



June, 2014

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OHV RECREATION UNDER ATTACK

In addition to the ongoing lawsuit seeking to end open riding at Ocotillo Wells State Vehicular Recreation Area (OWSVRA), the Center for Biological Diversity filed a petition on June 9th seeking the Flat Tailed Horned Lizard be listed as an endangered species. They claim that habitat loss, **off-road vehicles** and global warming are pushing the species towards extinction.

The petition specifically lists areas such as OWSVRA, Superstition Mountain Open Area, Plaster City Open Area and the Imperial Sand Dunes Recreation Area (ISDRA) as habitat areas that have had cumulative impacts due to off-road vehicle use. Furthermore, illegal ORV (Off Road Vehicle) use has been closely monitored. The petition contains several pictures of illegal route proliferation and requests ORV use be prohibited within some or all of the Management Areas. Some of the pictures that were included in the petition have been included below.

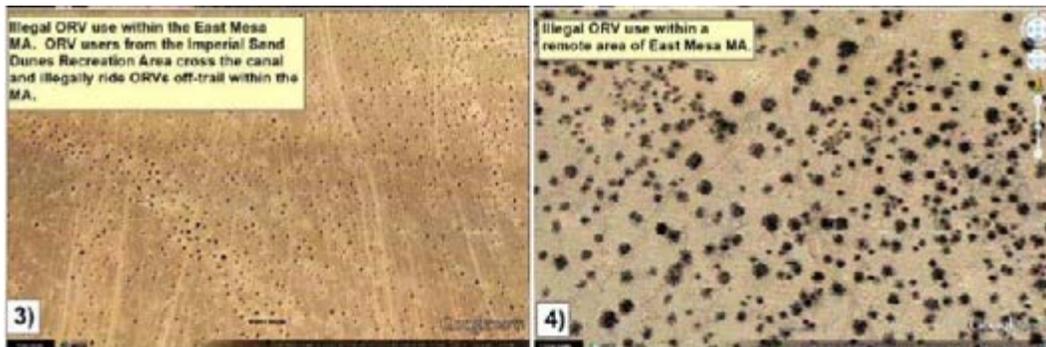
The **aSa** has been working diligently for over 14 years to gain access back to the 40,000

acres of riding area in the ISDRA that had been closed to protect the Pierson's Milk-vetch. Although we gained some of our riding area back, it is but a small victory towards our constant uphill battle. Environmental groups will always have another species to petition and this is but one example.

We will be consulting with our attorney on this matter and will keep our members posted on any new developments.

[CLICK HERE TO READ THE FULL PETITION](#)

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APPEAL FILED TO OVERTURN JUDGE'S RULING RESULTING IN REOPENING OF DUNES

Last month the Center for Biological Diversity (CBD) filed an appeal in the 9th Circuit Court of Appeals challenging the management of the Dunes on three primary grounds:

- The Fish & Wildlife Service (FWS) and Bureau of Land Management (BLM) violated the Endangered Species Act (ESA) by issuing and relying upon a flawed biological opinion for the threatened Pierson's Milk-vetch, a plant that occurs nowhere else in the US other than the Dunes.
- BLM violated the National Environmental Policy Act (NEPA) by failing to address the wilderness qualities of the lands to be opened to ORVs.
- BLM violated the Clean Air Act and other laws by vastly underestimating the air pollution impacts from its management-primarily dust kicked up by ORVs tires. The Dunes are in an area declared in serious non-attainment for particulate pollution already, and BLM's management of the Dunes contributes significantly to

this problem. The District Court upheld defendants' actions on each of these claims. The Court ruled in Plaintiffs' favor on claim related to FWS's failure to issue a recovery plan for the Peirson's Milk-vetch.

The court calendar states that we have until September 8, 2014 to file our answering brief. In the meantime, the CBD is considering a motion for an injunction pending the appeal or a motion to expedite this appeal because of the impending ORV season.

The aSa is working on this issue through our attorney and our EcoLogic Partners. In the meantime, the old closure stakes are still being removed and the new stakes for the Critical Habitat area are being installed.

SUPPORT THE aSa - THE FIGHT IS NOT OVER!

Are you tired of reading articles like those above? The Center for Biological Diversity (CBD) continues to attack YOUR access to OHV recreation with any sort of idea it can dream up. The fight to open the dunes has just begun, and they are trying to stop it before we get a chance to enjoy our dunes. This fight has taken 14 years and over a million dollars just to get where we are today, who knows how many more years and how much more money it will take to force the CBD and their junk science to leave OUR land alone?

We've only just begun to fight and we need your help! The aSa wants to continue to lead the fight against the junk science arguments from the CBD and others. We need two important resources: we need people and we need money.

SO HOW CAN YOU HELP?

- Donate directly to the aSa. [Donate Here.](#)
- Become an aSa Supporting Member. [Click Here.](#)
- Renew your aSa Business Sponsorship. [Click here to Sponsor.](#)
- Obey the laws and the closures.
- Buy Raffle Tickets.
- Volunteer – There are many opportunities.
- Attend the aSa Info Meetings.

Nothing is too big or too small. You can make a difference!

Contact our Executive Director at ngilles@asasand.org or by calling (760) 996-8983. You can also visit our website at www.asasand.org for details.

OFF ROAD GROUPS TEAM UP TO OPPOSE OCOTILLO WELLS LAWSUIT

The American Sand Association (**aSa**) through its partnership with Ecologic Partners is pleased to announce that we have partnered with Tierra Del Sol Four Wheel Drive Club (TDS), and the California Off-Road Vehicle Association (CORVA), to oppose the lawsuit seeking to end open riding (riding on designated trails only) at the Ocotillo Wells State Vehicular Recreation Area (OWSVRA). Last year, Public Employees for Environmental Responsibility (PEER) and the Desert Protection Council (DPC) filed suit against State Parks, claiming the open riding policy at OWSVRA was damaging natural and cultural resources. Our attorney, David Hubbard of Gatzke Dillon & Ballance (Calrsbad), will join Jesse Barton of Sacramento who has represented CORVA since they filed for intervener status last year, and will continue representing the organization.

PEER and DPC filed suit in Sacramento Superior Court alleging that State Parks is violating the Public Resources Code in their management of Ocotillo Wells. The Attorney General has aggressively defended State Parks' management of the OWSVRA.

Now, EcoLogic, TDS and CORVA will be partnering to make sure every possible argument in favor of OHV recreation is developed and argued in this effort to keep OWSVRA open.

"Dave Hubbard has represented the **aSa** for many years with our ISDRA issues and is very knowledgeable in handling cases that impact OHV" stated Nicole Nicholas Gilles, **aSa** Executive Director, "He will be a great addition to the legal team." "TDS has members whose families have recreated in this area for generations" said Tim Augustine, President of TDS, "we felt the more pairs of legal eyes reviewing this, the more likely we are to come out with a win". David Hubbard and Jesse Barton and will collaborate on developing the legal briefs necessary to convince the judge that State Parks has not abused its discretion in the management of the Park and that the natural and cultural resources continue to be protected effectively according to the law.

*The American Sand Association (**aSa**) is a contributing member of EcoLogic Partners Inc. which advances common sense land use policies through administrative, political and legal means so that American families can enjoy responsible outdoor recreation. Other EcoLogic Partners include the Off Road Business Association (ORBA) and American Motorcyclists Association (AMA District 37).*



SERIES OF aSa INFO MEETINGS BEING HELD

Information Provided About New Closed Areas

The American Sand Association (aSa) will conduct a series of Info Meetings to inform the duning community about the implementation of the Recreation Area Management Plan (RAMP) for the Imperial Sand Dunes Recreation Area (ISDRA) also known as Glamis and Buttercup. We encourage you and your duning groups to plan to attend at least one of these meetings to learn the details of the changes being made with the implementation of the RAMP. The aSa will also unveil its "Vision for the Future" regarding aSa's focus moving ahead.

The successful resolution of most differences of opinion requires a ***give and take***, or a compromise. Judge Illston in her April 3, 2014 ruling ***gives*** the Bureau of Land Management (BLM) the go-ahead to implement the RAMP and to remove the closure stakes based on a give and take compromise. The Judge's ruling reopens over 49,000 acres of the long standing closure and defines a new Peirson's Milk-vetch (PMV) Critical Habitat (CH) closure of around 9,200 acres. The majority of the PMV CH is east of the Sand Highway from five miles south of Roadrunner campground to Dune Buggy Flats. To maintain the integrity of the necessary CH, the ruling ***takes*** away the historical access from the sand highway to Patton Valley. To access Patton Valley from Dune Buggy Flats, duners will be required to drive through the large dunes north or south of Patton Valley.

The Fish and Wildlife Service (FWS) and BLM have been invited to attend one of the Info Meetings to explain the rationale supporting the decision to take away the pass through access to Patton Valley. The aSa will discuss how closure violations will likely result in lawsuits by the Center for Biological Diversity (CBD), the Public Employees for Environmental Responsibility (PEER) or other environmental groups advocating to close more (or all) of the dunes.

Judge Illston's ruling orders the FWS to complete a PMV Recovery Plan by July 31, 2019. The aSa will cooperate with the FWS in the development of the Recovery Plan. Hopefully the Recovery Plan will eventually result in the delisting of the PMV.

MARK YOUR CALENDAR - PLEASE JOIN US

- Off Road Warehouse - El Cajon, CA - SEPT 13 - 10:30 a.m.
- Off Road Warehouse - Escondido, CA - SEPT 13 - 1:30 p.m.
- Pound Sand Orangewood RV - Surprise, AZ - OCT 04
- FUNCO Motorsports - Rialto, CA - Date TBA
- DUNER'S DINER - South Dunes - Date TBA
- RIDENOW PEORIA SAND BOWL - Peoria, AZ - OCT 11
- FODDRILL MOTORSPORTS - Peoria, AZ - OCT 18
- RIDENOW TUCSON, Tucson, AZ - OCT 25

2014 / 2015 IMPERIAL SAND DUNES FACTS & FAQs

The aSa recently met with the BLM to start developing an information piece to help educate duners about the changes to the upcoming duning season. The following information provides some history

regarding the Recreation Area Management Plan and answers questions that were submitted to the aSa by duners. Finally, we have included the revised ISDRA map.

1. The (June 2013) Record of Decision (ROD) for the Imperial Sand Dunes Recreation Area (ISDRA) Management Plan (RAMP) provides management guidance for the 164,000 acres encompassing the ISDRA Management Area and 50,000 acres of public lands in the surrounding area.
2. The BLM developed the RAMP to provide a world-class recreational experience while aiding in the recovery of listed species. It provides sustainable recreation opportunities while balancing conservation of natural resources and addresses a wide range of issues such as: recreation, public health and safety, air quality, natural and cultural resources, wilderness characteristics, areas of critical environmental concern cultural resources, and renewable energy.
3. The RAMP ensures continued economic benefits for the local communities who provide goods and services to the families that recreate in the dunes.
4. The RAMP achieves the BLM's mission by designating approximately 127,000 acres as "Open to OHV" recreation, approximately 9,000 acres as "Closed to OHV" to protect critical habitat for Pierson's Milk-vetch, and continued management of the North Algodones Dunes Wilderness as closed.
5. **The BLM is beginning the implementation of the ISD RAMP. Besides outreach and education, the first changes in the dunes that visitors are likely to notice are: (a) Opening the 49,300 acres of administrative closures. (b) Prohibiting OHV recreation within Pierson's Milk-vetch Critical Habitat. (c) Prohibiting camping between Wash 33 and Wash 70 to protect sensitive species habitat in the microphyll woodlands.**

FREQUENTLY ASKED QUESTIONS

Q - Where are the new closures and how can I learn more about them?

A - See the map below and visit www.blm.gov/ca/isdra, specifically, the Record of Decision and Recreation Area Management Plan.

Q - How are the boundaries going to be marked in the dunes?

A - The closed area boundary will be marked in the same manner as the previous administrative closures, with fiberglass posts.

Q - Is the Sand Highway to Patton Valley (northeast / southwest direction) closed?

A - Yes, however the Sand Highway on the west side of the dunes (northwest / southeast direction) remains open.

Q - How can I get to Patton Valley?

A - You will have to ride / drive to Patton Valley through the dunes around the eastern side of the new closures.

Q - Why isn't there an open corridor to Patton Valley?

A - The BLM based all closures on scientific monitoring of Pierson's Milk-vetch to balance sustainable OHV recreation and conservation. The previous Sand Highway area to Patton Valley was included in monitoring cells which had high populations of Pierson's Milk-vetch. In order to develop a balanced and defensible plan, and to reopen the 49,000 acres of administrative closures, the BLM will manage 100% of critical habitat as closed to OHV recreation.

Q - Is Test Hill / Freeway Hill Closed?

A - No. It remains open; however, there will be a closure on the north side of that dune, just south of the next valley.

Q - If I am riding and break down, can I drive through the closure to get back to camp?

A - If you violate the closure, you are subject to citation and/or arrest. Visitors have the legal alternative to go to the eastern side of the dunes to get to "Hard Pack" ground and coordinate with friends / family to retrieve their vehicle.

Q - Why does the closure have such an irregular shape?

A - The closure boundaries follow the Pierson's Milk-vetch critical habitat designation by the US Fish and Wildlife Service. The designation follows the boundaries of the monitoring cells (25 meters by 25 meters) of actual high density populations of Pierson's Milk-vetch observed in 2005.

Q - Why didn't the BLM straighten out the closure boundaries instead of using the irregularly shaped critical habitat boundaries established by the US Fish and Wildlife Service?

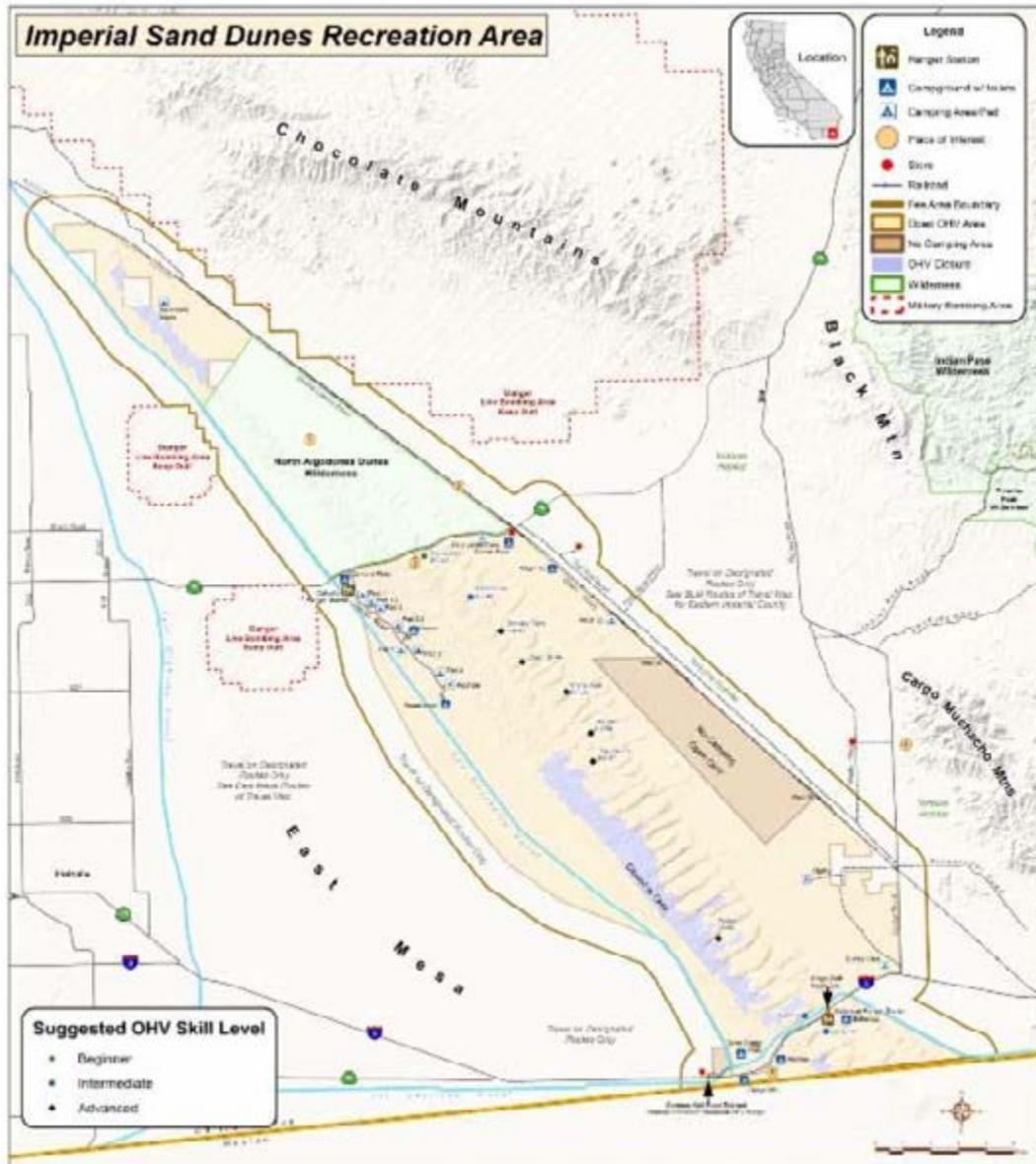
A - The BLM based the RAMP on the best available science. If the boundaries were straightened, critical habitat would have been opened to OHV recreation, or open OHV lands would have been closed. Neither decision would have been scientifically based or defensible.

Q - Why should I comply with the closures?

A - Compliance will protect your future OHV recreation opportunities and natural resources in the Imperial Sand Dunes. The BLM will be enforcing the closures to protect and conserve Pierson's Milk-vetch. If you violate the closure, you may be subject to citation and/or arrest. The BLM will also monitor and document closure violations and submit an annual report to the US Fish and Wildlife Service.

Q - Why are "The Washes" closed to camping from Wash 33 to Wash 70?

A - This area is closed to camping, but open to OHV recreation, to maintain recreation opportunities while mitigating the impacts to the microphyll woodlands habitat for plant and animal species.



- Places of Interest**
- North Algodones Dunes Wilderness**
This wilderness area encompasses more than 26,500 acres, with the largest and tallest dunes located in the central area and on the west side. The east side contains smaller dunes and numerous washes. You are welcome to walk or ride horses in this remote area. The wilderness is closed to all vehicle and mechanical transport.
 - Watchable Wildlife Site**
A parking area with access to the wilderness area. Discover a variety of plants and animal species.
 - Osborne Overlook**
A roadside overlook that offers scenic views of the sand dunes and the Imperial Valley. (OHV and street access.)
 - Tumco**
A self-guided walking tour takes you through the town of Tumco. Little remains of this once bustling community except for crumbling foundations, a reservoir, and a cemetery. The town is closed to camping and vehicle travel. Beware of open mine shafts and weak supporting timber! (Vehicle access to parking area only - please stay on trail.)
 - Plank Road**
Small, surviving remnants of the unique "floating" wooden road built across the dunes in 1916. The plank road was used for 10 years before being replaced by a paved highway in 1926. Please help preserve this historic road by keeping vehicles outside the protective fence.

AIR QUALITY WILL CLOSE THE DUNES SLOW DOWN IN CAMPING AREAS

The battle to maintain access to public land for motorized recreation will continue forever. More species, plants and animals, will be proposed for protection. In addition, air quality violations have been recently suggested by the Center for Biological Diversity (CBD) in their May 4, 2014 appeal of Judge Illston's April 3, 2014 Recreation Area Management Plan (RAMP).

Air quality will pose the next significant threat to motorized recreation on public land. The dust created in the Imperial Sand Dunes Recreation Area (ISDRA) camping areas can be reduced by obeying and enforcing the existing ISDRA speed limits. Excessive speed in the camping areas, on the desert floor, adjacent to the dunes contributes to dust and air quality concerns. OHV travel in the dunes specifically contributes little if any to air quality concerns. Speed, safety and air quality are inseparable.

The BLM and the State of California have established the following rules and laws for dune visitor safety:

BLM RULES

A 15 MPH SPEED RULE EXISTS ON THE SAND HIGHWAYS. No person shall operate an OHV in excess of 15 mph on public lands within 500 feet of Highway 78, Grays Well Road and access roads within Gecko and Roadrunner recreation sites.

CA VEHICLE CODE

Basic Speed Law 38305

No person shall drive an off-highway motor vehicle at a speed greater than reasonable or prudent and in no event at a speed which endangers the safety of other persons or property.

Prima Facie Speed Limit 38310

The prima facie speed limit within 50 feet of any campground, campsite, or concentration of people or animals shall be 15 miles per hour unless changed as authorized by this code and, if so changed, only when signs have been erected giving notice thereof.

The duning community has a choice to make. Modify its behavior or face closure due to air pollution. Continuing to act in a manner that is viewed as irresponsible by the CBD and others will result in litigation and potential loss of riding area. Environmental responsibility is the better choice. The development of an education plan followed by an emphasis on enforcement of existing rules and laws is the wiser choice.

MAINTAIN ACCESS TO PUBLIC LAND

Support the ASA *and win!*



GRAND PRIZE!

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Sand Sports Super Show
September 21st 2014

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