American Sand Association

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Volume 3 Issue 1
January 2003

UNITE, INFORM, AND MOBILIZE TO KEEP OUR DUNES OPEN

LEGAL/RAMP UPDATE

By Mark Harms, Roy Denner, and Vince Brunasso

It is encouraging to note that, for the first time in history, off-road groups in California are finally united together to address a common cause – keeping off-road areas open to off-road recreation. The following off-road organizations (in alphabetical order) are sharing legal fees and costs for independent biological studies: American Motorcyclist Association, District 37 (AMA D37); American Sand Association (ASA); California Off-Road Vehicle Association (CORVA); Off-Road Business Association (ORBA); San Diego Off-Road Coalition (SDORC); and California Association of 4-Wheel Drive Clubs (CAL 4WD).

These organizations have collectively retained David Hubbard, a top-notch environmental attorney from the firm of Procopio, Cory, Hargreaves, and Savitch to represent the off-road community in California.

Early this year the El Centro Bureau of Land Management (BLM) Office released the draft of a new Management Plan, with a supporting Environmental Impact Statement (EIS) for the Imperial Sand Dunes Recreation Area (ISDRA). Representatives from the off-road groups named above met in Ontario over two weekends and developed a comprehensive joint comment document for the proposed plan. Additionally, the ASA produced a more detailed set of comments and went as far as publishing an addendum to that. Together, these three sets of comments, combined with our attorney's comments, total over 80 pages of arguments, charts, graphs, and pictures, clearly stating our position on how the ISDRA should be managed.

Apparently, our input was considered by the BLM in their revision of the plan. Recently, Congressman Duncan Hunter learned of a meeting between the BLM and the Fish & Wildlife Service (FWS) where it was rumored that FWS planned to issue a "jeopardy opinion" on the proposed plan. This means that the plan, as revised and presented, would lead to the extinction of the Peirson's Milk Vetch (PMV) Plant in the Opinion of FWS.

Congressman Hunter suggested to the BLM that the biologist, engaged by the ASA, who was responsible for the only comprehensive, peer-reviewed, study of the PMV, should be included at the meeting. Over the objections of FWS, our biologist did attend the meeting and, instead of a "jeopardy opinion", the plan was sent back to the BLM for further review and adjustment. It is anticipated that the plan will be finalized and released to the public very soon.

Because of the delay in finalizing the ISDRA Management Plan, the ISDRA is open this season with the closures in place that existed last season. No changes, positive or negative, can be made until the new plan is released and implemented. New lawsuits initiated by environmental organizations

(Continued on Page 2)

BLM Press Release Regarding Comp Hill Curfew

For Immediate Release: December 3, 2002
Contact: Stephen M. Razo (909) 697-5217
CA-CDD-03-10

Thousands Enjoy Holiday Weekend at Imperial Sand Dunes

Over 170,000 recreation enthusiasts enjoyed a relatively calm Thanksgiving holiday weekend at the Imperial Sand Dunes with federal, state, and local officials pleased with a continuing trend toward a safer environment. Overall, law enforcement and emergency medical service actions were down. Last weekend saw 780 law enforcement actions and 170 emergency medical responses in comparison to over 1,500 law enforcement actions and 200 medical responses a year ago.

"Last Thanksgiving weekend was a challenge for us," said Greg Thompsen, BLM El Centro Field Office manager. "With the initiation of the Incident Command System (ICS) and the wonderful cooperation of over 10 agencies, in particular the Imperial County Sheriff's Office and the Imperial County Board of Supervisors, this past year has seen a continuing trend towards a safer environment for Dunes visitors."

In the interest of safety for visitors and law enforcement officials, the Imperial County Board of Supervisors passed an ordinance (no.1359) placing a sundown to sunrise curfew at Competition Hill, which was initiated this past weekend. Officials state that visitors honored the curfew and reported no challenges to the new restriction. The curfew began Thanksgiving evening and ran through Saturday night and will remain in effect for holiday weekends only. The ordinance states Competition Hill has become a major site for lawlessness, violence and drug use, especially at night, creating serious safety risks to law enforcement personnel and the general public.

The weekend ICS was comprised of law enforcement and support personnel from the California Highway Patrol, U.S. Forest Service, California Department of Forestry, U.S. Border Patrol, Imperial County Sheriffs, San Diego County Sheriff's Department, the Coachella Valley Law Enforcement Coalition, National Parks Service, California Dept. of State Parks and Recreation, U.S. Fish and Wildlife Service, California State Bureau of Narcotics, Yuma Rural Metro Fire and Ambulance, California Conservation Corps, and the Bureau of Land Management.

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Our Green Sticker Money Held Hostage

By Keith L. Rosewitz

The Off Highway Motor Vehicle Recreation (OHMVR) Commission met December 5th and 6th, 2002 in Ontario, CA. The honorable Daphne Greene, chairman of the seven member commission, called the meeting to order at 8:30 Thursday morning. The meeting was adjourned to the following day at 8:30 PM. This extraordinarily long session of a two day meeting schedule would appear, to those unfamiliar with off highway vehicle recreation (OHV), to be the dull, monotonous routine of state business. The

(Continued on page 15)

6th Annual Glamis-CleanUp

Saturday, January 18th at 9:00 am

Continuing with the tradition of cleaning up the dunes on Martin Luther King weekend, the 6th Annual Glamis-CleanUp will take place on Saturday, January 18th at 9:00 am.

T-shirts, Raffle, lunch, and surprises will be enjoyed by the volunteers. Last year over 3,600 Duners came out to help. With many sponsors participating and donating their time and support, we expect this year's Glamis-CleanUp to be exceptional.

The Glamis-CleanUp and mini CleanUps continue to have successful turnouts. The next one you should be at is Saturday, February 15 at 9:00 AM, at the Sand Drags. At our last mini CleanUp, the first 50 Duners that showed up got a free t-shirt from GlamisDunes.com.

Plan on joining us at the event many have made a tradition.
For more information, please contact us at www.glamis-cleanup.org or 559 349 8596.

(Legal / RAMP Update from page 1)

and/or off road organizations may further delay any modifications to existing closures in the ISDRA.

David Hubbard also submitted an appeal to the Interior Board of Land Use Appeals (IBLA) to reopen the closed areas in the ISDRA. The appeal pointed out the illegality of the closures. The appeal was rejected. He then filed a lawsuit in Federal Court to reverse the illegal closures.

October 16, 2002 Hearing on ASA Lawsuit

The Early Evaluation Conference for the ISDRA went as follows: Dave Hubbard, our attorney, and Mark Harms arrived at the Court Building about 10 minutes early to find everyone already in the courtroom. Present were a representative from the BLM, the Attorney from the Department of Justice (DOJ), a Solicitor from the Federal Government, and Brendan Cummings, the attorney for the CBD. Mr. Cummings is the attorney that was instrumental in obtaining the current temporary closures.

After introductions, Mr. Shockley, the attorney for the BLM, handed Mr. Hubbard a page Mark believed to be a motion regarding the CBD obtaining intervenor status. Mr. Hubbard had informed Mark earlier that the CBD filed a motion for intervenor status.

Mr. Shockley, on numerous occasions, referred to the fact that this suit would become moot in a short time when the management plan is released. About 45 minutes into this discussion, the BLM representative produced three maps of the area.

The first map was of the ISDRA after the 1987 RAMP showing just the Wilderness Area closure North of 78. The second map depicted the ISDRA after the interim closures with the current 49,000 acres as well as the wilderness area. The third map was a peek into the future management plan with the Adaptive Management Area.

The tentative Adaptive Management Area displayed on the third map is as big in scope as the draft EIS shows. At about this time, Judge Porter asked the attorney for the CBD what he thought. His response was that if the management plan looks like that (map 3), the CBD would be filing a suit when the plan is released.

As they all viewed the third map, there was a moment of silence at which time Mark decided to make a point. He commented to the Judge that this adaptive management area is the second attempt to incrementally remove the public from public land. Mark indicated that the BLM is closing access to public land at an unprecedented rate. Mark continued pointing out that public land is being closed because of underutilization as well for being impacted too heavily: in both cases without justification. He argued that we are being confined to smaller and smaller areas thus creating the effect of more unwanted impacts.

Mark made it clear that, with all due respect to Mr. Shockley, we will be back in this courtroom again and again and again unless we set precedence on how the BLM can or can not close access to public land. After that, Judge Porter started to discuss who would or should hear the case.

November 13, 2002 – story continues:

Most of you reading this know that on October 25, 2001 the ASA, SDORC and ORBA filed a petition with the U.S. Fish and Wildlife Service (FWS) to delist the Peirson's Milk Vetch (PMV) and remove it from the Endangered Species List (ESL).

The FWS has two response requirements regarding time limits. The first is due within 60-Days of the filing. The second, and most important, is due twelve months to the day of filing. Neither deadline was met regarding our delisting petition. This works to our advantage and the following explains how.

The FWS was sued successfully last year by a green group with a listing petition for failing to meet the above deadlines. They prevailed and won legal costs. The following point is crucial: the same requirements apply to Listings and Delistings to the ESL. Thus, precedence is set in Federal Court as to when the FWS must respond to such petitions. The outcome of that case set the stage for our latest legal move.

On November 5, 2002, David Hubbard filed, on behalf of the ASA, SDORC, and ORBA, a 60-Day Notice of Intent to Sue. This notice is sent to the Honorable Gale Norton, Secretary, Dept. of Interior and Steve Williams, her Deputy Director of FWS. We are suing on the same grounds as the green group last year: failure to answer a listing/delisting petition within the legal time limit.

(Continued on page 5)

It takes Only $5 to Help Save the Dunes

That's all it could take to help save the dunes. If each of our members would commit to just $5 a month, we'd have more resources to take on more legal battles and do more biological studies.

$5 is less than you spent on your last fast food meal. At about the price of a beer at a ball game, $5 is a lot less than a 5-gallon can of gas for your quad or buggy.

$5 a month would accomplish so much.

Would you *really* miss it?

We've made it easy for you. We can set up an auto payment on your credit card to make a monthly contribution to the American Sand Association. Choose the amount you wish to donate each month, donate $5, $10, $15, $25 or whatever you feel you can afford and have it automatically charged to your credit card number each month*

(This is an ISDRA fundraiser unless the donor designates a different sand location)

Complete this form and Mail to:
American Sand Association
11419 Daybreak Trail
Moreno Valley, CA 92557

Yes! **I support the American Sand Association and want to donate monthly. Bill my:**

Visa		Master Card		American Express		Discover		Other

Monthly Contribution of									
$5		$15		$20		$25		More	

Account No: (required)		Expiration Date (required)	
Name (required)			
Address (required)			
Phone (required)		Email Address	
Signature (required)		Date (required)	

*Charged monthly until card is cancelled or cancellation of agreement.
Sorry, Donations to American Sand Association are NOT tax deductible

HEY!

You wanna win all of these???

We can't emphasize how important these fundraisers are to the cause of keeping the Dunes open. Proceeds from this event will allow us to continue our lawsuit opposing the recent closures, continue the lawsuit for delisting the Peirson's Milk vetch, defend our position in court when the new RAMP comes out, and many other projects and day to day operations of the ASA

Ticket Information:

$10 each, or 6 for $50* (Buy 5, get 1 FREE)

Tickets ON SALE NOW!

To enter by mail send a check or money order (made out to the ASA) for $10.50 for each ticket
($.50 per ticket handling fee, handling fee not required for free ticket) to:

ASA Family Pack Giveaway
5453 E. Flower Ave.
Mesa, AZ 85206

PLEASE INCLUDE YOUR ADDRESS & PHONE NUMBER

OR Use your credit card and fax in your entry to:

909-242-1332

Please include the following information on your fax:
Full Name
Full Address
Phone Number
Email Address
Credit Card Number and Expiration Date
Signature

Note that the handling fee applies to faxed orders.

Look for tickets at participating shops
OR Purchase tickets online by going to
http://www.americansandassociation.org/quadtix.html

Rules and Disclaimers:

- **WINNER NEED NOT BE PRESENT TO WIN.**
- $10 each, buy 5 get the 6th FREE (6 for $50)*
- Odds of winning depend on number of tickets sold. No limit on number of tickets sold.
- Must be 18 years of age or older to win
- Principals, Employees, and family members of Bombardier, Arizona Motorsports, Alba Action Sports and the ASA Board of Directors and their families are not eligible to win.
- **Giveaway Drawing held on March 1, 2003 in conjunction with the Gordon's Well/Buttercup Cleanup AT PAIR-A-DICE.**
- No Purchase Necessary, Void where Prohibited.
- Giveaway registered in Arizona & California.
- All proceeds benefit ASA Legal & Biological Fund. Funds are not exclusively for ISDRA issues.

* $10 ea. Entry price for in person entries only. (Events, Meetings & Shops)

For questions or for more information contact:
ron@lazerstar.net

Sponsored by:

Bombardier Recreation Products

Arizona Motorsports

Alba Action Center

TRASH: PACK IT IN, PACK IT OUT

Comments and suggestions on the ASA newsletter can be sent to
Newsletters@AmericanSandAssociation.ORG

U P C O M I N G E V E N T S

FIRST ANNUAL DUMONT DUNES CLEANUP March 15th www.dumontsanddunes.org	6TH ANNUAL GLAMIS CLEANUP January 18, 2003 Cauhilla Ranger Station Gecko Rd / Highway 78 http://www.glamis-cleanup.org

Saturday, Feb 15th - Glamis Sand Drags Cleanup - noon
Saturday, March 1st – Gordon's Well Cleanup – noon – BIG ASA RAFFLE AT PAIR-A-DICE AFTER THE CLEANUP
Saturday, March 15th - Glamis Comp Hill Cleanup – noon
Saturday, April 19th - Glamis Comp Hill Cleanup – noon

ASA Board of Directors Meeting
Feb. 8, 2003 – Nites Inn
1801 E "G" St., Ontario CA 91764
8 am to ? – All interested parties welcome
(lunch and dinner will NOT be provided)

Jan 25, 2003 12 noon
D U N E I N F O M E E T I N G
Hosted by:
SAND TRIX & PERFORMANCE EXPRESS
720 N Golden Key St, Suite C-1, Gilbert, Az

CORVA OFF ROAD AND RECREATION EXPO
SAN BERNARDINO COUNTY FAIRGROUNDS
SATURDAY AND SUNDAY, MARCH 29 & 30, 2003

JOIN our team, HAVE a Blast and Put your $$$ where it COUNTS!

The California Off Road Vehicle Association (CORVA) is organizing an exposition to showcase the many forms of recreation we all enjoy on our public lands. In addition to fundraising, the EXPO will offer California enthusiasts and industry a place to come together in support of all our efforts to unite all multiple users who enjoy visiting our scenic backcountry. ALL proceeds from the EXPO will be used to fund attorneys and biologists to protect recreational access to public lands.

WE ARE SEEKING YOUR PARTICIPATION:

Exhibitors: Do you enjoy a unique form of recreation? CORVA is seeking participants for displays, seminars, and demonstrations on any form of recreation! Truck, ATV and motorcycle race teams and organizations, 4x4ers, horseback riders, rock climbers, trials riders, windsailers, rock hounders, hiker, gliders, sand rails and buggies, RC cars and trucks, back packing, dual sport, kayaks, mountain bikers, BMX riders, kite flyers, ultra lights, sightseers, if it is recreation -We ask you to strut your stuff and educate the public!

Shine up your favorite recreational vehicle and enter our Show n' Shine giving everyone a up-close view of your trickest toys, win prizes for best in class!

Vendors: Want to make an impact and get your name and products out to thousands of enthusiasts? CORVA is offering over 200 vendor booths priced to accommodate any business!! Our vendor package gives industry supporters many options, with booths starting as low as $400 for this event! Here is a perfect opportunity to promote your business and directly support the efforts that will keep our industry strong.

Volunteers: Spend some quality time protecting your family's recreation! Even a couple of hours a week will help CORVA members to make this exposition the ONLY place to be in March. We are seeking volunteers to make phone calls, send out EXPO information and to help out at the fairgrounds. Those experienced in marketing, media, security, communications are especially welcome. For more information on how you can be involved in this exciting event contact:

(800) 42-CORVA ext. 555 http://www.corva.org/ michelle@corva.org

(Legal and RAMP Update from page 2)

What sets this action apart from our other current efforts is that we are now under the rules of engagement with respect to the Endangered Species Act. This means is that if we are forced to pursue the delisting petition in court and prevail (which we quite probably will), the Federal Government will be required to pay our legal costs.

The FWS has until January 5, 2003 to produce what is required of them: an answer to maintain the listing or delist. If they continue to be unresponsive, we will drag them through Federal Court. There, we will present the "best science available" (our PMV studies) as required by the ESA. It is our every expectation that the science will dictate a decision in our favor.

Recently there was a hearing held in front of Judge Brewster concerning whether or not the CBD can intervene in the National Environmental Policy Act lawsuit we filed against the BLM earlier this year. *(continued on page 15)*

(BLM Press Release from Page 1)

The ICS has been responsible for a significant decrease in unsafe behavior since January when the system was first initiated. The system has provided immediate capabilities to quickly respond to law enforcement and emergency medical incidents throughout the dunes.

"We thank the public for their support during this Thanksgiving holiday weekend," states Richard Franklin, incident commander for this weekend's interagency management team. "As a result, all law enforcement and emergency medical services incidents were significantly reduced. This allowed all of us at the Dunes to experience an enjoyable and safer visit this weekend."

The Imperial Sand Dunes is one of the premier off-highway vehicle recreation areas in the United States. Visitor use has been increasing dramatically during the past two years from October to April. On major holiday weekends up to 200,000 people visit the dunes

-BLM-

California Desert District Office - 6221 Box Springs Blvd, Riverside, California - (909) 697-5220

Friends of Oceano Dunes Update

Over the last year, Friends of Oceano Dunes has been telling everyone that the fight to save "Pismo" has several fronts. The California Coastal Commission (CCC) and the lawsuit filed by the Sierra Club are the two "hot" areas needing your immediate attention.

California Coastal Commission

Although we were successful at the CCC meeting last year, the permit to operate the Oceano Dunes State Vehicle Recreation Area (ODSVRA) is **reviewed yearly**. That means that in February 2003, the CCC will be considering partial to total closure of the ODSVRA yet again.

To add to the challenge, the meeting will be held in San Diego. WE NEED YOU TO ATTEND! The Sierra Club is already planning to get everyone they can to this meeting – we embarrassed them in Santa Rosa last year by out numbering them ten to one. WE MUST do that again in San Diego.

The meeting is scheduled the week of February 4th 2003. We won't know the exact day until just a few weeks prior to the meeting. Check out our website for up-to-date information: www.oceanodunes.org.

Please make every effort to attend the meeting. Sign-up to speak and remind the CCC that the plover fledgling success rate at the ODSVRA was the highest in California this year! The predator management program IS working. No more fenced areas are needed!

Sierra Club Lawsuit

Over a year ago, the Sierra Club (SC) filed a lawsuit asking for immediate and total closure of Pismo. Since then we've hired the best lawyers to fight against this threat. We've spent the last 6 months, with State Parks, in mediation with the SC chapter, hoping to avoid court. However, these negotiations have completely broken down. They have again, announced plans to file a temporary injunction to totally close the ODSVRA. We need your financial support! Attorney fees have been in the tens of thousands of dollars to support judicial mediations and have yet to go to court! As we've said before… the science is on our side, we don't want to lose because we ran out of money!

"Friends" is Building A Sand Rail To Be Raffled Off Thanksgiving Weekend 2003

Final sand rail will be similar to one pictured above

We are stepping up our efforts to fund the legal fight to keep the ODSVRA open to all who wish to visit and enjoy participating in the many activities available at the popular park. In order to be successful in this fight, a tremendous amount of resources, including volunteer time and financial support from our many members and supporters, and visitors is required. In an effort to build upon the momentum that has been generated, FoOD is embarking on this new and exciting buggy raffle.

This custom four-seat sand rail is being built from premium donated parts and services. For a full list of donors and to buy your tickets online today, visit our website at: http://www.oceanodunes.org/raffle/buggy.asp

$5 per ticket

For more information, to donate parts or provide financial support to the sand rail project, please contact:

Don Preble
Cell: 510-714-2630
Email: don@oceanodunes.org

- Proceeds to benefit Friends of Oceano Dunes' Legal Fund.
- Drawing to be held Thanksgiving Weekend, 2003 at the ODSVRA.
- Odds of winning depend on number of tickets sold. There is no limit on the number of tickets sold.
- Must be at least 18 years of age to participate.
- Principals, Board Members & family members of Friends of Oceano Dunes are not eligible to win.
- Void Where Prohibited.
- Winner responsible for all taxes and registration fees.
- **WINNER NEED NOT BE PRESENT TO WIN.**

It is Time to Reform the Endangered Species Act

By Jon Crowley

As users of off-highway vehicles, we all love Mother Nature's creatures and creations as much, if not more than, the average citizen. Most of us use our vehicles to get out into the backcountry to enjoy its beauty.

Unfortunately, that's not how environmental extremists are portraying our sport. They have been using laws like the Endangered Species Act (ESA) to close down access to public land. The Endangered Species Act was never about saving species. It was about land use. Environmental extremists quickly turned it into a devastating legal weapon. The ESA attempts to protect species at all costs, with no consideration for trade-offs or compensation for human needs. The ESA in its current form causes unnecessary human suffering while failing to effectively protect endangered animals and plants.

There have been numerous examples of how the ESA has had adverse impacts throughout the country. In the last few years, we in the OHV community have learned its effect first-hand at places like Oceano Dunes and the Imperial Sand Dunes. Too often, environmental extremists use the ESA with little or no science to file lawsuits against our government to close down access to public land. In addition, our understaffed and unorganized government agencies typically agree to close down an area rather than fight in court.

With the midterm elections behind us, and power in Washington shifting towards a more favorable climate for sensible use of our public lands, now is the time to turn up the heat. Please take a few moments to write your representatives in Congress and urge them to reform the Endangered Species Act.

Proposed improvements to the ESA listing process should include:

- Preference for field tested and peer reviewed data
- Independent scientific and peer review
- Historical context such as population trends, ranges, and fluctuations
- Data from all sources including property owners and other interested parties
- Public access to the listing process

You can find out how to contact your representatives at www.congress.org.

In the last few years, Congressman Pombo (11th District, CA) and Congressman Walden (2nd District, OR) have been outspoken proponents of ESA reform. Each introduced bills during the last session of Congress that need to be reintroduced for the next session. Please take a moment to thank them for their past efforts and urge them to reintroduce an Endangered Species Act bill similar to HR 4840.

Congressman Greg Walden - mailto:Greg.Walden@mail.house.gov
Congressman Richard Pombo - mailto:rpombo@mail.house.gov

More information regarding why the Endangered Species Act needs to be reformed can be found on these sites:

National Endangered Species Act Reform Coalition - http://www.nesarc.org/
Grassroots ESA Coalition - http://www.nwi.org/GrassrootsESA.html
National Coalition for ESA Reform - http://www.delalbright.com/esa.htm
Pacific Legal Foundation - http://www.pacificlegal.org/
Western Governor's Association - http://www.westgov.org/wga/initiatives/esa/default.htm
Heartland Institute - http://www.heartland.org/archives/suites/environment/forests2.htm
Friends of Oceano Dunes - http://www.oceanodunes.org/issues.asp
HR 4840 - http://www.crowley-offroad.com/Snitz/topic.asp?TOPIC_ID=857
Congressman Walden - http://www.house.gov/walden/issues/esa/index.html
Thomas Legislative Information - Bill Search -http://thomas.loc.gov/

Comments, suggestions, submissions, etc regarding this newsletter can be sent to
Newsletters@AmericanSandAssociation.org

2003 ASA Calendar
One of Our Best Fundraising Items

This is a 12-month calendar featuring a great dune picture each month. There are only 5000 copies available so don't wait on this one.

Contribution	Quantity	Contribution
$10 ea		

CHECKERED FLAG

What does the checkered flag stand for? We live by the rules, we support all law enforcement, and we report major infractions. Trash: and we pack it in, pack it out.

Description		Contribution	Quantity	Contribution
18"x11" Checkered Flag		$5 ea		

WHITE T-SHIRT

These are a top quality brand T-shirt with color graphics on the front and back. Sizes Youth Medium 10/12 to XLarge, Youth Large 14/16, S,M,L,XL Minimum Contribution is $10 ea XX-Large to XXXX-Large Minimum Contribution $13 ea

Specify size	Contribution	Quantity	Contribution

ASH T-SHIRT

Same as White T-Shirt above but Ash color T-Shirt. S,M,L,XL Minimum Contribution $10ea XX-Large to XXXX-Large Minimum Contribution $13 ea

Specify size	Contribution	Quantity	Contribution

ASH CREW NECK SWEATSHIRT

Top quality brand crew neck sweatshirt with color graphics on the front and back. Youth Small 6/8, Youth Medium 10/12, Youth Large 14/16, S,M,L, X-Large Minimum Contribution $15 ea XX-Large Minimum Contribution $18 ea

Specify size	Contribution	Quantity	Contribution

ASH HOODED SWEATSHIRT

Top quality brand hooded sweatshirt with color graphics on the front and back. Youth Small 6/8, Youth Medium 10/12, Youth Large 14/16, M,L, X-Large Minimum Contribution $20 ea XX-Large Minimum Contribution $23 ea

Specify size	Contribution	Quantity	Contribution

100% of the net proceeds from the ASA Store go to fund the fight to keep our sand riding areas open. Please help any way you can.

WOMEN'S WHITE SPAGHETTI STRAP TANK TOP Small to Large Small, Medium, Large, Minimum Contribution $8 ea

Specify size	Contribution	Quantity	Contribution

WOMEN'S WHITE BABY DOLL TEE S, M, L Minimum Contribution $10 ea

Specify size	Contribution	Quantity	Contribution

WOMEN'S ASH TANK TOP S, M, L, X-Large Minimum Contribution $8 ea

Specify size	Contribution	Quantity	Contribution

MEN'S ASH TANK TOP S, M, L, X-Large Minimum Contribution $8 ea XX-Large Minimum Contribution $11 ea

Specify size	Contribution	Quantity	Contribution

OTHER ITEMS				
Description	Item #	Minimum Contribution	Quantity	Contribution
22" x 72" Banner	ASBAN	$35		
12" x 18" Speed Sign	Speed Sign	$20		
BUSINESS SPONSOR KIT	ASBSK	$50		
ASA HAT	ASHAT	$12		
			Sub Total	
Fill out and mail this form to the address below or for a more complete catalogue, go to our new online store at http://www.americansandassociation.org/store/			SHIPPING	$5.00
			DONATION TOTAL	

NAME	PHONE #
ADDRESS	E-MAIL
CITY	
STATE & ZIP	

Please send check payable to **ASA** to:

The ASA
11419 Daybreak Trail
Moreno Valley CA 92557-5504

Sales@AmericanSandAssociation.org
www. AmericanSandAssociation.org

WANTED: For our 2004 ASA calendar: we would like to cover all the sand dune areas. Do you have a great picture of your favorite dune area? Please contact us at: Sales@americansandassociation.org

FIRST THE PMV, NOW A BEETLE.

If you thought the battle was about over, guess again. Now more than ever, we need your financial support.

The following is a press release from our friends at the CBD:

NEWS RELEASE: for immediate release Thursday, December 12, 2002

Citizens Move for Endangered Species Act Protection for Endemic Algodones Dunes Beetle

Andrew's dunes scarab beetle threatened by off-road vehicles, pesticides and Bush roll-backs

Contact: Daniel R. Patterson, Desert Ecologist 909.659.6053 x 306

More Information: Petition at http://www.biologicaldiversity.org/swcbd/species/scarab/petition.pdf

WASHINGTON -- Today, the Center for Biological Diversity filed a scientific petition with Interior Secretary Gale Norton and the U.S. Fish and Wildlife Service (FWS) to list the Andrew's dunes scarab beetle as an endangered species and designate critical habitat. The beetle (Pseudocotalpa andrewsi Hardy) is highly restricted in range, found only at the Algodones Dunes in the Sonoran Desert of Imperial County, SE California and NE Baja California, Mexico.

The beetle is endangered largely due to the historic, ongoing, and imminent increased destruction of its habitat by extensive off-road vehicle (ORV) use on the Algodones Dunes. The dune system will occasionally experience upwards of 240,000 ORV users on a single busy weekend, and a pending Bush administration decision would roll-back environmental protections on nearly 50,000 dunes acres, opening 85% of the beetle's habitat to ORV damage.

Pesticide drift from Imperial Valley agricultural spraying is also likely harming beetles.

"The beetle's decline mirrors the decline of natural values at the dunes," said Monica Bond, CBD biologist. "The Bush roll-backs at the dunes make ESA protection essential now."

ORVs at the Algodones Dunes use special tires that cut deeply into the sand, directly killing beetles and wrecking habitat. Beetles are most active February -- April, a biologically critical time that coincides with the season of heavy ORV use on the dunes.

The Andrew's dune scarab beetle was first proposed for ESA protection by FWS in 1978. At that time, FWS noted "this action is being taken because of their decreased population levels and anticipated adverse modification of their habitat." FWS stated in the proposed rules that "the continued disruption of dune troughs by off-road vehicles prevents the accumulation of dead organic matter upon which the immature stages of this beetle feed." In October 1980, FWS issued a notice to withdraw the proposal because final rulemaking had not been completed within a then required 2-year deadline. ESA protection for P. andrewsi was therefore denied due to the failure of FWS to meet mandatory statutory deadlines rather than due to new scientific data indicating a listing was not warranted.

FWS's failure to provide legal protection for the beetle resulted in 24 years of dunes management by the U.S. Bureau of Land Management (BLM) that failed to take into account the impacts of increasing ORV use on the beetle and the other rare and endangered fauna of the dunes. Currently, BLM is proposing a new management plan that not only fails to protect the beetle, but also eliminates ORV closures designed to protect a threatened plant found at the dunes, the Peirson's milkvetch.

FWS routinely cites an inadequate budget and heavy work load as justification for listing delays. But it is a crisis of its own making. The agency's budget is established by the Secretary of Interior in her budget request to Congress. Congress routinely grants near the requested amount. The inadequate budget, therefore, is not the fault of Congress but of Secretary Norton who purposefully squelches the listing budget to prevent species from being added the endangered species list.

FWS's entire Endangered Species Act budget has increased over 500% since 1992. The listing budget is the only line item that decreased in real dollars over that period. Every other line item increased at least 300%. The budget freeze is clearly political, not economic.

Bagging your trash is great. But, leaving it on the side of the road won't get it into the dumpsters. That is considered littering and there are stiff fines for it. There is no Monday morning curbside trash service at the ISDRA. We need to carry it to the dumpsters ourselves. If the dumpsters are full, we need to carry it home. We managed to pack it in: we can manage to pack it out.

Is It Worth The Ride?

As of this writing, the temporary closures imposed two years ago because of the CBD lawsuit are still in effect. This is because Fish and Wildlife Service has yet to issue an opinion on the Draft EIS/RAMP. **Until FWS issues their opinion, and BLM publishes the RAMP, we need to stay out of the closed areas, or we risk losing them (and maybe the entire ISDRA) altogether.**

We're all anxious to see just what closures are left in place. Maybe some of us think that they will stay closed or, worse, the whole place will be closed down so we might as well just go for it.

Maybe we're tired of waiting. Maybe we've traveled for days from the North or East and want to make the trip worth it. Maybe some of us just don't care. In other cases, the signage is just plain bad.

Whatever the reason or excuse, riding in the closed areas hurts us all. Our tracks can be seen from the air in the weekly flyover. There are environmentalists on almost every flight documenting what they call "abuse".

You can be sure this "evidence" will be trotted out in court when they take legal action to close us out totally and permanently. At the very least, it hurts us in the press.

OK – now for the part that hits directly home: It can cost you $1000 or 12 months in jail.

Sec. 9262.1 Penalties for unauthorized use, occupancy, or development of public lands. Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) any person who knowingly and willfully violates the provisions of Secs. 2801.3(a), 2812.1-3, 2881.3, or 2920.1-2(a) of this title, by using public lands without the requisite authorization, may be tried before a United States magistrate and fined no more than $1,000 or imprisoned for no more than 12 months, or both.

We can't stress this enough –

RIDING THE CLOSED AREAS HURTS US ALL.

ARE YOU ***SURE*** YOU'RE AN ASA MEMBER?

A few months ago, everyone was sent an email with your user name and password in it. If you didn't receive this email, you are not in our database.

This user name is what you use to sign on to the Store and the ASA Homepage. It is NOT your Bulletin Board user ID. *To verify your account, simply log in and check your information!*

Forgot / don't know your password or Username?
If you can't remember your password or your username, please contact the webmaster at webmaster@AmericanSandAssociation.org

To be an OFFICIAL member of the ASA, you need to sign up at:
https://www.americansandassociation.org/join/
You will then receive a confirmation email that you MUST reply to. The Database creates your "special" number and will send you a USER NAME and a PASSWORD to CONFIRM who you are. If you filled out a hardcopy form, you are a confirmed member.

We use our membership numbers to let influential people know that we are a strong organization. You will also receive emails updating you about important developments, information, letter-writing campaigns, meetings, etc. by enrolling on our mailing lists.

TRASH: PACK IT IN, PACK IT OUT

It is Your Responsibility to Know and Obey All Rules and Regulations…

- ✓ Safety flags are required on **ALL** vehicles.
- ✓ Speed limit is 15 mph near campgrounds and people.
- ✓ Helmets are required when operating ATVs.
- ✓ No double riding on ATVs.
- ✓ Vehicles must have proper registration.
- ✓ No riding in pickup beds.
- ✓ No loaded weapons in a vehicle.
- ✓ No glass containers.
- ✓ No open alcoholic containers while operating in or on **ANY** motor vehicle.
- ✓ State DUI laws are enforced.
- ✓ No person shall operate an OHV in a manner likely to cause environmental damage.

► This is not a complete list of the rules and regulations►

For further information:
Call El Centro Field Office at 760-337-4400 or
Call Cahuilla Ranger Station 760-344-3919 or
Visit http://www.ca.blm.gov/elcentro/rules_regs.html or

Please make copies to pass out at the dunes

Anti access advocacy groups insist a 50% closure is a fair compromise. Does this look fair to you?

Thanksgiving Weekend *by Vincent J. Brunasso*

This season's busiest holiday weekend was filled with many new activities and tactics. The following is from a phone conversation I had with Bob Haggerty Monday afternoon after Thanksgiving. Bob is one of the top Law Enforcement Officers (LEOs) at the Bureau of Land Management El Centro office that manages the Imperial Sand Dunes.

He started out by setting straight a few details and rumors.
1) There were no M-16s used at the ISDRA.
2) There were military police and 2 borrowed vehicles from the National Guard. But they were there only to assist the Bureau of Narcotics.
3) No lethal weapons were used this weekend; only pepper ball guns and bean-bag shot guns – all non-lethal. However, all Law Enforcement Rangers and Peace Officers do carry lethal side arms.

Then Bob made it clear to apologize to the innocent duners that were displaced by the law enforcement actions that weekend. He also made it clear that the BLM does not want to close any more areas. He is also concerned about another big problem we have: the closed areas are seeing a lot of riding.

In his opinion, this could delay the new Recreation Area Management Plan (RAMP) and will be used against us when the CBD sues, opposing the new RAMP, to close the entire dunes.

The curfew at Comp went off without a hitch all 3 nights: Thursday, Friday and Saturday. Most duners were in favor of running out the ravers.

The LEOs let people congregate at Olds hoping it would remain peaceful. Bob was emphatic that the hill was not going to be closed unless unacceptable behavior from the crowd occurred. Not until the fire trenches and fist fights broke out did the LEOs move in.

At that point, they put up a barricade to Olds. Here's where some confusion may be: duners that were at the hill were allowed to stay until they dispersed and arriving duners were told to either go back or go through the dunes to get to Olds. This kept the number at Olds to a manageable size.

Another night, the drags halted when a buggy collided with some quads. When the collision occurred people crowded in to see what was happening and wouldn't let the medics in so backup was called. Since the drags had now just turned into a large group of people and the drag area was too narrow from the beginning, the LEOs declared them over for the evening.

The party then moved to Olds. Again, the LEOs let people congregate at Olds hoping it would remain peaceful. When some medics went in for a medical call, they were pelted with objects, there were fire trenches and fights – the barricades went up.

When the partiers set up at the mouth of Olds Valley (for lack of a better name) by Garbage flats, the BLM let it go until the fights and fire trenches started to occur again and dispersed the crowd once again.

OK – end of Bob's report. I'm confident with the accuracy of my recap of our conversation and Bob's statements because I had him read it before publishing it.

We have conflicting reports that people were indeed told to leave the hill. I wasn't there and I doubt that Bob can know every single action that every single LEO took. With adrenalin running high and a comment from Steve Razo stating that "we want them to feel unwelcome" one can only assume more potent actions probably occurred. It is very difficult to insure the actions of 150 LEOs in the field under a tremendous amount of stress.

I agree with Steve Razo that we want the bad element to feel unwelcome. Unfortunately, there's no way, in a crowd, to determine who is who. In addition, Bob has apologized for that. Perhaps the best way for the innocent to avoid the fallout of the curfew is to avoid the hill until the ravers get the message. Our group has been avoiding it for several years now anyway because of them. In our eyes, the BLM didn't take away Comp, the ravers did a long time ago. Maybe a curfew back then would have been the answer.

The days these events occurred are not important. What is important is that as long as we don't have fights, burn couches, and build fire trenches, we will be left alone. As long as we let the medics in to do their job and do not throw objects at the very people there to protect and assist us, we will be left alone. We need to disperse when asked to disperse and we will be left alone. IF we can behave ourselves, we can go out and play.

The problem is that no one has come up with a better idea how to get that done.

Bagging your trash is great. But, leaving it on the side of the road won't get it into the dumpsters. That is considered littering and there are stiff fines for it. There is no Monday morning curbside trash service at the ISDRA. We need to carry it to the dumpsters ourselves. If the dumpsters are full, we need to carry it home. We managed to pack it in: we can manage to pack it out.

(Green Sticker Money Held Hostage –from page 1)

informed OHV enthusiast in attendance found the opposite to be true. Murmurs of outrage and occasional subdued gasps of disbelief punctuated the normally whispered comments in the audience as the commission conducted its business. To them this was not a regular or dull meeting.

The main business of the day was to consider funding grants applied for by various government agencies and one non profit agency. Millions of dollars collected from off highway vehicle recreation reside in a trust fund (our "green sticker" money) administered by the OHMVR Commission. Millions of dollars are earmarked for maintaining and enhancing OHV programs and conservation of OHV areas in the State of California.

Earlier this year, OHV enthusiasts expressed their concerns about the appointment of two Commissioners. They were fearful that the make up of the Commission had become unbalanced and would not be administered for the benefit of the state mandated OHV program. On Thursday our fears appeared to be well founded. The appointees of the California Senate Rules Committee Paul Spitler and Harold Thomas made it clear that they have a personal agenda that drives their actions. A radical agenda of environmental activism meant to stifle, stymie, and stall funding for OHV recreation in the state of California.

Bureau of Land Management (BLM) and Forest Service Grant requests for operations and maintenance were slashed by the commission before being approved. Conservation and enforcement grants on the other hand, were praised and approval votes were swift with debate dominated by Mr. Thomas and Mr. Spitler. Their comments centered mainly on whether the agencies were doing enough biological monitoring and implementing conservation to their biased expectations.

The grant requested by the BLM El Centro office for the Imperial Sand Dunes ($1,407,000) was heard as the last item of the day at 7 PM. BLM El Centro staff requested that only the law enforcement section ($292,500) of their grant request be considered at this time. Rumor has it that the majority of the Commissioners, led by Mr. Paul Spitler, will oppose the operations and maintenance sections ($797,000) of the grant until the Recreational Area Management Plan (RAMP) is released in January. If the RAMP does not meet with the environmental activist's approval, they will oppose the grant. Since law enforcement grants do not necessarily affect the species protection provisions in a RAMP they are not generally opposed by this commission. Thus separating the law enforcement section of the grant insured that the funds would be forthcoming this year. However, it should be noted that the OHMVR staff recommended that the Commission fund the law enforcement section at a greater amount; $92,000 more than the BLM requested. The Commission ignored the recommendation and approved only the original requested amount of $292,000. The operations and maintenance grant request for the ISDRA will be heard at the January meeting.

Not only is the personal agenda of Mr. Spitler and Mr. Thomas clear, ignorance of OHV recreation was very evident. The Camp Fire Girls applied for an ASA endorsed $87,000 grant to implement an approved ATV training course in Imperial County for children between the ages of 6 and 16. When the grant was presented, Mr. Harold Thomas exclaimed in a tone of utter disbelief and astonishment "You mean we are going to teach 6 year olds to ride ATVs?" Mr. Thomas received an on-the-spot education during public comment about the family orientation of OHV recreation, how manufacturers design and build ATVs specifically for children, how safety training has reduced injuries, and that the safety training is required by state law. The grant was funded but not until it was slashed by $55,000 to only $32,000. The Camp Fire Girls must now look for sponsors and volunteer services to make up the shortfall.

Dumont Dunes was also affected by this slash-and-cut Commission. The BLM Barstow field office requested $835,000. After much discussion and heated debate between Mr. Spitler and the BLM staff, the Commission approved only $590,000. This 29% reduction will undoubtedly affect visitor services throughout the Barstow area including Dumont Dunes.

Oceano Dunes (Pismo) is a state OHV recreational area and is funded directly by the OHMVR division. Therefore Oceano does not seek funding through the grant process.

The commission meeting on Thursday started with an unnecessary admonition by Mr. Thomas. He cautioned the audience to conduct themselves with civility during the meeting. Our admonition to the Commission is for them to consider grant applications in a fair and unbiased manner with the purpose of the OHMVR program in mind.

###

Commissioner Paul Spitler is the former Executive Director of the California Wilderness Coalition. Before his position with the California Wilderness Coalition, Commissioner Spitler served with the American Lands Alliance in Davis, CA. His term expires January 2005.

Commissioner Harold Thomas, an attorney, is currently a prosecutor with the California District Attorney's Association. His duties include an active small county trial calendar, including both environmental and general law criminal matters. He has also served in the legal counsel's office in the Department of Fish and Game. His term expires January 2005.

(Legal and RAMP Update from page 5)

A hearing is typically not how these decisions are made as far as intervening goes. In most cases the presiding Judge would make a decision on a matter like this with nothing more than the written arguments from both sides.

This hearing lasted two and half-hours, which in itself is unusual. At this hearing were our Attorney David Hubbard and the Attorney for the CBD. The BLM has pleaded no contest, which we presume to mean they don't care either way. The bad news is that Judge Brewster approved the request of the CBD to intervene. The better news is that during this hearing Mr. Hubbard had an opportunity to explain the history and merits of our case to the Judge.

We have filed for Summary Judgment in this case and at this time it appears our day in Court will be sometime in March of next year. If the RAMP has not been released by then and if we prevail in this suit, it could possibly have a remedy of removing the closures that have been in place for the last two years.

American Sand Association

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DUNE$, DOLLAR$, AND ЖALIFΦЯИIA POLITIЖ

Editorial by Vincent J. Brunasso

Each year, the BLM El Centro Field Office asks for and receives approximately $1,000,000.00 from the California Department of Parks and Recreation's Off Highway Motor Vehicle Recreation (OHMVR) grant program.

Without these dollars, many visitor services would have to be curtailed at the ISDRA. We all know what that would probably bring us: a carrying capacity, control on alcohol, and more restrictions at the Imperial Sand Dunes. It looks like that is exactly what is in store for us. Read on to see how the environmentalists are working the system.

First a little history: These dollars are generated by our green sticker fees and to a greater degree, the tax on gasoline we pay at the pump. Normally this tax goes to roads. However, since we are using it off road, it is earmarked for the off road community. Seventy percent of it is to go toward improving, providing, and maintaining off road areas. The remaining 30% is to go to Conservation and Enforcement (C&E).

This money is dispersed through a grant system. The grants are approved by a 7-member board known as the OHMVR Commission. The members are appointed as follows: 3 by the Governor, 2 by the Speaker of the Assembly, and 2 by the Senate Rules Committee. **Remember that the next time you vote or you are asked to write a letter.**

Unbelievably, four of the 7 members are staunch environmentalists. John Brissenden, an OHMVR commissioner whose tenure doesn't end until January 2005, stated in the December 5&6 OHMVR meeting that he'd never approve money for increasing OHV use.

In the December 4th TRT conference call, Ed Waldheim, of CORVA, related a conversation he recently had with Paul Spitler. Spitler, former Executive Director of the California Wilderness Coalition, also holds a seat on the OHMVR Commission: his term does not end until January of 2005.

Spitler stated that he wants all closures at the ISDRA to become permanent, no new areas to be opened, carrying capacities placed in force, and controls placed on the drinking situation at the dunes.

To force his personal agenda upon us, he has spearheaded a movement within the OHMVR Commission to withhold the ISDRA grant unless these provisions are in the new management plan due to come out shortly. There are now so many strings and environmental requirements placed on the grants that it is becoming no longer feasible or cost effective for the BLM to pursue a grant from the OHMVR. This in effect is cutting off the funding that is required by the BLM to operate the ISDRA.

The question looming ahead of us is: Where is the funding for the ISDRA going to come from when the BLM El Centro Field Office is forced to look elsewhere?

SECTION 5090.01-5090.13 is the section of California State code that set up the OHMVR and spells out their purpose. Here's just a part of it. The bold is mine. **Quote:**

> 5090.01. This chapter shall be known and may be cited as the Off-Highway Motor Vehicle Recreation Act of 1988.
>
> 5090.02. (a) The Legislature finds that off-highway motor vehicles are enjoying an ever-increasing popularity in California and that the indiscriminate and uncontrolled use of those vehicles may have a deleterious impact on the environment, wildlife habitats, native wildlife, and native flora.
>
> **(b) The Legislature hereby declares that effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation.**
>
> **(c) Accordingly, it is the intent of the Legislature that:**
>
> **(1) Existing off-highway motor vehicle recreational areas, facilities, and opportunities be expanded and be managed in a manner consistent with this chapter, in particular to maintain sustained long-term use.**
>
> **(2) New off-highway motor vehicle recreational areas, facilities, and opportunities be provided and managed pursuant to this chapter in a manner that will sustain long-term use.**

To me, it makes no sense to have a commission whose majority opposes OHV recreation when it is the State mandated duty of that commission to foster it. There are plenty of rules in place to provide for environmental concerns in other sections of the code. We are getting the short end of a very green stick.

The ASA wants to thank to following businesses for their contributions and support:

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