

# Imperial Sand Dunes Recreation Area 2012 Draft Business Plan

Public Comment Content Analysis  
Imperial County, California

United States Department of the Interior, Bureau of Land Management  
El Centro Field Office

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## **Introduction**

This document reviews the content of, collates, and summarizes public comments received during and beyond the public comment period for the Imperial Sand Dunes Recreation Area 2012 Draft Business Plan. The content analysis is in no way meant to respond to, validate, or otherwise give weight to any comment received, but merely present the comments in logical groups to ensure all issues brought up by the comments can be easily understood and fully addressed in the Final ISDRA Business Plan.

The Imperial Sand Dunes Recreation Area (ISDRA) 2012 Draft Business Plan updates the 2003 ISDRA Business Plan. The update is required to address the gaps between agency objectives, customer needs, and management capacity. Without a modification to the fee program, drastic changes may occur to the ISDRA recreation program as a result of declining federal budgets and reduced opportunities for outside funding. These changes may include, but are not limited to, cuts in emergency medical services (EMS) / search and rescue (SAR), maintenance of roads and camping areas, education efforts, and law enforcement.

## **Public Process**

Public participation has played, and continues to be, an important part of the planning process for the ISDRA.

The public participation process for the Business Plan began in August 2010 with the August 31<sup>st</sup> 2010 ISDRA Desert Advisory Council (DAC) subgroup meeting. During this meeting members of the subgroup were asked to list important issues to be addressed in the plan. In addition, this meeting produced a preliminary outline of critical elements to the planning process and some potential ideas that could be considered as alternatives to the current fee structure and system.

Subsequent public meetings and outreach efforts to garner additional ideas and provide information updates occurred over the course of the next two years until the release of the 2012 Draft Business Plan on October 18<sup>th</sup> 2012. This release coincided with notification of a public comment period, which although originally scheduled to end on November 5<sup>th</sup> 2012 was extended until November 30<sup>th</sup> 2012. Although the comment period officially closed, comments continued to be received and were included in this document until January 15<sup>th</sup> 2013.

Since its release, the plan has been heavily promoted through press releases, person-to-person contacts in the ISDRA, and on BLM websites and social media. In addition, presentations were made at stakeholder group meetings and public meetings of the ISDRA DAC subgroup and the DAC.

## **Public Comment Review Process**

All written public comments received were printed, logged, read, and reviewed. Each comment letter was assigned a unique number and each relevant comment within the letter was highlighted and given a comment number – these numbers were decimals of the originating comment letter number e.g., comment letter 84 may have contained three distinct comments and would have been numbered 84.1,

84.2, and 84.3 respectively. This method of comment analysis allows for letters containing multiple thoughts, issues or ideas to have each of those separate items tracked throughout the review process.

All comments received are appreciated; however, comments that express an opinion or state support or objection to an idea are less useful than substantive comments. Substantive comments are those that identify specific issues with the document, flaws in the analysis, or point out concerns with the proposed plans. These comments usually provide supporting documentation for the claims made in the comment and often offer alternatives or remedies to resolve the issue. These substantive comments drive the identification of comment themes, which are then used to categorize less substantive comments. Where it was impossible to separate comments or the actual comment was difficult to discern, the comment was categorized to the closest comment theme. Finally it should be noted, the public-comment process is not a voting process or popularity contest, and although the volume of comments with similar themes is recorded and presented below, it is for information purposes only and does not give any more weight to one theme over any of the others. Furthermore, comments unrelated to the ISDRA Business Plan such as, perceived temperament and behavior of BLM Law Enforcement Officers, were not given consideration in this document.

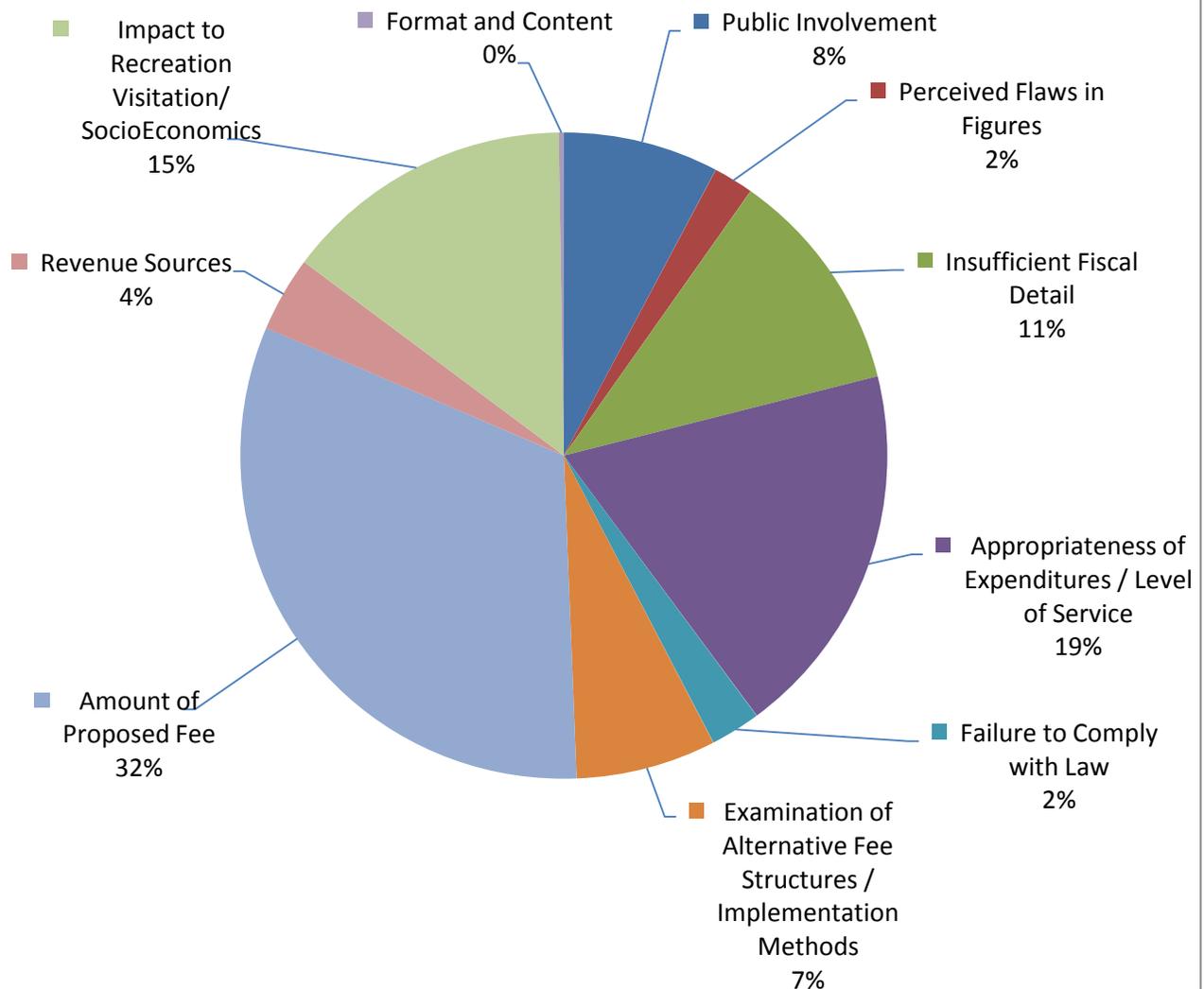
## **Comment Summary**

Comment letters received ranged from stating opposition to fee increases, to substantial discussion of deficiencies in the document and recommendations for improving both the document and the proposed structure, as well as the method of fee implementation. In total, 236 written comments (formal letters and emails) were received during the comment period. Of these, 13 are considered to be form letter i.e., the same basic letter sent from different people. Overall, commenter affiliations were fairly wide-ranging and included local governments, businesses, organizations representing groups of businesses, stakeholder/user groups, and individual ISDRA visitors.

Many of the comment letters related anecdotes of ISDRA use, including the area's importance to generations of families and the key role it plays in annual vacation and recreation time. Whilst providing useful background information on which to base impact analysis, these personal histories are not individually captured in this document. Other noteworthy observations concerning the comments, that did not influence the development of the theme categories below include; 1) a misunderstanding over whether the ISDRA is managed by the State or Federal Government; 2) a misunderstanding of the relationship between ISDRA management (BLM) and the State of California; and 3) a misunderstanding of how the State-regulated OHV registration program relates to funding for the Federal Government.

Within these 236 comment letters were 400 distinct comments. These comments have been parsed out into 10 themes that group and summarize like comments. The following graphic identifies the distribution of comments across these themes and is presented as a tool to understand the breadth of comments received.

## Comments Distribution by Comment Theme



### Comment Themes

The following collates and combines the comments received into the aforementioned themes and paraphrases/summarizes to aid in understanding.

#### Public Involvement

Numerous comments alluded to insufficient time to fully review the Draft Business Plan and an overall lack in opportunities for public participation during the development of the Plan. Some comments cited a “dismissive” attitude to input (comments, ideas and feedback) provided during the scoping phase of the plan. Specifically, several comments spoke to insufficient rationale or detail being provided for dismissal of several publically proposed fee structures, implementation, and collection ideas.

### **Perceived “Flaws” in Figures**

A number of comments identified discrepancies within the document between the visitor counts, fee compliance, and revenue numbers. Commenters questioned the validity of the numbers presented. Specifically, comments questioned the methods used to obtain these figures, while others questioned the mathematics/accounting used within the Draft Business Plan.

### **Insufficient Fiscal Detail**

Many of the substantive comments articulated concern over the lack of financial details presented in the Draft Business Plan. Specifically, the lack of “line item” level detail for revenues and expenditures. Commenters requested a level of detail that would disclose the cost elements of ISDRA management, including law enforcement, public safety, routine maintenance/operations, and the cost of administering the vendor program. These comments also expressed the need to present a similarly detailed breakdown of how the proposed fee revenues would be spent for each alternative.

In many cases, comments on the lack of fiscal detail related directly to the comments describing an absence of sufficient justification for current expenditures and those new expenditures associated with the proposed fees. Comments specifically questioned the rationale for increased services, as many state there is no demand for these services. Many suggested efforts should be taken to reduce services; particularly levels of law enforcement. As remedy to this missing information, commenters requested more explicit detail on proposed spending and a few comments suggested the Plan should include a “Zero-Base Budget” where each proposed line item expense would be presented individually and justified.

The crux of all these comments was the inability for the public to adequately review the plan, and for management to make a well-informed decision without this level of detail.

### **Appropriateness of Expenditures / Level of Service**

As mentioned above, many comments questioned the need, or demand for services. Often comments stated the “need” as a government need, rather than a real user-driven desire for increased services. Commenters queried whether all expenditures were “appropriate”, with many believing that fees currently collected are appropriated to projects outside of the ISDRA. Specifically, these comments question if fee money was being used to fund those working on non-dune related issues, or to dune personnel (Law Enforcement) who were working on non-recreation related cases, e.g., border patrol issues.

A number of the comments suggested that the level of service currently provided, especially law enforcement, exceeded the need – especially given declining visitation - and was therefore an inappropriate use of funds. Other comments expressed concern over the disparity of expenditures across the dunes with some areas seeing little improvement over the past 10 years. These comments often tied back to the lack of sufficient detail in current and proposed expenditures.

Comments also specifically questioned the appropriateness of the expense of the fee collection itself and the percentage profits allocated for permit vendors, suggesting that alternate sale and collection methods should be investigated.

An underlying sentiment conveyed by these comments was that every effort should be made to reduce waste, eliminate and downsize services, as well as demonstrate that all cost cutting measures had been implemented prior to increasing fees.

### **Failure to Comply with Law**

A small number of comments expressed concern that the current and proposed fee structure do not comply with the Federal Lands Recreation Enhancement Act (FLREA). Specifically, stating that the current structure appears to be an “Entrance Fee” which FLREA prohibits the BLM from charging. A couple of comments suggested that the fees expenditure is also not in compliance with the limitation on costs-associated fee administration imposed by the regulations.

### **Examination of Alternative Fee Structures / Implementation Methods**

Many comments criticized the lack of examination of alternate fee structures, including a monthly pass, daily pass, senior/military pass, a second vehicle pass, imposing the fee on only vehicles engaged in motorized recreation i.e., required to use a flag/whip, and differing fees for different regions of the dunes relating to services provided at those locations.

The comments citing “Failure to Comply with Law” stated that these types of changes would bring the fee program into compliance. Several comments suggest use of the hang-tag system to be inefficient and suggested a vehicle sticker as a more appropriate mechanism for identifying those in compliance.

### **Amount of Proposed Fee**

The most prolific comment requested was that fee amounts should remain the same. A smaller number of comments acknowledge that a fee increase is appropriate but questioned the proposed amount as being unacceptably high. Other comments focused on the fees levied on vendors, suggesting the increases would reduce vendor services available in the dunes.

Several comments suggested that a “phased in” or “incremental” increase would be more palatable to the users and should be explored further in one of the alternatives. Conversely, two comments supported the fee increase and others suggested it would be inappropriate to offer “free days” as this may lead to increase in undesirable use or concentrated and unmanageable visitation on those days.

### **Revenue Sources**

A few comments questioned the apparent reliance solely on fees as a revenue source. Whereas another comment cited that the base federal funding was insufficient to achieve the BLM’s mission and ISDRA’s objectives. Yet another suggested that other funding streams should be given further investigation (e.g., cost recovery and compensation from renewable energy development, income returned to the County via citations under the county ordinance etc.).

Several other comments tied back to fiscal detail being inadequate to determine how current operations were funded

### **Impact to Recreation Visitation / Socio-Economics**

Many commenters stated their personal intent to never return to the ISDRA. A number of comments expressed concern that the plan hadn't adequately addressed the potential impact to visitation as a result of increased fees and its negative effect to revenue and the economics of the local communities. There was a general consensus within the comments that increasing fees by the amounts proposed would result in a decline in visitation.

Also in question was the validity of the Socio-Economic analysis. Some claimed the figures presented were inaccurate, while others suggested the plan arbitrarily dismissed these impacts. One comment requested further investigation to determine the impacts to local users, specifically highlighting the need to adequately address impacts to low income and impoverished communities.

### **Format and Content**

One specific comment focused on, and several others suggested, that the overall format of and content in the Plan. Comments ranged from requesting specific information or analysis, to suggesting how information could be presented.

### **Conclusion**

Public comment is an important part of public lands management. The comments submitted, and this content analysis, now provides the basis to move forward with the development of the Final ISDRA Business Plan. Although the comments themselves will not be formally responded to, the themes presented above, along with many of the specific questions, details, and ideas provided, will be answered and included in the final document.

The closure of the comment period, and this document do not however, mark the conclusion of the public process. Additional opportunities to engage in development of the business plan and overall management of the ISDRA, including those formally provided through consultation with the Recreation Resource Advisory Committee and Desert Advisory Council, including its subgroups, will continue.