why people enjoy and have historically recreated in the Imperial Sand Dunes.

(video presentation was played.)
MR. HAMADA: I hope that gives you a little bit of a flavor of what the Dunes is about, I hope, why people come riding out to the Imperial Sand Dunes and also what we do to keep those opportunities available. The visitors are out there recreating, having a good time while we are out there responding to 911 calls on the holidays pretty much around the clock.

So the area that you saw, Imperial Sand Dunes, we provide world-class recreation opportunities in a vast, open sand dune recreation area. As I said, over a million visitors a year. Here's some photos of the social activity, camping in the rings that you saw in the first slide.

Our current fee structure is on the board there, $25 a week if you buy them offsite before you come or $40 a week if you buy them onsite, $90 for a season permit or 120 if you buy them onsite. And that's been available since 2004.

Fees provide medical services, as you saw on the video. We respond to anywhere between 300 to 800 calls per year, and we also do this through the grants that we get through the OHV division, our partners at California State Parks as well as private grants and partnerships.

We provide a significant amount of law
enforcement in the Imperial Sand Dunes to keep it safe. Just in the four holiday weekends during last season, we made just under 32,000 visitor contacts through law enforcement. Of those 32,000 contacts five percent were issued citations, and 14 percent were issued written warnings.

Trash collection in the Imperial Sand Dunes is expensive. However during the last round of contracts we were able to reduce it from $400,000 a year to $200,000 a year. But we've also had to cut back on staff time to pick up trash, like you see here. After holidays there's significant amounts of trash in the Dunes, but we are unable to fund that as much as we used to in the past.

We have 61 vault toilets in the Imperial Sand Dunes. I think that's more than any other site that I know of in the Bureau. We used to have a $100,000 contract for cleaning those toilets each year. We canceled that contract because we don't have the revenues to continue it. We're trying to do that now inhouse, so our front-office staff in the El Centro Field Office is out there on the weekends. Our maintenance staff, EMT's, paramedics are out there cleaning toilets now.

This ADA pad you see here, we're constructing a
parking structure as well as a toilet, you see here in
the background. Those, incidentally, were funded
through federal dollars, and the toilet itself was
funded through the stimulus funds.

Road maintenance. The road that you see here
is the Wash Road, and I think you saw it in the video as
well. That road alone gets over a quarter-million
visitors a year driving up and down that dirt road that
we maintain, and we built it. We used to spend about
$120,000 a year to maintain that road. We almost spend
zero on it now. We pretty much just try and keep it
open, keep the blowing sand off of it. So we're
starting to see some degradation. That picture on the
bottom right is a picture after a summer storm.

I spoke to you at the previous meeting about
ongoing cost-saving measures, and I kind of wanted to
summarize here, but most outreach and education programs
have ceased unless there are specific grants and
partnership dollars available. Maintenance has stopped
on most access roads, as I mentioned. That saves us
total about $300,000 a year. Many cleanup days, OHV
registration events, information distribution points and
ATV safety courses have all been cancelled.

Holiday staffing has been reduced. We see a
lot of feedback about the number of staff that we have
in the Dunes. We've had questions about it. If you
look at Riverside here, where we're at today, it's about
12 officers per 10,000 residents. El Centro has about
15 officers per 10,000 residents. In the Dunes on
Thanksgiving we have 3.4 officers per 10,000 visitors.
So BLM believes that this is the minimum acceptable
level to address the issues in the Dunes such as public
safety and resource protection. And although there have
been ongoing cost-saving measures and visitation has
decreased slightly, serious EMS calls, DUI's and felony
arrests are actually increasing.

So our Business Plan, we believe, takes a hard
look at the numbers. We incorporated feedback from
Imperial County, the DAC, the subgroup, OHV
organizations and the public at large. We developed a
long-term strategy to make the Dunes financially
sustainable, and over the past three years we have
overspent by $500,000, and that's not sustainable for
us.

The plan looks at aligning all of our
responsibilities to manage the Dunes, not just the ones
funded by the fee program. We take a look at what it
takes to provide our visitors what they expect when they
arrive at the Dunes -- for instance, responding to 911
calls -- and we also discuss what minimum level of
service is needed to continue to allow us to provide sustainable OHV opportunities in the Dunes.

On the draft Business Plan, we had 236 comments, and I have them up on the board. And I believe the Business Plan that you've all reviewed has more detail, but I'll just cover a few of these things.

We increased our opportunity for public involvement by adding three comment periods. We had public meetings. Social media has been great for us, our Facebook posts. We get out to tens of thousands of people per week through our social media outreach. We added additional fiscal detail, refined our calculations. We better described our legal authority to collect fees, and we added a second-vehicle permit at a reduced cost and a season permit.

We categorize these into ten comment themes, and these are the remaining ones. We also reduced the amount that we were initially proposing. We increased our grant and federal contributions and allocations for the Business Plan to keep fees lower. And it included the option for the second-vehicle permit and a no-fee period in the summer to help address socioeconomic impacts then overall reformatted the entire Business Plan per public comment.

After the subgroup meeting in April we had
another 103 comments come into the BLM. Those comments were categorized. Many fell into the previous categories, but we had some new ones. One main comment was, they wanted to make sure that we had a season permit, so we made sure to include that in the final plan. People were concerned about the amount of the proposed fee, and so we actually reduced the proposal and included incremental increases. And people were still concerned about fiscal accountability, so we included even more detail.

So a summary of changes between the draft and final, the formatting, as I mentioned. We were able to update the plan because we had new data in the meantime that had come in from 2012. Additional fiscal detail, we added a detailed discussion of the regulations, policies and planning that guides management. We added a narrative regarding the level of services that we needed in the Dunes. We included details on the fee structure concepts that were considered but eliminated. We expanded the section on public participation and revised the socioeconomic analysis.

Once we released the final Business Plan, we received another 26 public comments. Most of those fell into these two categories. The front cover of the plan, that photo there on the left, individuals felt that this
didn't represent the recreational activity in the Dunes. However BLM placed that photo on there to show some of the services that we provide. That particular photo there shows partnership between the BLM with Border Patrol, who provides emergency medical services through coordination with our staff free of charge to the visitors, and on the left there's a law enforcement officer there. He is from the Imperial County Sheriff's office, who's funded through the County as well as State grants. And then we also received support for the fee increase.

So in the final Business Plan, we took a hard look, as I mentioned, in trying to keep our costs low. In 2003 an independent contractor looked at our operation and said at a bare minimum we needed $6.1 million to operate just to keep the doors open. In April 18th this past year we had a meeting with the subgroup and proposed a $5 million budget, but folks still said that was too high. And so in the final we're proposing a $4.5 million budget spread out into these business lines here: administration, EMS, law enforcement, maintenance and resource protection.

So in the Business Plan we identify the three revenue sources: appropriated funding, grants and fees. And these are how it lines out to meet our $4.5 million
budget, 67 percent of that being from the fee program, 23 from federal funds and 10 percent from grants.

So our proposed fee structure in 2014 is for a fee increase for onsite permits for weekly at $50, for offsite at 35. Most of our permits sold are weekly permits. The season permit would increase to $150. And then needed in 2016 there would be another increase, 165 for season, 55 for week onsite and then 40 for a week offsite.

And I almost skipped one. The second week permit online discount would be available. If somebody bought a full-price permit, they could buy a second permit with that permit at a discounted price, and they could either use that for a second vehicle or tell us they wanted it to use it for a subsequent trip. So if somebody bought a permit for Thanksgiving and said, "I'd like to buy another permit, but I want you to stamp the date for New Year's," they could use it then.

MEMBER SHUMWAY: So they'd get a discount for coming twice.

MR. HAMADA: So in the proposed fee structure we also want to propose that we change the current hang tag season permit to a sticker. I have an example of a zombie-hunting permit right there. The sticker would be affixed to the vehicle and would not be removable. We
hope this will alleviate some of the sharing and passing
and reselling of the permits onsite and out of the rec
area to increase the level of compliance.

Again the asterisk there, we want to reserve
the right to not increase in 2016 if not needed. If we
feel that the fee program is sustainable at that point
without a fee increase, we would hold off.

The fee period would be also proposed to change
from October 1 to April 15th. Currently it's all year
round, 365 days. We're proposing to change it from the
beginning of the season, October 1, through mid April.
What that means is, Easter would sometimes fall in the
free period to help address some of the socioeconomic
impacts. So this year -- I didn't put the numbers in,
but the light-green date in April, that's Easter. And
so depending upon when spring break is, because each
school system is different, spring break could be in
part of the free period.

We'd also like to propose free short-term
parking areas. Some of these are already free, but we
want to include them in the plan and solidify this
decision. Osborne Overlook and Plank Road historic
site, those are exempted per FLREA, Watchable Wildlife
Site. But we want to include short-term parking at
Cahuilla Ranger Station and the Buttercup Ranger
Station. We would sign those to make it clear, but we want to exempt those from having to charge fees for somebody to stop at short-term parking.

So during the June 27, 2013 meeting the subgroup adopted this motion on here on the board. And BLM remains committed to open discussion about the feasibility of alternative fee structures and methods of fee collection. The discussion however will need to be based on options that are realistic for BLM, economically feasible and allowed under law and policy.

For example we researched the feasibility of a cost-recovery program for search and rescue and emergency medical services in the Dunes, and it's prohibited by the National Search and Rescue Plan of the United States, which was signed by the Secretary of Interior. So it's in the motion, and we looked into it, but we are prohibited from doing it.

On the other hand BLM has already incorporated one of the requests the subgroup made, the second-vehicle permit. And we understand that the subgroup and the BLM need to have further discussion on this permit and possibly more changes. However the second-vehicle permit, as well as the inclusion of the season permit, a free period, the reduced incremental fee increase are all indications that BLM is listening,
and we will continue to communicate with the public.

MR. STOVIN: I'm Ed Stovin.

CHAIRPERSON BANIS: We'll be taking questions later. I want to make sure we get through the full presentation first. Thanks.

MR. HAMADA: This slide shows a market analysis, and although these sites are the most similar to the Dunes or open OHV sites in the west that charge fees, we feel it's really comparing apples and oranges because none of these sites provide the vast, open sand dunes, like Imperial Sand Dunes. None of them are 40 miles long, five miles wide and provide the range of opportunities we do. None of them provide these opportunities so close to major metropolitan areas in California and Arizona. And none of them experience the same level of visitation and complexities in management.

The other day Chairman Banis did some research indicating what changes had occurred in fees in some other sites. Disneyland since 2003 has gone up 96 percent for a single day. Mammoth Mountain went up 70 percent for a single-day lift ticket. Torrey Pines went up 70 percent. I also looked into California State Parks, and the State Parks annual day pass went up 65 percent, from 125 to 195.

The proposed Imperial Sand Dunes annual fee
increase would be about 67 percent. So they're in line with these other sites. Our proposal also provides a range of options. For instance, if a visitor comes to the Dunes four times per season, they can opt to purchase four weekly permits online in advance. This would equal $120 if they use the online discount.

Overall the BLM has worked hard to keep our costs low as possible to keep the fees as low as possible, and this current proposal is below the proposed fees in the 2003 Business Plan, which was $180 a season, $60 a holiday week and $30 for a regular week.

If no action is taken, the available funds to manage the Dunes would be about 33 percent less than what we believe is necessary to manage the Dunes. The Business Plan provides more detail on how each of these five business lines would be affected. But some of the examples are, there may not be enough EMS staff to respond to 911 calls; there may not be enough law enforcement to respond to 911 calls; toilet and trash services could be reduced and/or eliminated; camping areas could be decreased or closed; unsafe and sanitary conditions would happen. And if no action alternative is taken, then those are some of the results.

Under social and economic impacts, we considered the impacts to low income or impoverished
communities and minorities, which are collectively termed "underserved communities." The average Dunes visitor is described there. He's middle-aged white male, some college education, living in the metropolitan areas in Southern California or Arizona. And eight percent of the visitors live at or below the poverty level.

Considering, though, through the discount program permits are available at 25 and that the length of the fee season has been shortened, those unable to pay this negligible increase would still have access to the opportunities and experiences provided at the Dunes.

So in summary the fee program funds important services needed to maintain sustainable OHV recreation in the Dunes. The Business Plan clearly articulates the rationale for a fee increase, our funding strategy for the next five years, and we included significant public input.

The proposed offsite weekly permit is 39 percent lower than the market average, which is about 80 percent of our permit sales. The proposed season permit provides a savings for those who visit five or more times a year in comparison the State Park permit, where you have to visit 12 to 15 times per year to realize that savings. The proposal results in a less
than one-point increase to the cost of an average trip. The no-action alternative would result in unacceptable loss of OHV opportunities. The BLM completed extensive public outreach and incorporated comments and suggestions from Imperial County, the subgroup, OHV organizations and the public into our proposal. These letters of support are from elected officials, individuals and organizations. And these are the folks that know our program best who we work with day in and day out and communicate with regularly. And additionally we received conditional support letters from these groups here listed on the site.

And with that, I will conclude my presentation.

And Tom has some closing remarks.

MR. ZALE: Thanks, Neil. So by way of closing remarks, I want to take this opportunity to briefly touch on some of the issues and concerns expressed in letters that conditionally support our fee proposal.

First we believe that we have satisfied all applicable noticing and other procedural requirements. Indeed the meeting today was rescheduled to ensure there was sufficient public notice of the meeting in the Federal Register.

Second, concerns about the manner in which we collect fees and the costs associated with fee
collection are not new. Our Washington office subject
matter experts and Department of Interior solicitors
have reviewed our fee-collection program and associated
contracts a number of times over the years and as
recently as this past week. We believe that we're on
solid ground with respect to the manner in which we
collect fees.

With respect to the cost associated with fee
collection, I am pleased to announce that we are
 awarding a new fee-collection contract for the upcoming
new season. I can't share the details yet, but I am
confident that people will be satisfied that BLM has
reduced the cost of fee collection. Additionally I want
you to know that we are continuing to aggressively
pursue funding through the California Off-Highway
Vehicle Grants Program and that we have already
requested additional appropriated funds for fiscal
year '14.

Finally I want to reiterate our willingness to
continue meaningful dialogues with the ISDRA subgroup
and our partners about visitor counts, one-day passes
and expanding a second-permit option to include season
permits. I am concerned however the conditions
suggested by some of the commenters imply predetermined
outcomes and/or timeframes that are too short for
evaluation of the new fee structure and the new
fee-collection contract.

At the end of the day I believe we share the
common goals that visitors to the Imperial Sand Dunes
have a clean, safe, family friendly slice of America's
great outdoors in which to recreate and that the
services we provide for the fees we receive meet
people's needs in a cost-effective manner.

In California the BLM's strategic framework is
built on a foundation of operational excellence and the
core values of public service, integrity and
accountability. These values are reflected in our fee
proposal for the ISDRA. And I encourage the DAC to
recommend approval of the fee proposal without including
conditions that may produce unintended consequences. So
thank you.

CHAIRPERSON BANIS: Neil, Tom, thank you very
much for the presentation. I appreciate the time that's
gone into a fresh, new presentation for the DAC. This
is the third time in a year essentially the DAC has
heard on this issue. And thanks for the fresh, new
information that that contained.

The next item on the agenda is public comment.
We didn't work through a card system, did we? Do we
have some? I only have two. Let's take just a minute
and continue to collect cards. And my apology. Usually at the beginning of the meeting I call for cards and call for them to be submitted to the front before we get started, but I'm going to give a little latitude on that, and let's say for the next five minutes, if you're still writing out a card, take your time, and it will make it up to me.

In the meantime I'm just going to start with the top of the pile that's been handed to me, please, and recognize Dick Holliday, Richard Holliday, back to speak in front of the DAC. Nice to see you again. Appreciate your coming out, Dick. Dick will be followed by Jim Bramham and Robert Gagliano, please. Thanks.

MR. HOLLIDAY: I want to read this because I don't speak real well, so I can make sure I get all my comments in first. I'd like to say that I believe a fee increase is needed to maintain the infrastructure at the ISDRA. The last increase was ten years ago, and cost of operations have increased during that time, so an increase is needed.

But I would ask that I would like to point out three areas where you need to ask questions and form an opinion as to whether the current proposed increase is totally justified. The first issue is the way fees are collected. Currently the BLM collects fees from every
primary vehicle that enters the recreation area. The BLM has coined the term "primary vehicle" in 1998 defined as every street-licensed vehicle that enters the recreation area. This was acceptable under the previous authorization for fee collections. The fee demo law allowed the BLM to collect an entrance fee from every street-licensed vehicle that entered the recreation area.

However this authorization was negated with the passage of the FLREA law in 2004. The FLREA law prohibited the BLM from collecting entrance fees anywhere in the country. The FLREA authorized the BLM to collect only three types of fees: a standard or expanded amenity fee and a special recreation permit. The special recreation permit was for areas where amenity fees were not authorized. So the BLM should be collecting an SRP, special recreation permit, from each vehicle that is using the recreation area for special recreation and not just to enter the recreation area.

The second issue is the amount of the fee revenue spent to collect fees. The BLM in 2012 spent $888,000 on the fee management and 109,000 on overhead out of $2,278,000 collected. The FLREA law limits the amount for administration overhead and indirect costs to 15 percent. The BLM designates that the fee-management
cost is a direct cost, so they can spend as much as they want for fee management. They spent 43.8 percent of the fees collected for fee management and overhead in fiscal year 2012. The amount of visitor fees used to collect fees needs to be drastically reduced.

The last issue is with the reporting of visitation numbers and the calculation of fee compliance. I have calculated the number of visitors reported is overstated by an order of magnitude. Now the latest Business Plan states that this visitation number could be as much as five times too much. This gross overestimation of visitation undermines the BLM's credibility with all other data they provide. Also the overestimation of compliance values have allowed the current fee contractor to receive hundreds of thousands of dollars in fee-compliance bonuses over the last five years.

CHAIRPERSON BANIS: Continue.

MR. HOLLIDAY: The BLM needs to design a reliable method of fee-visititation counting that corresponds to the amount of permits sold and accurately calculates the fee-compliance percentage. I would suggest that you conditionally approve this fee increase with the conditions that the BLM start collecting fees according to the current authorization specified in the
current law starting with the 2014-2015 season; have the
BLM generate a performance goal for the cost of fee
collection; and report back each year to the DAC on how
they are working toward that goal; and finally to start
reporting the true visitation and compliance numbers to
the public. Thank you.

CHAIRPERSON BANIS: Thank you very much, Dick.
Appreciate you again coming up and sharing that with us
today. And most of the DAC members heard from Dick as
well from his comment letters. Dick was a former member
of the Desert Advisory Council and a longtime member of
the Imperial Sand Dunes subgroup and even a TRT that
existed before that.

Speaking of another gentleman who has had that
same similar long history with this project, like no
stranger to the DAC, is Jim Bramham. Jim, the floor is
yours. Thank you.

MR. BRAMHAM: Well, thank you. And, yes,
Fred Flintstone and I went to school together, so I've
been around awhile. I want to thank you all for coming
today. We really appreciate your taking an interest in
this and appreciate your being here. I supplied
comments at every level of this, and I'm sure you
received the ones that we just did.

A couple of things I'd like to say about the
presentation that Neil made. One of the things that they said is that they have spent $500,000 over in the last couple of years and that's not sustainable. They also just announced that they reduced the fee-collection contract by probably that number. And that makes the entire process potentially moot if you were to just keep the fees where they are and reduce the amount that you're paying to the contractor.

Secondly less than a thousand people in EMS calls, that makes a one-tenth of one percent. You have a 99.9-percent chance of attending the Dunes and not be involved in an accident. A thousand is one-tenth of one percent of a million visitors.

I just drove this week from Sacramento to Kennewick, Washington to Sacramento and to this meeting and during that period of time witnessed six accidents on the highway -- not witnessed them but was there after the math. It happens. And multiple of those were fall-asleep-at-the-wheel accidents, which are not using your head while you're operating a vehicle, which is what we see here, single-vehicle accidents.

In the period of time since a proposal for fee increase was withdrawn in 2009, this proposal was done in 2009 and was supposed to go to the RRAC to increase fees at that point. It was withdrawn by the Bureau.
During the interim period of time we've had two Desert District managers, three field managers, three subgroup chairs and an 80-percent turnover in the subgroup. But what we haven't had a change in is the public's desire to have second- and first-vehicle or one-day passes. And we continue to ask not for the DAC to have an outcome that's predetermined but only that they put a condition that the Bureau continue to look at those two things either through the subgroup or an independent group.

The public has not had their issues addressed on this subject. Yes, we've talked about it at some subgroup meetings, and yes, there's been some conversation, but it still continues to come up in comments.

And our other fear -- or personally my fear is that we have Green Sticker grants, or OHV grants, and we have appropriated dollars calculated into this plan. There's estimates in there. The question is whether those become bedrock and solid without any increases, and so is there an incentive for the Bureau to apply for more grants? And if they do, will they apply them to Dunes management, or if more appropriated dollars become available, will they also try to get those, and will they apply them to Dunes management? Or will they just
take any potential increase to the El Centro Field Office and place it somewhere else to ensure that the fees have to stay high?

They are proposing to increase fees in a couple of years. I would propose to you that we should be able to decrease fees in a couple of years. If we can increase appropriated dollars, keep the cost of collection down, get more grants and make a better way of managing the Dunes, we should be able to go the opposite direction in a couple of years, not up.

CHAIRPERSON BANIS: Thanks, Jim. I have next Robert Gagliano followed by Mike Miller.

MR. GAGLIANO: I want to thank the committee for listening to my comments. I'm talking as a private citizen who recreates with three generations of my family at the ISDRA like 35 to 40 nights a year. This is an important part of our lives, and we care very deeply about the Dunes. We also recognize there are costs involved in managing this national treasure.

I want to acknowledge that I appreciate the dedication of BLM staff at the Dunes. They are definitely good people who serve at that occasion. However I strongly urge this committee to require the BLM to modify this severely flawed proposal as a Business Plan for the ISDRA.
By BLM's own admission they do not have accurate visitation statistics, and they do not have accurate accounting of past expenditures. Yet they expect you to approve their request for significantly higher user fees in the future based on their guesses of what has happened in the past. I could talk for hours about the flaws this document contains. Examples of excess abound.

Since the last time fees were increased in 2003, the United States inflation rate was about 27 percent, yet with only their guesses, they wish to raise fees by about 66 percent. They've also hyperinflated resource requirements. Just one example, in their plan BLM suggests it needs six full-time road maintenance workers for maybe 12 miles of paved and unpaved roads. Across the nation there are approximately four million miles of paved and unpaved roads with 140,000 maintenance workers. Do the math. BLM only wants 14 times the staffing to maintain roads compared to the national average. Again this is but one example of the excessive claims contained in this seriously flawed document created by guesses.

Despite claims otherwise, this plan also fails to comply with the fee-collection requirements of FLREA. This flawed plan collects a camping fee which the ISDRA
I use four different legally registered vehicles to go to the Dunes, but I can only drive one at
a time. Why do I have to buy four passes to drive my legally owned and registered vehicles?

Thank you very much. I do hope that you will stop this plan that's based on guesses and require the BLM to correct its management of user fee dollars.

CHAIRPERSON BANIS: Thanks, Robert. Thank you very much. Thanks for putting those down in advance. I appreciate that. Mike, thanks for coming. Mike Miller, you have the floor.

MR. MILLER: Thank you. Good afternoon. I've got to comment on a couple of things I'm pretty familiar with. One is law enforcement. The figures given for the amount of officers needed per 10,000 people out in Imperial Sand Dunes is ridiculous. I worked in a city of 63,000 people, and on any given shift we would have at most four deputies, three, and now we're down to two with recent cuts.

Glamis has got to be one of the over-policing pieces of dirt I've ever seen in my entire life. Clearly there's an area there that cuts could be made. One is example is, on New Year's eve you can be out there right after Christmas, watch New Year's come, and suddenly 40 brand-new BLM vehicles appear where the crowds haven't increased significantly, yet suddenly there's an overwhelming number of BLM rangers out there
stopping anything that moves around the drags, around
the flats area where vendors are at and along
Gecko Road. It's an extreme us-against-them mentality
they have. I've experienced it myself. And that's all
I have to say on that matter. They definitely could
take some cuts in that area.

Also the hanging tag fee, as Bob had said, has
been quite convenient. You know, I have a truck. I
drive that out to the Dunes. I have a motorhome. If I
want to switch over the tag to that, I can drive it out
there. I don't see why I have to buy two passes to get
me and my family out there, which also brings up the way
that the visitor numbers are calculated out there.

Three per vehicle is insane. I'm in a group of
about 15 families. Out of those 15 families I'm the
only one that has three in my vehicle. One other family
has four in their vehicle. The rest are either couples
or single guys out there to enjoy the weekend. So where
does three come from?

And then they use a highway counter to
calculate this number. Every time an axle goes over, I
guess we calculate two axles per vehicle, so a trailer
equals two vehicles. And then we have six people going
out there, where it could be one guy driving that
vehicle. And then to use the counter on the 78 to
calculate these numbers, where the 78 isn't just people
going to Glamis. It's trucks driving over that.
There's all kinds of traffic going across through there.
And this is, you know, one of the reasons why the
inaccuracy of their total visitor numbers is hard to
believe, you know.

And recent economic times, I personally
witnessed a reduction in the amount of visitors to the
sand dunes, yet they're claiming there's still the same
number there was ten years ago. Also 15, 20 years ago
when I started coming out to Glamis, it was free. I
camped on dirt and enjoyed the Dunes. Now I'm being
asked to pay $150 or more so I can camp in the dirt.
Only difference is, now I get to see brand-new, shiny
BLM vehicles driving around everywhere. Thank you.

CHAIRPERSON BANIS: Thank you very much, Mike.
I appreciate that very much. Hi, Bob, Bob Hamm. I'd
like to introduce Bob Hamm, a member of our ISDRA
Subgroup for many years. Bob, thanks for coming up and
saying hello. Hope retirement is treating you well.

MR. HAMM: Thank you. Not so much today. I'm
fighting a cold, so bear with me a little bit, please.

CHAIRPERSON BANIS: Thank you, Bob.

MR. HAMM: I was also formerly on the TRT with
some of the others since almost the beginning, I guess,
and was formerly a member of this body --

CHAIRPERSON BANIS: That's exactly right.

MR. HAMM: -- 1981 to 1987, so we kind of
looked at some of the same issues going back then. I do
serve on the subgroup at the pleasure of the Board of
Supervisors of Imperial County, and they did send their
letter. It was, I guess, taken as total support, which
they are supportive of, but they had a similar
reservation still that they want to continue to work on,
and that is the single-vehicle permit and single day.

And that's -- quite simply, when we talked
about underserved communities, and the numbers on the
surveys show that there are not a lot of them out there,
yet it happens to be smack dab in the heart of an
underserved community.

Imperial County, the numbers were just out this
weekend. Once again they're not the highest
unemployment in the nation. Yuma beat us this month,
and so we're only the highest in the state. But that's
been a perpetual thing. So times are tough there.

We did insist that we got the annual pass back
because a lot of our residents do go out single days.
You know, at the drop of a hat they can go out there.
Others can't even afford at a single time at the
beginning of the year to buy that annual permit, but
they would still like to be able to go for single days, and the cost of having to buy a weekly permit gets a little bit difficult. So it is something that is -- I know it's difficult to administer. We've asked that they continue to do that.

There have been a couple of other things that were asked that we continue to work with, and all I ask -- this is from the County Board of Supervisors -- is that we continue to work on that, we keep this open, make it a dynamic kind of a plan and that, if we do that, let's get started early and have some think-tank meetings at the subgroup and start figuring out how we can tackle some of these issues. There's got to be a way to do it.

Other places have daily passes and have found a way to sell them and make it work, even if they were only sold locally, because quite frankly, if you're going to come for a single day, you probably are local. You're not coming down from Bakersfield or something like that to spend a single day. So there are ways to limit how they're sold or where they're sold, and maybe that's a way to get started. So thank you.

CHAIRPERSON BANIS: Thanks, Bob. Good to see you again. Thanks again for coming. Last card I have is from Nicole from the ASA. Thanks for coming all the
way up today. Nice to see you again, Nicole.

    MS. GILLES: Nice to see you too, Randy. Thank you for having us. The American Sand Association is a non-profit organization, and we represent 35,000 OHV users and about 225 businesses. We believe that the BLM has made an attempt at providing additional information in this revised plan, but it falls short of that requirement to evaluate the resource requirements claimed in the plan as well as the financial decisions that result from the unsubstantiated data.

    We have sent several comments, and I'm paraphrasing from our last comment letter that we sent in. While the ASA wants to assure that the BLM has the appropriate funding necessary to properly manage the ISDRA, we offer our conditional support of the Business Plan, providing the DAC acting as the RRAC requires the BLM to address and revise the following items in the fee proposal derivation:

    No. 1, reduction of the amount of the fees collected that are used for administering the fee-collection program. The FLREA specifies that the agencies are to use a maximum of 15 percent of the fees for administration, overhead and indirect costs.

    No. 2, address and correct the derivation of the ISDRA visitation values used to determine and
administer the fees. Visitation numbers reports are a major component of the derivation in the amount of fees needed to operate the ISDRA and is also the basis for the fee-collection compliance value. The annual fee increase should not exceed the government's published inflation rate. And I don't have to go into a lot of detail on that because Bob Gagliano already put specific amounts on that information.

And we also are encouraged to see that the final plan is talking about really using the Desert Advisory -- or the DSG to be part of this task force to look at the second-vehicle permit, because we do think that initially when that was recommended that that was more of a second-vehicle permit for a season pass, not for like a weekly pass.

So these are the things that the ASA is requesting that you consider today. Thank you very much.

CHAIRPERSON BANIS: Very good. Thank you again, Nicole. Last call from anyone from the public? Come on up. Done with the cards and just want to give a last chance that everybody has been heard. We're a minute or two ahead.

MR. STOVIN: My name is Edward Stovin. I'm representing CORVA, and I'm on the subgroup also. I've
read the Business Plan, and I've heard the BLM's justification for their fee increase. Despite a few reservations, I pretty strongly recommend that you adopt this fee increase. And I personally don't like fees, especially to go camping in the desert, and fee increases just -- it's like a knife turning in me. But the service that the BLM provides is crucially important. I mean, I personally have been hauled out of the desert injured, and I was really thankful that they had what they need today get me out of there, and the BLM has that.

We need law enforcement. I don't know if you guys remember the shootout in the desert about ten or 12 years ago in the Dunes. Two camps were actually shooting at each other. Well, that made a big turn in how the Dunes were viewed by the public. I still have people talking to me about, you know, the law and disorder that happens out there, and we need law enforcement out there, and it costs money. We need the restrooms taken care of. We need the trash hauled out. It would be nice if people took their trash home, but that's just not a reality.

So as much as I hate fee increases and regardless of how many people go to the Dunes and what percentage of them get a pass, there's a number of
people that are buying passes, and that much money is
going to the BLM, and that number just needs to go up.

The BLM doesn't have control over the grants or
the appropriations. They only have control over the
fees, and they need more money to operate the Dunes to
keep it safe and to keep it a nice place. And that's
the only place where they need to raise the fees. So I
personally support the increase in the fees.

CHAIRPERSON BANIS: Thanks for coming, Ed.

Hearing and seeing no further public comments, I'd like
to allow the DAC a break. We have 15 minutes allotted
in our schedule. Any objections to that? We'll take a
break, about 15 minutes. We'll be back at 2:25, please.
That's 2:25. Thanks very much. Recess.

(A brief recess was taken.)

CHAIRPERSON BANIS: Hi, ladies and gentlemen.

If you would be kind enough to take your seats, and
we'll begin the second half of our meeting. I call the
meeting back to order at 2:25 p.m.

This next part of the agenda is discussion by
the DAC on the item. What I'd like to do first, please,
is to give DAC members an opportunity to ask questions
of the BLM to clarify anything from the proposal or
their presentation today. Are there any questions?

Please try to phrase them as much of a question as you
can. We'll have ample opportunity to make statements at points -- I promise you that -- but I just want to start with questions if we have that. Ron, please.

MEMBER JOHNSTON: I just have a couple. Neil and Tom, regarding the $500,000 deficit that the Imperial Sand Dunes operation has been running, how much of that will be offset? Forgetting about reductions in the collections cost, how much of that will be offset by the fee increase based upon the visitor count that is being used and in anticipation of, let's say, a 10-percent-per-year annual loss in visitation count over the first, let's say, three years of operation?

MR. ZALE: I want to make sure I answer this correctly. The offset would be completely -- well, the deficit, I guess, would be completely offset by what we've proposed. We didn't base the fee structure that we're proposing on the visitor counts per se. We're looking more at the revenue that's generated by selling the passes and then what our expenditures have been. And so it's actually -- you know, we have a revenue target that's laid out in the Business Plan for fees and then some assumptions or projections about what a federal-appropriated dollar component would be and about what Green Sticker dollars would be added to that whole-cost target that would fund our program of work
that we think is the minimum program of work necessary
to accomplish.

MEMBER JOHNSTON: So all in all you're saying
that the end result would be revenue neutral. Is that
what you're saying?

MR. ZALE: Basically yes, with -- I mean,
there's some small caveats I need to make. In the first
couple of years there would be a small carryover that we
would use to begin the next season. In the 2016
timeframe the way the Business Plan proposed fee
structure is laid out, without an increase we would
begin to run in the red.

MEMBER JOHNSTON: Thank you.

CHAIRPERSON BANIS: Good? Hi, Seth. Seth, the
floor is yours. Questions?

MEMBER SHTEIR: I've got two questions related
to EMS, SAR and law enforcement. And the first one is,
what's been the trend in law enforcement emergency
services and SAR, search and rescue, costs over, say, a
five- to ten-year period? What's been the increase or
decrease in the costs?

MR. ZALE: Well, I think our costs have
continually risen. In terms of trends with law
enforcement, you know, we have over the last couple of
years, as Neil described, reduced the number of staff
that we make available on big holidays to try to stay within, you know, our means. We have shifted our focus from, you know, writing the citations for no whip antenna or things like that, although we do want to enforce the safety considerations. We primarily are focused on things like DUI's here and drug use and things like that, where they have a potential for resulting in accidents and injuries and fatalities, and so the rangers really focus on DUI's. The number of incidents where we've made arrests for DUI's has been on the increase, surprisingly.

MEMBER SHTEIR: Thank you. I had one follow-up question on Neil's presentation, and that was -- I think I got this right -- 300 to 800 emergency calls per season. Is that correct? And when you say that those are evacuations, is that like removing the person? What constitutes that?

MR. HAMADA: It's a wide range. It could be somebody driving their family member up to the ranger station, where we have a medical facility, all the way to a fatality onsite. So it's the entire range.

MEMBER SHTEIR: Thank you, guys.

CHAIRPERSON BANIS: Al?

MEMBER MUTH: Just a couple of things. Neil, in your presentation at one point I was sort of
surprised to hear you say fees provide for medical services, and then at a later point you said they're free of charge to visitors. Is there a partial recovery from fees? Can you clarify? Who pays for medical services?

MR. HAMADA: I believe the free-of-charge reference was to the Border Patrol team that we work with. We partner with many private and public agencies to be able to provide the level of emergency services that we need to provide in the Dunes. A lot of that help comes from our local service providers, like the local ambulance company, the local helicopter company as well as the local Border Patrol sector.

And those folks especially the Border Patrol, provide a huge amount of resources at no charge to the visitors. They partner with us strictly to provide a public service. And so those folks or the visitors that receive assistance from the Border Patrol are receiving that assistance without the fee program.

On the other hand the person working right next to the Border Patrol, who is one of our staff members perhaps driving the Border Patrol agent in the dune buggy or something, is being paid for either through the grants or through the fees.

MEMBER MUTH: Okay. So the fees are a partial
recovery of the cost of medical services?

MR. ZALE: Right. What we're not doing is, you

know, if you were injured, we wouldn't send you a bill

for the services that we provide, but the fee that you

paid to get in would help to offset those costs. So

everybody is paying for, you know, people that get hurt, 

essentially.

MEMBER MUTH: Okay.

CHAIRPERSON BANIS: Dinah. Go ahead, Al.

MEMBER SHUMWAY: I'm sorry, Al. I'm being

nice.

MEMBER MUTH: Okay. In the business line for

protection funding, fees do not pay for resource

monitoring; correct?

MR. ZALE: Correct.

MEMBER MUTH: That business line comes from

some other fees, some other resource area program that's

sort of bootlegged over to sand dunes?

MR. ZALE: It comes from appropriated dollars

and/or from Green Sticker dollars.

MEMBER MUTH: So what guarantee or what

assurances are there that that won't be a line that's

cut? I mean, other than another lawsuit situation? You

are required to do monitoring.

MR. ZALE: Correct. And so we work within the
budget that we have, you know, for using appropriated
dollars, Green Sticker dollars, when they're available.
And then, you know, for monitoring we don't use fees.
But we cobble money together, you know, in whatever way
we can to accomplish that monitoring. What I can't do
is guarantee the level of appropriation each year.
That's something that Congress does, and then with Green
Stickers, as I said before, we aggressively pursue grant
funding. But I can't guarantee the outcome of that
either.

MEMBER MUTH: So if you fall below budget and
decrease the amount of resource monitoring you do,
you'll be in violation of a court order; is that right?
You're between a rock and a hard place, I think.

MR. ZALE: I'm not an attorney, but you're
right, yeah. And historically the work that we've done
has cost more than what our office has been allocated.
Funding has been made up to cover that deficit because,
you know, at the end of the day we're not allowed to
spend more as an agency than what Congress appropriates
the agency. So the costs have been offset by pulling
money that was earmarked for something else and using it
to make up our shortfall.

And in past administrations or, you know, under
our previous state director, he made a decision to do
that. Our current state director is not supportive of
that idea for a couple of reasons. First it's not fair
to the other areas, and secondly, you know, the federal
budget has been decreasing. And so his ability to make
up a shortfall by pulling from somewhere else is, you
know, diminished accordingly.

CHAIRPERSON BANIS: Actually Kim and then
Dinah. Kim?

MEMBER CAMPELL-ERB: Okay. First of all, can
you tell me more about what type of services the Border
Patrol provides.

MR. ZALE: The Border Patrol has a BORSTAR
unit, and I'm not remembering what that stands for.

MR. HAMADA: Border Search Tactical and Rescue
unit.

MR. ZALE: Border Search Tactical and Rescue
unit that actually provides emergency medical services.
They've generally focused their work down in the south
part of the Dunes nearer the border.

MEMBER CAMPELL-ERB: So when it's in a more
remote area closer to the border, that's when they get
involved?

MR. ZALE: But they've also worked up in the
north dunes too, so for a variety of reasons Border
Patrol tactically has people working in the Dunes on
these bigger weekends. But one of the units specializes in providing emergency medical services, and when they do, they don't ask BLM to cover those costs. They absorb that within their own budget, and that's where we were saying that's free to the users.

MEMBER CAMPELL-ERB: Okay. Then the next question, and maybe the more difficult question, why is there not one-day passes included in the proposal?

MR. ZALE: So we've been collecting fees for about 13 years, and we've looked at the one-day pass a number of times. Some of the concerns that we have just go to compliance and also to the cost effectiveness of having a permit that would be, you know, lower priced than even a weekly presumably. And so those have been some of the difficulties that we've had with it.

As I said before, we're open to continuing a dialogue with the subgroup on that and exploring a way to maybe make that work. You know, at this point we haven't proposed that for the reasons I just described. But as I said, we'll continue to look at it.

MEMBER CAMPELL-ERB: Okay. And then I have to say I am very sympathetic to the argument that was made about the second-vehicle pass, if you could only drive one vehicle at a time. It probably hurts a little bit to have to have more than one pass if you have more than
one vehicle, and maybe you take one vehicle one time and
take another vehicle another time. I can see that that
would be a big ouch.

And so I can understand -- I know from past
discussions we've had on the DAC level that there has
been a lot of abuse with the hang tags and that that's
why you will probably go forward with the sticker on the
windshield. And perhaps the people who have abused it
are the ones that are creating the problem for the
people who don't, but I do understand too why that would
be a huge -- it's a huge cost if you have more than one
vehicle. And I wanted to get that out there because I
think that's a little problematic. I see both sides of
it, but that's problematic to me.

And then I guess that's it for now. Thank you.

CHAIRPERSON BANIS: Dinah?

MEMBER SHUMWAY: Okay. So if a vehicle comes
in with a trailer full of OHV's, does the trailer get
charged also?

MR. ZALE: No. Just the primary vehicle.

MEMBER SHUMWAY: Okay. So if this is in the
Business Plan and I missed it, then I apologize. But my
question is -- I have actually a couple of questions.
Whoever can answer can answer. Explain to me why the
fees are not levied on the OHV's themselves.
MR. HAMADA: After actually discussion with -- back in 1998 and '99 we worked through this with our back-then TRT, and one of the issues with that would be the difficulty of trying to enforce that. Enforcing a permit in a stationary vehicle in a campsite costs a lot less money than trying to enforce permits that are moving around out in the sand dunes. And so the majority of our patrol time would be out in the sand dunes trying to contact moving vehicles versus going camp to camp and making more concentrated numbers of contacts per hour. And so it really comes down to the efficiency of doing enforcement.

It's not that it's illegal to do it per OHV. I know other -- and I think Dick can give you some examples of places that do it, places that have very low-volume visitation. But in areas where there's high volumes of visitation, it's more efficient to do it the way that we're doing it.

MEMBER SHUMWAY: I agree that it's more efficient. It just doesn't seem as fair. And I'll give you an example, because my next question goes to if the permit is actually for these vehicles. I mean, the permit is for the OHV activity; correct?

MR. HAMADA: The permit is for --

MEMBER SHUMWAY: It's a recreation permit, so
the permit is for the recreational activity, which is
the OHV activity.

MR. HAMADA: Actually more than the OHV
activity, because there's a lot more than OHV recreation
that's occurring. There's camping. We can go through a
whole laundry list of the other things occurring out in
the Dunes. OHV is one of them.

MEMBER SHUMWAY: But that's essentially why the
permit -- I guess I'm missing the point of the permit.
I need to have it explained.

CHAIRPERSON BANIS: May I be a devil's
advocate. Actually if you want to go that direction,
it's not the vehicle that's required; it's the person
having an individual recreation permit.

MEMBER SHUMWAY: Okay. Well, then, to
further -- this is why I have an issue with this,
because let's say I'm not an OHV person. Everybody
knows that I'm not an OHV person. But I'm curious about
the Dunes, and you added two other free areas; right?
Notwithstanding, nevertheless it's still Public Lands.
From my perspective I should be able to take my Jeep out
to the camp area and see what's going on and not be
charged for that, because I'm not recreating there. I'm
looking. It's Public Lands.

MR. HAMADA: I think this may clear up some
things we've heard today. I'll give you an example of
that. A visitor comes out to the Dunes, and then the
wife comes out after school on Friday and brings the
kids. She comes out without an OHV, and she comes out
in her Suburban. She's required to buy a permit.

Those visitors that come out are required to
buy a permit because they're also utilizing the roads
maintained by fees. They also call 911 when they get
hurt or need help. They also are utilizing the
campgrounds and restrooms that we provide through fees.
So even though they don't utilize an OHV per se out in
the Imperial Sand Dunes -- they may or may not, but if
they don't, they're still utilizing all the resources
that are provided through the fee program.

MEMBER SHUMWAY: Well, Glamis isn't really a
fee area, though. It's not classified as a fee area, is
it?

MR. HAMADA: Yes, it is.

MEMBER SHUMWAY: The whole area geographically?

MR. HAMADA: Yes.

MEMBER SHUMWAY: I thought it was the activity.

MR. HAMADA: No. The entire area.

MEMBER SHUMWAY: So this is different from an
SRP permit like, say, in the Johnson Valley?

MR. HAMADA: This is considered a
non-commercial individual special recreation permit.

MEMBER SHUMWAY: All right. And my other
question is -- this was brought up before -- the hanging
tag. I understand you want to go to a sticker, but the
sticker is going to be on the primary vehicle; right?

MR. HAMADA: Correct.

MEMBER SHUMWAY: So what happens if you sell
that -- you get an annual permit and you sell that
vehicle or you get in an accident -- this actually
happened to us -- and you have to replace that? Is
there a way you can replace that without having to buy
an entirely new permit?

MR. HAMADA: At this time you would have to buy
a new permit.

MEMBER SHUMWAY: I suggest that that be
something you address, because that seems totally not
logical.

MR. HAMADA: Yeah. Again, you know, as we
mentioned before in previous meetings, we're trying to
address -- if you go on the internet right now and do a
search for Glamis permits, you can find websites and
blogs where people are passing their permits around.
They're giving their permits to other people, selling
them at reduced prices or just sharing them back and
forth between to avoid purchasing a permit.
MEMBER SHUMWAY: I know there's fraud everywhere in every program. However this would be kind of specific to somebody replacing their primary vehicle in the middle of the season, and it seems not logical to require them to pay yet another full primary fee. There has got to be -- don't you have records that can prove that somebody bought this?

MR. HAMADA: The difficult part about that is, most of our permits are sold through offsite vendors, meaning the majority of the visitors prefer to buy their permits while they're driving to the Dunes.

MEMBER SHUMWAY: They get a receipt; right?

MR. HAMADA: They get a receipt, but the person at the counter isn't collecting that person's private information.

MEMBER SHUMWAY: Well, I think this is an issue you need to think about.

MR. ZALE: We have thought about it, but we'll continue.

MEMBER SHUMWAY: There is a solution in there.

CHAIRPERSON BANIS: Don.

MEMBER HOUSTON: Yeah. I've got one comment then two questions. First of all I want to say I'm impressed with the quality of the BLM staff's presentation today, as I'm also impressed by the
thoughtful and well-considered comments by the public.
And thank you to all of you. It makes my task a little
easier here today.

My first question is this: There's numerous
times the public has expressed concerns over the cost of
administering the fee-collection program. What is the
BLM's response to those concerns?

MR. ZALE: Well, as I mentioned earlier, we
have -- we are in the process of awarding a contract,
and although I can't release the details of that just
yet, I did say that the cost associated with collecting
fees will be reduced, and I think people will be very
pleased with that. So we'll get the details out when
the ink is dry on that contract, but --

MEMBER HOUSTON: Thanks, Tom. My second
question is, Neil, during your presentation you
identified several programs or activities that have been
eliminated due to the lack of revenue. If this fee
increase is approved, will those programs -- and
specifically the safety education programs -- will they
be reinstated?

MR. HAMADA: Depending on the program they
could. It really depends on our partners. Some of
those were funded directly through partners because we
don't have the ability to do some of those things
through the government. We're hoping that our partners
are able to help us out again, the main one actually
being ASA's non-profit arm, American Desert Foundation.
There are some hoops we would need to jump through to
continue that program. There are some challenges that
that program -- I won't go through them now. I'd be
happy to talk to you more later, but we definitely want
to.

MR. ZALE: I'll just add to that, as you'll
recall, in April we had calculated about a $5 million
program of work. The program of work that we're
proposing with this fee structure would be about
4.5 million, so there still is about a half a million
dollars of things that would have occurred that won't
with this fee structure the way it is now unless we find
a way to offset that source of revenue in another
fashion.

MEMBER HOUSTON: Thank you.

CHAIRPERSON BANIS: Jessica, do you have
questions?

MEMBER REILLY: I do. This may be in the
document, but I missed it. But can you review for me,
does the fee increase include the return of any
educational program?

CHAIRPERSON BANIS: Could you restate that
answer, Tom.

MR. ZALE: Yeah. As I mentioned, there will be some education, and we'll continue to look for ways to do that because we think that that's important. In April when we met with the subgroup, we had proposed a program of work that would have cost about $5 million. Where we're at right now, though, is a program of work that's about $4.5 million that would be sustained by the fee structure that we're proposing at this time. So there will be some reductions that would continue if this fee proposal is approved. But as I said, education and outreach is important to us, so we'll continue to try to find alternative ways to achieve that.

MEMBER REILLY: Okay. Thank you. And then a totally different question. Has BLM considered the implications, ecological or otherwise, that fee increases may leave those that did not want to pay the fee to disperse across the landscape and potentially burden the impact with the areas?

MR. ZALE: Actually to be honest with you, we're not anticipating there will be an appreciable decline in the visitation that occurs as a result of this fee increase. We don't think that the fee increase, all things considered, is actually that large of a hit on people for this kind of recreation in the
venue, this world-class venue that we provide and are
blessed with.

MEMBER REILLY: Great. Thank you.

CHAIRPERSON BANIS: Thank you, Jessica. Okay.

Dinah and Kim, questions.

MEMBER SHUMWAY: One follow-up on the contract, following up Don's question. I know you can't give
details on this new contract for fee collection, but do
the BLM contracts typically have a do-not-exceed clause?

MR. HAMADA: It's a fixed-price contract, so
there will be a fixed price for the contractor each
option year, and that will be it.

MEMBER SHUMWAY: So you know the costs will be
reduced?

MR. HAMADA: Yes.

MEMBER SHUMWAY: Okay. So essentially the
costs will not exceed that contract number?

MR. HAMADA: Correct.

MEMBER SHUMWAY: Okay.

CHAIRPERSON BANIS: Kim and then Seth.

MEMBER CAMPELL-ERB: Is there a mechanism by
which the fees could actually go down in 2016 rather
than going up if all goes well and the funding is there?

MR. ZALE: We would be back before either this
group or the RRAC to alter a fee like that, but yes,
there's a mechanism.

MEMBER CAMPELL-ERB: There's a mechanism here for it to go up. That's why I'm asking whether there's some mechanism by which it could actually decline if all went well with the funding and it turned out that the revenues were exceeding the --

MR. ZALE: Right. So the Business Plan outlines our projections, and it lists our assumptions. There are, you know, I think, an amazing number of variables in this in terms of, you know, how we forecast visitation, how we forecast the mix of permits that would be sold, the appropriated dollars, Green Sticker grants. The way we laid that out the Business Plan identifies that in 2016 without an increase there would actually be a shortfall. If that doesn't come to pass, obviously we'll make appropriate adjustments. We're not a profit-making organization in that sense.

MEMBER CAMPELL-ERB: I understand that. How often does the fee-changing process occur?

MR. ZALE: Well, it hasn't changed since 2000— -- ten years.

MEMBER CAMPELL-ERB: Does it happen automatically every ten years?

MR. ZALE: No.

MEMBER CAMPELL-ERB: So someone has to initiate
the process for this process to occur?

MR. ZALE: Right. It would be us, yeah, working with the subgroup and, as I said, either through an RRAC or through the advisory committee.

MEMBER CAMPELL-ERB: And I have one other comment, and it's really to Dinah. Dinah, you are the only person, I believe, who had thought about what happens if you transfer title on that vehicle and there's a sticker on it that's affixed to the window.

MEMBER SHUMWAY: It happened to me.

MEMBER CAMPELL-ERB: I know, but there were a lot of comments here. I read every comment we received, every single one, and I don't believe anybody else brought that up. So thank you.

DIRECTOR RAML: They've been brought up.

MR. ZALE: My suggestion would be to sell the vehicle for $150 more than what you otherwise would have, and that permit would continue to be good for the new owner.

MEMBER SHUMWAY: If you are in an accident, Tom, that's not an option.

CHAIRPERSON BANIS: Seth, the floor is yours for questions.

MEMBER SHTEIR: Thanks. I just wanted to make a quick comment. I wanted to thank you for the
presentation, very thorough, and also for the report, which was very thorough as well.

MR. ZALE: Thank you.

CHAIRPERSON BANIS: If there are no further questions, I'd like to move into discussions on the issues themselves. The first thing I'd like to do is -- give me a minute to catch up for a moment. Thanks for hanging with me. We're getting there.

Okay. The guidance provided to recreation advisory councils and their duties are specified in charters issued by the Forest Service, and those charters require that public support for a recommendation be required to submit a recreation fee recommendation to the secretary. And also it states that the recreation RAC, that's us today, shall determine whether there is general public support for the recommendation.

So before we move into specific recommendations on the issues that I'm sure we'll want to discuss, I'd like to first call for a motion relative to the BLM having met the bar of general public support. Do I have such a motion?

MEMBER JOHNSTON: So moved, Randy.

CHAIRPERSON BANIS: In which way?

MEMBER JOHNSTON: That the BLM has sought out
and received public support to consider the recommendation for this motion or for this action in the fee change.

CHAIRPERSON BANIS: Do I have a second?

MEMBER SHTEIR: I'll second.

CHAIRPERSON BANIS: Motion is seconded by Seth. We'll move into discussion on this question. Would you like to speak first in support of your motion or pass?

MEMBER JOHNSTON: I think this issue has been before the BLM and the DAC off and on for all six of the years that I have been a member at one time or another. So there has been more than one visitation to public comment regarding whether fees should be reconsidered because of the needs of the recreation area to keep it safe, to keep it functional, to keep it enjoyable by the public in general and by the public who uses it for recreational purposes as well as by the public who just wants to preserve the uniqueness of this part of our desert landscape.

And in speaking to people who are the general public who do not have a vested interest who are not out with OHV's recreating in the sand but who are just taxpayers that own this land in the desert as much as those people who go out with four-wheel-drive vehicles or two-wheel-drive vehicles, they
feel the public in general, who is the citizenry that I am supposed to represent, by and large and by a large majority feel that we need to keep the land pristine, we need to keep the Dunes as pristine as possible, to keep it safe, to help protect the people who do use it for recreational purposes from injury or misencounter, whether it be with illegals crossing through that area or whether it be through recreational use. And the BLM is, in the public's mind, responsible for providing those things as the caretaker of the public property.

So my feeling in talking to numerous people that I encounter on a daily basis is that this has been explored by the BLM sufficiently to bring it forward as something worthy of consideration.

CHAIRPERSON BANIS: Next speaker, Don.

MEMBER HOUSTON: Well, it's an interesting proposition. It comes down to how we define "general," I guess, general support, that is. Today and over the last few years I've heard support, I've heard conditional support, and I've heard opposition and strong opposition to a fee increase. I think there are some who wish fees would go away. But barring the BLM staff or the chairman telling me there is a regulatory definition for "general," I am going to define "general" myself by saying that I have heard support for this.
proposal and conditional support for this proposal from
more than one quarter, from more than one interest, from
the Imperial County Board of Supervisors, from the
California Off Road Vehicle Association, conditional
support from ASA and from individuals. So in my mind
there is general support, given that definition.

CHAIRPERSON BANIS: Next speaker? Al.

MEMBER MUTH: Well, Don said much of what I was
thinking about. The operational term is "general," and
in my mind there does seem to be a general opinion,
conditional and otherwise, that public support is there
for the proposal and coming forward or voting for a
finding of general public support. That would not
preclude passing the recommendation along to the Bureau
that some changes be made. So just with that sort of
line of reasoning, I would support the motion.

CHAIRPERSON BANIS: Next speaker? Dinah?

MEMBER SHUMWAY: Just very quickly. I also
support the motion, but I would go a little further. I
would say that there does seem to be general support,
especially from associations, but the support is almost
always conditional. So there are some conditions that
almost everybody has on this. It's not the document
that's going to please absolutely everybody, but I think
there is general support that costs have gone up. This
is a reality. If you haven't raised fees in ten years, then you need to look at something, because look at how gas nearly doubled in that time. That alone to me makes me charge my clients more than I did ten years ago. So I think that is warranted.

But I do think that the support is almost always conditional. There are several issues that are still outstanding that need to be addressed, and I think that they do need to be addressed at some time in the future.

CHAIRPERSON BANIS: Next speaker? It's up to you. Kim?

MEMBER CAMPELL-ERB: I am aware that CORVA has approved it unconditionally. They've supported it unconditionally. To my understanding the Board of Supervisors has and that the other organizations' support has been conditional. I think everyone would prefer that it be kept open, and I feel confident in saying that probably everyone would rather pay these fees and have this fee proposal approved than to have the Imperial Sand Dunes closed. So based on that, I agree that it's got general approval.

CHAIRPERSON BANIS: One thing that hasn't been mentioned today that was in our written comments, one place that I found I thought was an important point to
restate, and that is from the letter of
Charla Teeters-Stewart from the United Desert Gateway.

I was pleased to read her statement that "The
El Centro Field Office should be recognized for their
ability to hold fees at their current rate for almost
ten years."

And I think that's something that's been
missing from this discussion. I believe that the right
way to approach the management of fee areas is to have
regular revisitation of fee levels and that it be done
through regular periodic intervals so that an
organization doesn't find itself too far behind the ball
in having to do catchup.

And I think that's where we are today. If the
fees had been raised incrementally to the level as
proposed, if they had been raised incrementally each
year, it would have amounted to an annualized increase
of a little under five-and-a-quarter per year. That's
pretty high for most independent industries, but I've
found that my insurance in all regards has gone higher,
energy costs have been higher, food costs in some areas
have gone higher. I don't believe the outdoor
recreation and adventure industry is the only industry
to be suffering from significant increases in the last
ten years.
I like the idea that the BLM will be revisiting this fee in a period of approximately three years. I think that's a good idea. I think that's a good strategy to look forward in the future indefinitely to make sure that there's a good review no more than, I think, every three years.

I recognize that we're far from enjoying a full economic recovery to either the levels of recent past or even to levels that we might just feel would be good enough. I know we feel that that economic recovery is going slow and not broad enough and not touching enough people. But I don't think we can deny that we are on the way up economically, and I think that over time we're going to see families and hardworking people -- I think we're going to see them catching up with the economy. And I believe that impacts like this, if we re-evaluate over time every three years, will show less hardship to people and be easier to absorb and plan for in people's recreation budgets.

And having said all that, what swayed me in terms of public support, general public support, I looked carefully to the County Board of Supervisors, and I looked at part to the Imperial Valley Press. I looked at all of the letters that came in. I've read them all carefully repeatedly, and I'll be referring to them in
subsequent discussions.

But there was a last-minute e-mail from one of the members of the public that managed to make a nutshell of this issue for me in the last sentence, and it had something to do with, do we risk moving forward with a potentially unjustified fee increase, or do we move forward with the risk of loss of important and necessary services to the people who use the Dunes? And that's really what it is kind of coming down to, where there's risks on both sides.

The Valley Press said they don't think that that risk is worth it. And after seeing the picture of the little kids in the back of the sand rail, I don't think it's worth it to deny them the opportunities of the future so that they can have those sand dunes available to them when they're old enough to ride their own vehicle around the sand.

And number two, I don't want to take the risk of unreasonable delays in emergency response times, should another vehicle come over the sand, like we say, and hit that vehicle with the kids in the back. I'm not willing to take that risk, and I think that despite a number of individual concerns about the rate of the fee increase, I too believe that the BLM has met the bar of general support.
Thanks for enjoying that long soliloquy.
Jessica, do you have a comment you'd like to make, please?

MEMBER REILLY: Thank you, Mr. Chairman. I think the comments already expressed also express my understanding of the support. Thanks.

CHAIRPERSON BANIS: Are there any further comments from the DAC on this question? Hearing and seeing none, please do me a favor, and all those in favor raise your hand. And opposed?

(Vote was taken.)

CHAIRPERSON BANIS: I find that the votes -- Jessica, sorry. Your vote?

MEMBER REILLY: I was raising my hand.

CHAIRPERSON BANIS: Thank you. Unanimous support does lead to a passage of the recommendation for the bar of public support.

I'd like to now move on, if there's no objections, to DAC discussions on recommendations regarding this fee proposal. DAC members have recommendations. I'm starting with Al followed by Kim. And what I'd like to do is, if you have a recommendation, please state it as a motion. We'll get a second, and we'll work on that, and we'll just keep going around until we've petered out. Al?
MEMBER MUTH: I do have a recommendation. I really don't wish to state it as a motion until I hear some other folks mention it, but one of the overall recommendations from Imperial Valley Press, you know, the off-roaders, et cetera, et cetera, is this issue of a day pass. And I do believe that is an issue that needs to be considered seriously by the Bureau as we pass this on to them. And I'm sure other people would concur with that, but I'd like to hear their discussion before we make the motion.

CHAIRPERSON BANIS: I had Kim next. Do you have anything along that lines to offer?

MEMBER CAMPELL-ERB: Because there are still some issues, some very valid issues regarding the single-day visitor passes, perhaps improving or expanding the second-vehicle pass program and also replacement of a sticker if a vehicle is sold or totaled. Perhaps you -- well, I move that we approve the fee proposal and recommend that the DAC's Imperial Sand Dunes Recreation --

MEMBER JOHNSTON: Subcommittee.

MEMBER CAMPELL-ERB: -- Subgroup and the BLM continue to explore ways to serve the single-day visitors, improve or expand the second-vehicle-pass program and arrive at a solution for replacing a sticker
if a vehicle is sold or totaled.

CHAIRPERSON BANIS: Do I have a second? Actually before I call for a second, could I ask for a clarification. Could we make this a recommendation just at that point? We've already done and met the bar.

MEMBER CAMPELL-ERB: Only a recommendation.

CHAIRPERSON BANIS: A recommendation that --

MEMBER CAMPBELL-ERB: That the DAC's Imperial Sand Dunes Recreation Subgroup and the BLM continue to explore ways to possibly serve the single-day visitors.

CHAIRPERSON BANIS: Very good. Do I have a second with that?

MEMBER SHUMWAY: Second.

MEMBER JOHNSTON: Second.

CHAIRPERSON BANIS: I have a second from Dinah. Beat you by a second, literally. Comment? Don.

MEMBER HOUSTON: Yeah. Well, you know, the single-day pass is a good idea because it helps certain folks out. I agree that the single-day pass is a good idea, but my concern again goes back to the cost of administering this fee-collection program, and adding another pass to this program is only going to increase those costs. And my guess is the single-day pass is not in the scope of work for the new contractor, so that's going to add some. And I understand it's just a
recommendation to continue to pursue it.

And I think, given the -- my experience with the subgroup is, whether the motion contains that recommendation or not, they're going to continue to pursue that. So I'm leaning to just -- I'm in favor of, you know, moving that we approve the proposal as written and rely on the subgroup and the BLM to work together to improve the situation. I just don't want to add another program that's going to add administrative costs until we can stabilize those costs. That's my concern, because every dollar we save on administering this program is a dollar we can put into services.

CHAIRPERSON BANIS: I'll come back around in just a moment. Were you next, Dinah? No? Kim?

MEMBER CAMPELL-ERB: It's really more of a question. Is the Imperial Sand Dunes Recreation Area Subgroup continuing to function indefinitely?

CHAIRPERSON BANIS: Oh, yes.

MEMBER CAMPELL-ERB: Then I don't see that it's adding any additional burden to have them continue to work with the BLM on these issues. I think it would be a very well-placed effort for them to continue this, because I think it would help them. I think it would help all the parties to perhaps arrive at solutions in the future that would resolve these issues and make
everybody happy -- or happier. Maybe not happy.

MEMBER JOHNSTON: Less unhappy.

MEMBER CAMPELL-ERB: Less unhappy, yes.

CHAIRPERSON BANIS: One of the reasons why I support what Kim is moving forward is because the way she prefaced it with recognizing there are real issues behind this. I don't think that we should assume that it's just a matter of talking more or just having more discussions.

There are real issues that need to be overcome and that need to be solved before these ideas and proposals can move forward and come into fruition. The single-day pass has got issues. The second-day pass has got issues.

I'm just going to throw something out regarding the replacement pass. I think there could be a way to be allowed to scrape off the remains of that pass. Maybe the serial number part of it or something like that gets scraped off and affixed and put into the mail. I'm not saying it be done for free. Maybe there is a fee for it, but it would be some kind of a reduced fee, a ten-dollar replacement fee or something to cover the cost of putting it in the mail and getting it back out to the person. I think they can talk about that.

But again those are still real issues. Who's
going to do it, how is it going to be done and so forth?
So just saying we're going to sit and talk about them,
we may not really make them happen. I think we need to
realize there issues that need to be overcome with
regard to implementing those. And that's why I'm in
favor of continued discussions and talks. I just don't
want it to seem automatic that we're just going to talk
it through and everything is going to be resolved.

Nonetheless I do still support this on the
agenda, on the DAC's agenda. So before I go back around
a second time, Dinah and Seth, and then we'll back
around.

MEMBER SHUMWAY: We have a motion; right? And
the motion is?

CHAIRPERSON BANIS: Motion and second.

MEMBER SHUMWAY: The motion is to support the
cost-fee increase with --

CHAIRPERSON BANIS: No. It's to recommend that
the subgroup continue to work with the BLM on these
three issues.

MEMBER SHUMWAY: Right. Well, it's already
been resolved that the Imperial Dunes is going to be
revisiting this in three years; right?

MR. BRAMHAM: No.

MEMBER SHUMWAY: No? I mean, reconsidering the
fees in three years. Wasn't that part of the Business Plan?

CHAIRPERSON BANIS: I don't know if those are the right words to use. There's going to be in three years -- according to the plan, as I read it and I interpreted it, in three years there will be a determination made by the BLM as to whether or not it would be necessary to increase fees.

MEMBER SHUMWAY: So it's going to be examined in three years. In the meantime these are the kinds of issues that the subgroup can still be considering. They are obviously old and longstanding issues with the second vehicle and the day pass and the -- what was the third one?

MEMBER CAMPELL-ERB: Replacement of sticker.

MEMBER SHUMWAY: Yeah, the sticker. That's not an old issue, replacing the hanging pass with a sticker. So these are the kinds of things that are going to constantly be coming up. They're not going to be solved today unless we extend this process forever again. And so, like Don, I'm inclined to accept the fee structure with the conditions that the BLM maybe not only continue to examine these with the subgroup but maybe report back to us in about a year on how things are coming with these issues. We'll hear from the subgroup anyway.
CHAIRPERSON BANIS: Before I go to Don, I just want to clarify, I'm nervous about moving into the word "conditions."

MEMBER SHUMWAY: I'm sorry.

CHAIRPERSON BANIS: Because our guidance says that we provide recommendations.

MEMBER SHUMWAY: Right.

CHAIRPERSON BANIS: So I want to keep this phrased that way throughout the course of our discussions, if we can.

MEMBER SHUMWAY: May I amend my comment?

CHAIRPERSON BANIS: Quite all right.

MEMBER SHUMWAY: Then maybe it would be better to ask the subgroup -- the subgroup will be reporting to us anyway. The subgroup and the BLM at Sand Dunes can report back to the DAC on how progress is, how we are progressing on solving these longstanding issues.

CHAIRPERSON BANIS: Very good. Don.

MEMBER HOUSTON: Mr. Chairman, I need some clarification. Does the motion with the second affect the fee-proposal increase as written, or is it a stand-alone action?

CHAIRPERSON BANIS: Recommendations of the subgroup are to be considered by the BLM, and if the secretary does not act on those recommendations, he must
report to the committees of Congress as to why they did not act on those recommendations. That's the answer.

MR. HOLLIDAY: Not the subgroup, the RRAC.

CHAIRPERSON BANIS: It in my opinion doesn't stop the increase. It doesn't stop the increase. But all recommendations of this body today, those that are not acted on by the BLM, it is the responsibility of the secretary to report those to the committees of Congress and to state why the recommendations were not acted upon.

MEMBER HOUSTON: So I'm not quite sure you -- so are you saying that this motion will amend the fee proposal?

CHAIRPERSON BANIS: No, no. I'm not considering this as a condition. The group is allowed to make recommendations, not amendments or conditions, and I want to keep things phrased as recommendations because the remainder of the guiding language guides the secretary as to how he disposes of our actions. And he must address recommendations. So that's why I want to keep it phrased along that line.

So do I find this would be conditional or that this would sink the fee proposal? I don't necessarily feel that way, no, I don't.

MEMBER HOUSTON: I just don't want staff to go
back and incorporate this recommendation into the proposal.

    CHAIRPERSON BANIS: I don't think this amends -- this does not amend the Business Plan. This is a recommendation for the BLM with regard to a fee program, which is what we're supposed to do, make recommendations on the fee program. Sorry it wasn't a great yes-no answer, but -- thanks. Seth and then Ron.

    MEMBER SHTEIR: Mr. Chairman, can you just read the language of the motion we have before us once again.

    CHAIRPERSON BANIS: I was actually reading off Kim's screen. Okay. And can I edge over a little bit, and I'll read.

    MEMBER CAMPELL-ERB: Let me just change one word.

    CHAIRPERSON BANIS: Okay. Recognizing that there remain real challenges to work through -- I'm sorry. I'm going to restart. It's in italics.

    Recognizing that there remain real issues to work through, we recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to possibly, one, serve single-day visitors; two, improve and expand the second-vehicle-pass program; and three, arrive at a solution for replacing a sticker.

    MEMBER SHTEIR: Thank you.
CHAIRPERSON BANIS: Excuse me. Comments. Kim?

MEMBER CAMPELL-ERB: What I did not have in
that was that I moved that we approve the fee proposal
as it is and recognizing that there remain the rest of
the language that you read.

CHAIRPERSON BANIS: Okay. That's a split
decision, and our bar --

MEMBER CAMPELL-ERB: Does it need to be a
separate item?

CHAIRPERSON BANIS: The RRAC does not approve.
The RRAC makes recommendations.

MEMBER CAMPELL-ERB: I meant that we recommend
that they approve.

CHAIRPERSON BANIS: And we determine whether
the BLM has met a bar. And we did the first. We did
determine the meeting of the bar. The second are the
recommendations.

MEMBER JOHNSTON: Randy, I think you could
incorporate in Kim's motion clearly and clearly state
this is a stand-alone recommendation.

CHAIRPERSON BANIS: We could. I see all
recommendations as stand-alone.

MEMBER JOHNSTON: If you clearly state it, then
there's no question.

CHAIRPERSON BANIS: I believe all
recommendations stand on their own. Each recommendation
will have to be addressed by the secretary.

MEMBER JOHNSTON: One thing I was -- speaking
of the issues both Kim and Dinah brought up on the
replacement sticker, interesting point. That might be a
good speaker to have at a DAC meeting is someone from
the State of California Licensing Division with the
California stickers to find out where they get their
stickers made, because you can't scrape those puppies
off either, if they're put on right.

But if you need a replacement sticker, which I
had to do myself about two years ago, if you have the
serial number, they will not give you the same serial
number, but if you bring it in, they will replace it for
a far lesser charge of your license fee. I think it's
ten or $15 versus the 115 it was going to be if I didn't
have the sticker. So the State of California may have
some guidelines that can be used to solve this problem.

CHAIRPERSON BANIS: Further comment on this
issue before us? Don?

MEMBER HOUSTON: I'm sorry, Mr. Chairman, but
I've seen this happen before when you have a motion that
has an "and" in the middle of it. If we approve the
motion as written and then the secretary or someone else
in the chain of command disagrees with the second part
of this motion, then that's going to be a problem.

CHAIRPERSON BANIS: Would you move to split the
question?

MEMBER HOUSTON: Yes.

CHAIRPERSON BANIS: Are there any objections to
splitting the question?

MEMBER JOHNSTON: No.

CHAIRPERSON BANIS: Hearing and seeing none, do
we have a call for a question?

MEMBER SHUMWAY: I call.

MEMBER HOUSTON: Which one?

CHAIRPERSON BANIS: The question has been
called. The first item will be a recommendation. I'm
going to read off this again. The first question to
consider, recognizing that there remain real issues to
work through, we recommend that the DAC's ISDRA subgroup
and the BLM continue to explore ways to possibly serve
single-day visitors.

MEMBER JOHNSTON: Question number one.

CHAIRPERSON BANIS: Those in favor, raise your
hand. Jessica?

MEMBER REILLY: Hand is raised. Thank you.

Any opposed?

(Vote was taken.)

CHAIRPERSON BANIS: None. That motion passes
unanimously.

Second motion again, recognizing that there remain real issues to work through, we recommend that the DAC's ISDRA subgroup and the BLM continue to explore ways to improve or expand the second-vehicle-pass program. Those in favor, raise your hand.

MEMBER REILLY: Hand is raised.

CHAIRPERSON BANIS: Thanks, Jessica. Those against?

(Vote was taken.)

CHAIRPERSON BANIS: Motion passes unanimous.

Number three, again recognizing that there remain real issues to work through, we recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to arrive at a solution for replacing a sticker if the vehicle is sold or totaled.

All those in favor, raise your hands. Jessica?

MEMBER REILLY: Mine is raised.

CHAIRPERSON BANIS: Thank you. Opposed?

(Vote was taken.)

CHAIRPERSON BANIS: None. Motion passes unanimously. Al?

MEMBER MUTH: Point of order, Mr. Chairman.

CHAIRPERSON BANIS: Certainly.

MEMBER MUTH: Did we need seconds if you split
those into three motions?

   CHAIRPERSON BANIS: I asked for objections to
calls for the question. Hearing and seeing none, the
chair ruled into those three. Thank you. Ron?

   MEMBER JOHNSTON: No. I was just going to
retroactively offer a second.

   CHAIRPERSON BANIS: Thank you. Do we have
further recommendations? Next member to talk? Further
recommendations. And by the way, let me just say that
those recommendations that were just brought up were
recommended by our subgroup, recommended by ASA and also
recommended by Cal Four-Wheel Drive.

   MR. ARNOLD: Can I correct something to that
last one?

   CHAIRPERSON BANIS: We've stated in the agenda
we're not going to have discussion.

   MR. ARNOLD: I just wanted to state that you
said sold or totaled, but if it has the window sticker
and it's a broken window or something like that, the car
isn't totaled but still needs replacing, and technically
they might hold you to one of those.

   CHAIRPERSON BANIS: If there's no objections to
the DAC, this is being assigned to the subgroup to bring
up. Let's make sure that they have the transcripts, and
then they can consider all of those possibilities.
That's a really good point. Thank you.

MEMBER HOUSTON: Mr. Chairman, I got a little lost on that. Could you have the reporter read those three votes back.

CHAIRPERSON BANIS: Of course. All three of the motions?

MEMBER HOUSTON: Right, correct.

THE REPORTER: "The first question to consider, recognizing that there remain real issues to work through, we recommend that the DAC's ISDRA subgroup and the BLM continue to explore ways to possibly serve single-day visitors.

"Second motion again, recognizing that there remain real issues to work through, we recommend that the DAC's ISDRA subgroup and the BLM continue to explore ways to improve or expand the second-vehicle-pass program.

"Number three, again recognizing that there remain real issues to work through, we recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to arrive at a solution for replacing a sticker if the vehicle is sold or totaled."

MEMBER HOUSTON: Thank you. So we have not yet
recommended adoption of the fee proposal; that still
stands before us?

CHAIRPERSON BANIS: There's no requirement for
an approval of the fee program by this body in that
sense. Our duties as read to you and prescribed earlier
are --

MEMBER HOUSTON: I've read the regulations, 
Randy.

CHAIRPERSON BANIS: I'm sorry.
-- are to make recommendations and to determine
if the BLM has met the threshold of public comment. I'm
not finding any authority that says that our group,
quote, unquote, approves the Business Plan.

MEMBER HOUSTON: I agree. I just think we
should recommend that the BLM adopt this fee proposal as
written. I think that's why we came here.

CHAIRPERSON BANIS: Is that moved?

MEMBER HOUSTON: That's not a recommendation.
It's not an approval. I just think -- I move that the
DAC as constituted as a Recreational Resource Advisory
Council recommend that the BLM adopt the fee proposal as
written.

MEMBER SHUMWAY: I second that.

CHAIRPERSON BANIS: We have a motion and a
second to adopt the BLM's fee proposal as written. Do I
have further comment? Thank you, Don. Comment, if you'd like to start off. It's your motion. Or we could pass.

MEMBER HOUSTON: No comment.
MEMBER MUTH: Did you get her second?
CHAIRPERSON BANIS: I got Dinah's second.

Comments, Jessica? Are we okay?

MEMBER REILLY: I'm okay.

CHAIRPERSON BANIS: Kim?

MEMBER CAMPELL-ERB: We're recommending that they adopt the fee proposal? Is that what we're doing?

MEMBER HOUSTON: Yes.

CHAIRPERSON BANIS: That's correct. The motion moved and seconded is to adopt the fee proposal as written. Okay. If there are no further questions, I'll put the question to the DAC. Those in favor, please signify by raising your hand. Jessica?

MEMBER REILLY: My hand is raised.

CHAIRPERSON BANIS: Jessica's hand is raised.

So any opposed?

(Vote was taken.)

CHAIRPERSON BANIS: None. We have a unanimous passage on that motion. Thank you, Don.

Further motions for recommendations, clarifications? I'd like to have the floor for a
moment. These fees that we're talking about are authorized by the FLREA act. That's a law. That is up for reauthorization in 2014. That entire law expires next year. Congress needs to renew that law in order for all of these fee programs to remain in place, so there is confusion remaining between members of the public and the BLM relative to the fee-collection method.

We've heard that the BLM has sought its legal advice on its method of collecting fees and is comfortable with that. Nonetheless we've still had questions from DAC members regarding, is this a fee for an RV or for sand rail, or is it a sticker that goes on the back of your helmet? Where does this -- it's my opinion that the issues -- the fuzziness relative to fee-collection methods should be addressed in this reauthorization.

I think there are some on-the-ground realities that ten years ago or more that were not made loud enough or considered properly by Congress when reauthorizing or when authorizing that. I think this is an area that really needs to be talked about because this is an individual special recreation permit. So I would recommend that the -- I would recommend that we urge the BLM to seek better guidance from the
reauthorization of FLREA with regard to fee-collection methods.

MEMBER SHUMWAY: Are you looking for a second?

CHAIRPERSON BANIS: Looking for a second.

MEMBER CAMPELL-ERB: Second.

CHAIRPERSON BANIS: I have a second.

MEMBER REILLY: Second.

CHAIRPERSON: I'm sorry. I had a second from Kim. Thanks, Jessica. Do I have comments? Jessica, I'll turn to you first. Anything special?

MEMBER REILLY: Thank you for bringing that to our attention. I just wanted to express my support for that motion.

CHAIRPERSON BANIS: Further comments? Don?

MEMBER HOUSTON: I'd like to ask the designated federal officer what would will happen if the act is not reauthorized.

DIRECTOR RAML: I have no idea. I should say that in the microphone. I have no idea.

CHAIRPERSON BANIS: Any further comments?

Seth?

MEMBER SHTEIR: I appreciate the motion. I think it's -- I think it's good, but I believe the motion should be a little more specific rather than just better guidance. I think it needs to be more specific.
CHAIRPERSON BANIS: Pardon me. I agree. I agree with you, Seth. But I'm going to state to those publicly that I've spent far, far greater time reading the owner's manual to guiding this boat through treacherous waters than I have in trying to read and decide on the issues and craft recommendations themselves, and so I apologize that some of my own personal comments aren't as well written out and perhaps well presented as I'd like them to be. And I appreciate that comment by acknowledging the shortcoming of that.

Is there a way that we can fix this here and now?

MEMBER SHTEIR: I was just wondering if you could just maybe list some specific ways that you'd like to see the guidance improve. I mean, that might be one avenue of getting a more specific motion. So I'm not opposed to the idea, certainly. I just --

CHAIRPERSON BANIS: The only thing that's coming to mind for me might be inserting that it be in recognition of on-the-ground reality and be in response to real-world stories of implementation on the ground.

MEMBER SHTEIR: So do you want to say "best practices" or "ground truthing"? Or I don't know how you want to phrase it.

CHAIRPERSON BANIS: Kim, why don't you help me with this. I'm stuck. Thanks, though.
MEMBER CAMPELL-ERB: That the Congress seek input from the existing RRAC's in amending the FLREA, because they are the people who are on the ground working on these all the time. They are in a position to understand the challenges and the maze that is the regulations and the code regarding these fee increases. I don't suggest that you put that last language there. I'm just explaining why I suggest that we add that language.

CHAIRPERSON BANIS: Yeah. Al?

MEMBER MUTH: I think this goes along the lines of what Kim was just saying, but perhaps the recommendation for clarification should be tied to the input that we've received from the public, their concerns, not just a broad-scale request but tie it to the specifics.

CHAIRPERSON BANIS: Thank you. That's ringing a bell for me. If I were to restate the motion that I made and Dinah seconded, in hopes that it's a friendly change, I would then recommend that BLM urge Congress in the reauthorization of FLREA to consider in full the public comments and advisory council comments and provide better direction to on-the-ground implementation of fees.

We have a strong record here today that I think
will be compelling when read, and I'm hoping that might
do it. Was that acceptable, Dinah?

MEMBER SHUMWAY: Yes.

CHAIRPERSON BANIS: Getting closer? Don?

MEMBER HOUSTON: I would just add one thing.

Typically on-the-ground implementation is done by
regulation, not by law. So I would add "by law and by
regulation."

CHAIRPERSON BANIS: It's acceptable to me. To
the seconder?

MEMBER SHUMWAY: Yes.

MEMBER REILLY: Yes.

CHAIRPERSON BANIS: How are we feeling on that?

Are we feeling good enough to move into a vote, if there
are no objections? Could I ask -- you know, actually
I'm going to try it. I'm going to restate that motion
because the more I say it, the more I'll believe it.

MEMBER CAMPELL-ERB: Talk slowly.

CHAIRPERSON BANIS: Recommend that the BLM --
boy, I lost that really good word -- recommend that the
BLM -- I recommend that the BLM work with Congress in
the reauthorization of FLREA to take into consideration
the public comments and that of its advisory councils to
provide better guidance on fee collection through law
and regulation. Terrific. Thanks for letting us mix
that batch of dough. Let's bake it. Those in favor, raise your hands. Jessica?

MEMBER REILLY: My hand is raised.

CHAIRPERSON BANIS: Thank you. Opposed?

(Vote was taken.)

CHAIRPERSON BANIS: None. Motion passes. Any further recommendations? Sorry, folks. I'm on a roll. You thought I was unprepared. I would like to see the issue of the 2016 fee increase go to the DAC or a recreation resource council before it is implemented. I believe it would have to. I'm feeling fuzzy about -- I'm feeling uncomfortable about approving a fee increase three years down the road, not that it couldn't happen, not that it couldn't be necessary.

It seems that this increase is in the written plan and built in if it's necessary that there would be an increase in 2016. Because it's an increase, I would think that would have to go to a Recreation Resource Advisory Council. Maybe it doesn't.

MEMBER MUTH: Is it any change in fees? That would include a decrease too.

CHAIRPERSON BANIS: The law does say that, when there's an increase or a decrease in fees, the increase, decrease or establishment or removal of a fee area.

MEMBER HOUSTON: I would correct that. I think
it's any new increase or new change, and since this has
already been approved, it's not new.

    CHAIRPERSON BANIS: Is that how you feel on
that?

    MEMBER HOUSTON: I think that's how the law is
worded.

    CHAIRPERSON BANIS: I don't hear a second.

    That one is dead.

    All right. Any more recommendations? What
else have we got? We're here. The fee-collection costs
we've heard are -- we have a new program going into
effect. I'd like to see the DAC be patient and see the
results of that, how that turns out. No? Are we good?

    I guess I would just close. If I could, I'm
just going to close with a couple of quick comments.
I'm not sure there are too many LEO's, when one out of
five contacts seems to result in a citation or a
warning. That seems to me to be --

    MEMBER SHUMWAY: Mr. Chairman, what is an LEO?

    CHAIRPERSON BANIS: Law enforcement officer. I
know there are a few accidents, the feeling that there
are few accidents statistically, but the response time
to accidents is, in my understanding, one of the single
most important factors in minimizing injury and saving
people's lives. Thanks. I'm just going through my
notes to make sure I've got everything off my chest, because this is it. All right. Thank you.

I would just like to close my comments, if I may, in this one way. Thank you to ASA's Nicole. Thank you for your participation in all of this. Your letters throughout the course of the years have been influential on me, so thanks for staying involved.

I want to thank subgroup chair Tom Acuna for graciously returning to the DAC's service. No one is more suited to that task, and no one understands the challenges of the DAC more than a former DAC chair. And the BLM and the DAC are extremely fortunate to have his continued involvement.

I'd like to thank former DAC member Dick Holliday for introducing me to the world of FLREA and the resulting rat's nest. I also want to thank Jim Bramham for challenging my thinking on these issues throughout the process. More than ten years ago during my formulative days, Jim took me under his wing, and he schooled me in OHV 101. And he served the DAC during my days of knowing him on both the ISDRA and the Dumont Dunes Subgroups even before they were subgroups. And that makes me think at least twice when I find myself in disagreement with Jim. So thanks to Jim too.

Thank you, all, also who took your time to
educate me and the rest of the DAC today. And I'm done
with my comments on this issue. Further comments? Any
other?

DIRECTOR RAML: I want to say one too.

CHAIRPERSON BANIS: Teri?

MR. BRAMHAM: I just want to make one point, Randy. There's nothing to preclude you from making a
motion that would say you would approve the process
except the 2016 increase, that that would have to come
back to an RRAC. You could make that replacement motion
for the motion that's already passed, if you decided you
wish to do that.

CHAIRPERSON BANIS: I'm not finding a whole lot
of support here from this council on that particular
item, I'm afraid.

MEMBER MUTH: We're done.

CHAIRPERSON BANIS: Thank you, though. Kim,
Teri? Teri wanted to make a closing. Kim?

MEMBER CAMPELL-ERB: It wasn't on that item,
but I wanted to say something. I feel very, very, very
sympathetic with everyone who is upset at the increase
in fees. And I want you, the public, to know that my
bigger concern, maybe not bigger but a strong
consideration in the way I voted today, is because I
worry with the way the state of our federal deficits are
that, if we didn't approve the fees today, that we could lose the Imperial Sand Dunes, and that is really the basis for my approving it. And I think it was important for me to let you know that. Thank you.

CHAIRPERSON BANIS: Last comments from the DAC? Teri?

DIRECTOR RAML: Okay. I wanted to say a word. One is, I really appreciate the DAC for taking this Saturday to do it. I appreciate the subgroup. I think, you know, it seems now that we've worked so hard at it, it almost seemed like a little bit of a foregone conclusion. But it wasn't, and there were several times all of us didn't think we would get to this point. Relationships were frayed. Tempers were frayed. And more than once I found myself behaving poorly at times. So I'm happy now to have reached this, and I thank all of you for your good work and all the input that we received, and we look forward to continuing to work with you on it.

The last word I have to say is thanks to Neil and Tom and Margaret Goodro in absentia, but you know, this is not -- this is hard work for the Bureau too. We don't particularly like to raise fees on the public, but we feel we need to, and we appreciate the long journey that got us to this point. And we look forward to
continuing to work with the subgroup.

Jim, thank you. You and I had our go-arounds on this, and I think we got to good spot. I don't know if we're shoulder to shoulder but close. So thank you much.

CHAIRPERSON BANIS: Very good. Do I have a motion to adjourn?

MEMBER JOHNSTON: So moved.

MEMBER MUTH: Second.

CHAIRPERSON BANIS: Moved by Ron Johnston, seconded by Al Muth. Those in favor, raise your hand Jessica?

MEMBER REILLY: My hand is raised.

(Vote was taken.)

CHAIRPERSON BANIS: Thank you very much, Jessica. Meeting adjourned at 3:52.

(Whereupon, the proceedings were concluded at 3:52 p.m.)

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MOTIONS

A. Maker: Johnston  
   Seconder: Shteir  
   Motion: That the BLM has sought out and received public support to consider the recommendation for this action in the fee change  
   Result: Motion carried

B. Maker: Campbell-Erb  
   Seconder: Shumway  
   Motion: Recognizing that there remain real issues to work through, recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to possibly serve single-day visitors  
   Result: Motion carried

C. Maker: Campbell-Erb  
   Seconder: Shumway  
   Motion: Recognizing that there remain real issues to work through, recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to improve or expand the second-vehicle-pass program  
   Result: Motion carried

D. Maker: Campbell-Erb  
   Seconder: Shumway  
   Motion: Recognizing that there remain real issues to work through, recommend that the DAC's ISDRA Subgroup and the BLM continue to explore ways to arrive at a solution for replacing a sticker if the vehicle is sold or totaled  
   Result: Motion carried

E. Maker: Houston  
   Seconder: Shumway  
   Motion: That the DAC as constituted as a Recreational Resource Advisory Council recommend that the BLM adopt the fee proposal as written  
   Result: Motion carried
M O T I O N S – (Continued)

F. Maker: Banis
Seconder: Campbell-Erb
Motion: Recommend that the BLM work with
Congress in the reauthorization of FLREA to
take into consideration the public comments
and that of its advisory councils to provide
better guidance on fee collection through
law and regulation
Result: Motion carried

G. Maker: Johnston
Seconder: Muth
Motion: To adjourn
Result: Motion carried
CERTIFICATE

I, Diane Carver Mann, CSR No. 6008, in and for the State of California, do hereby certify:

That the foregoing pages were taken down by me in shorthand at the time and place stated herein and represent a true and correct transcript of said proceedings.

I further certify that I am not interested in the event of the action.

Witness my hand this ____ day of ________________, 20__.

______________________________
Certified Shorthand Reporter in and for the State of California