Volume 4 Issue 2

American Sand Association

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June 2004

Unite, Inform, and Mobilize

HOW MUCH MORE LAND *ARE* WE WILLING TO LOSE???

We must face this question. Unless we **REFORM The Endangered Species Act (ESA)** now, the possibility of losing your favorite riding area could be tomorrow.

Don't think so? Remember 17,000 acres open at Pismo Beach (now 1,500)? Remember the Kelso Dunes (87,000 acres) 100% CLOSED? Remember Rice Valley Dunes, Cadiz Dunes, Panamint Dunes, Eureka Dunes, Saline Dunes, Ibex Dunes, 1000 Palms Dunes, Borrego Dunes, Pinto Dunes, Whitewater Dunes, Chuckwalla Dune Thicket? **All 100% CLOSED.** This is only a PARTIAL list!

Remember when the Imperial Sand Dunes (ISDRA, Glamis, Buttercup) had 49,300 more acres to ride just a few years ago? The list of closures is long and anti-access activists want to see the list grow even longer. **They are using the ESA to do it.**

The (ESA) needs to be reformed before you lose YOUR favorite riding area. Don't wait until it happens. Imagine arriving at your favorite place only to find a CLOSED Sign. IT HAPPENS! All it could take is a newly listed bug, creature, or plant and YOU ARE OUT: all due to this poorly written and heavily abused Act.

On Friday, June 11th, come join hundreds of fellow OHV users and the public to protest at the Fish & Wildlife Service (FWS) office in Carlsbad. This office has demonstrated their reluctance to use good science in listing species such as the Peirson's Milk-Vetch (PMV) at the Imperial Sand Dunes Recreational Area.

To make an impact, we need hundreds of trucks, motorhomes, toy haulers, trailers, jeeps, street-legal toys and NOISE to go with them. We need to assemble so that the media, BLM, and FWS get our message: **THE ESA IS BROKEN AND WE WANT IT FIXED.**

Our future recreation on public lands depends on this fatally flawed law being rewritten. For more information please see the ASA website at: http://www.asasand.com
Email to: volunteers@americansandassociation.org or call: 1-714-229-0286

Meet at one of the 3 following businesses at 10:00 AM on Friday June 11th for pre-rally information and instructions on OUR protest at the FWS office in Carlsbad.

IT IS TIME TO MAKE A CHANGE!!!

B&R Buggies, 1523 So.Coast Hwy, Oceanside (Oceanside Blvd exit off the I-5)
Mech-Tech Motorsports, 1277 Simpson Way, Escondido (Near 78 / 15 Intersection)
ACE Cooling, 7852 Raytheon Rd. San Diego (BTW 52, 163 & 805 FWY)

P R O T E S T R A L L Y D E T A I L S

Why:

You all know that the U.S. Fish and Wildlife Service (FWS) has a deadline to meet. It is our court ordered decision on the de-listing of the Peirson's Milk-Vetch (PMV) due by May 31st. On that date we will either know if this battle was won or to start our legal team in motion to sue FWS once again.

Even if we get the delisting decision that we like, we must still go ahead with the protest. Why? **The ESA is still broken and there are other species in the dunes that are on the hit list of anti-access activists. We cannot let our guard down.**

We do not want to have to fight another long battle. We should not have to! We need to draw attention to the abuse of the ESA. To date, the BLM and FWS combined have spent over $ **24.5 MILLION** dollars on this plant and continue to spend **OUR** tax dollars on NON-Threatened, healthy sub-species.

We are notifying the press and putting together press packets. Our rally will take on one of 3 messages.

One: FWS did NOT answer. We are suing again. Where is our answer? The ESA is broken.

It is possible the FWS will miss another deadline, if they do, we will be right back in court to get it. We have no 60-day restriction and will go to court right away. We still need to draw attention that the ESA is what brought us this fiasco.

OR Two: FWS did not delist thus the ESA is broken and we are suing again. If the FWS fails to delist the PMV, we will sue because they have ignored the best science available and are doing nothing more than caving to the environmental industry and pushing personal agendas. This will demonstrate just how broken and flawed the ESA really is.

OR Three: FWS DID delist, thank you, follow science and not agendas for other species in the dunes. The ESA is broken but this is a start. Naturally, this is the decision we all want to see. Nevertheless, we still stand a chance of having to repeat another long, drawn-out process if the environmental machine wins another faulty listing.

At the same time we need to thank the FWS for doing the right thing regarding the PMV, but make it known that it was only a small step. We still have the need to draw attention to what it took to get that delisting and that it could happen again: the ESA is still broken and still abused.

Where:

The FWS office is located only about 1 hour from the surrounding counties of L.A., O.C., S.D., Riverside, and San Bernardino. Please arrive by 10 am at one of the 3 locations below and on the next page to receive pre-rally instructions. Wear your ASA shirts and hats for this event. Bring your toys to make some NOISE (if you have an open trailer).

B&R Buggies
1523 So. Coast Hwy
Oceanside (Oceanside Blvd exit off the I-5)

Mech-Tech Motorsports
1277 Simpson Way
Escondido (Near 78 / 15 Intersection)

ACE Cooling
7852 Raytheon Rd.
San Diego CA
BTW 52, 163 & 805 FWY

Picture hundreds of trucks, motorhomes, toy haulers, trailers, jeeps, street-legal toys, and NOISE to go with them. People lining the sidewalk with picket signs and flyers, all coming together to support changing the ESA and fixing this broken Act **NOW** for Our Future. For more information please see the ASA website at: http://www.asasand.com or send an email to: volunteers@americansandassociation.org
or call: 1-714-229-0286

When:

Friday, June 11th 10: am.

What you can do:

Make sure ALL your contact information is current (email / phone) in our records. We want to keep you **INFORMED, UNITED and MOBILIZED** for Our Future.

You can log in at: www.americansandassociation.org/mymembership/
Send an email to: Membership@AmericanSandAssociation.org
Or call: 1-714-229-0286

After the Rally:

Camping weekend at Lake Skinner: Come have a great time with us camping and celebrating our day's achievements. Some full hookup camping sites are available for $18 a night. Email or call above to make your reservations today. Lake Skinner is located in Temecula about 35 miles away. They offer large sites, fishing, swimming, boat rentals, and more. Additional reservations can be made at: 1-800-234-7275 be sure to say "MILK VETCH party" when making your reservations. Check our website bulletin board for more up-to-date information.

Final Note: **This will not work without your participation.**

The Pain and Joys of Fundraising

Cricket Sankovich

I know it feels like every time you turn around someone is asking you to donate to this or that, including the ASA. Every time I walk into someone's shop I can see that look in their eyes, how much does he want now, but before I can even start my speech (and it is a good one) your local shop owners ask what they can do to help. (So let not forget to support them as they support us)

Fundraising is one of the most important areas of any organization, the donation you have already made pays for the science and legal fees that makes it possible to petition the US Fish and Wildlife to delist the PMV. Don't let anybody fool you this was not a big deal. There's not many organizations that have taken on such a task.

I know that most of you donate to help keep our dunes open for yourselves, your children and your children's children. The only hope I have is that by coming up with such awesome raffle prizes people might get a little thrill out of their donation. I've got to say that at this year's South Dunes Cleanup I was lucky enough to witness some of that thrill and excitement. Seeing a young man and his father, Roy Seymore, win this awesome 110cc Extreme Quad donated by D & D Motorsports of Apache Jct. Az. To make it even better this was their very first trip ever to the dunes.

Now as we're beating you over the head to make donations and buy raffle tickets, remember where you monies go, the ASA's one and only Business is keeping the Dunes open which in turn puts us in the Fundraising Business.

On another note, the ASA is again proud to co-sponsor Partners in Dune Safety with the likes of Extreme Performance, Screwie Lewies, Weekend Warrior, Sand Limo, Sand Addiction Magazine, Funco, Richards ATV, Diamond Auto Glass the BLM and the Imperial County Sheriff Dept. I can't wait to see what kind of Billboards they come up with this year.

From the Chairman of the Board

This past April, our President Grant George and Vice Chairman Bob Mason, along with key civic leaders from Brawley, El Centro and Yuma, took a trip to Washington D.C. to visit our lawmakers and the leaders of the BLM. Their objectives were to discuss the ISDRA "Partners in Stewardship" opportunities with BLM Director Kathleen Clarke, express our concern about the numbers being reported by the BLM regarding Visitor Use & OHV Monitoring, garner support for our new Safe Duning brochure, and to introduce the leadership local to the ISDRA.

Bob and Grant also discussed the inappropriate inclusion of PMV monitoring costs in the derivation of the ISDRA visitor use fee. I hope you have written your letters to your representatives! If not, go to http://www.asasand.com/get_involved/feeletter0504.html right now and write your letters!

Our team had unprecedented access. They visited BLM Director, Kathleen Clarke and members of her staff; Bob Ratcliffe, Dept Manager National Recreation Program; Elena Daly, Assistant Director National Landscape Conservation System; Tom Dyer, Ass't Director Renewable Resources and Planning; and Keith Aller, Ass't Director Law Enforcement and Security. They also met with the Senior Legislative Assistant for Congressman Hunter.

Grant and Bob expressed their support of the impromptu Sand Drags during a meeting with BLM Assistant Director Law Enforcement and Security Keith Aller and urged the BLM to make them safer and not close them down. Aller stated that they would be "cracking down" on alcohol abuse at the Dunes and that our members should be informed.

During a meeting with Assistant Secretary for Fish and Wildlife and Parks Craig Manson and his Senior Assistant, Julie Mac Donald, the ASA expressed our desire to have a No Jeopardy opinion as quickly as possible so that the RAMP could be implemented as well as our expectation of the prompt delisting of the Peirson's Milk Vetch.

I want you all to know this valuable trip was paid for by your donations received in the envelope in the middle of the last newsletter. THANK YOU!! Without your support, we cannot do great things like this. Please continue to use that envelope to help fund future and on-going vital ASA activities.

We also recently concluded our quarterly open board meeting in Phoenix on April 24th. If you've never been to one, I urge you to sit in on the next one. You'll get lots of good information and insight into how the ASA operates as well as meet our key volunteers. You'll see just how full "our plate" is.

We thank Board Members Jim Colln and Keith Rosewitz who notified us at that meeting that they will not be renewing their terms as board members. Their hard work over the years is what has put us on the map! We are currently in the process of interviewing and selecting their successors and we'll notify you in our next newsletter. If you have an interest in obtaining a seat on the ASA board go to : http://www.americansandassociation.org/news/

A special thanks goes out to SDORC and Roy Denner of ORBA for their fantastic support. These solid relationships are instrumental in becoming the powerful organization that we are. Washington D.C. now knows who the ASA is and of what we are capable.

As you can see from this letter and the articles that follow, the ASA is constantly working in many areas to preserve our right of motorized access to the ISDRA. We thank you for your trust and support. We could not do it without YOU.

Finally, yet importantly, a profound Thank You goes out to U.M.I. Racing. Scott has helped our cause immeasurably by providing use of their helicopter for our Biological Studies and producing Media videos. Thanks U.M.I. http://www.umiracing.com/ 1-800-275-1615

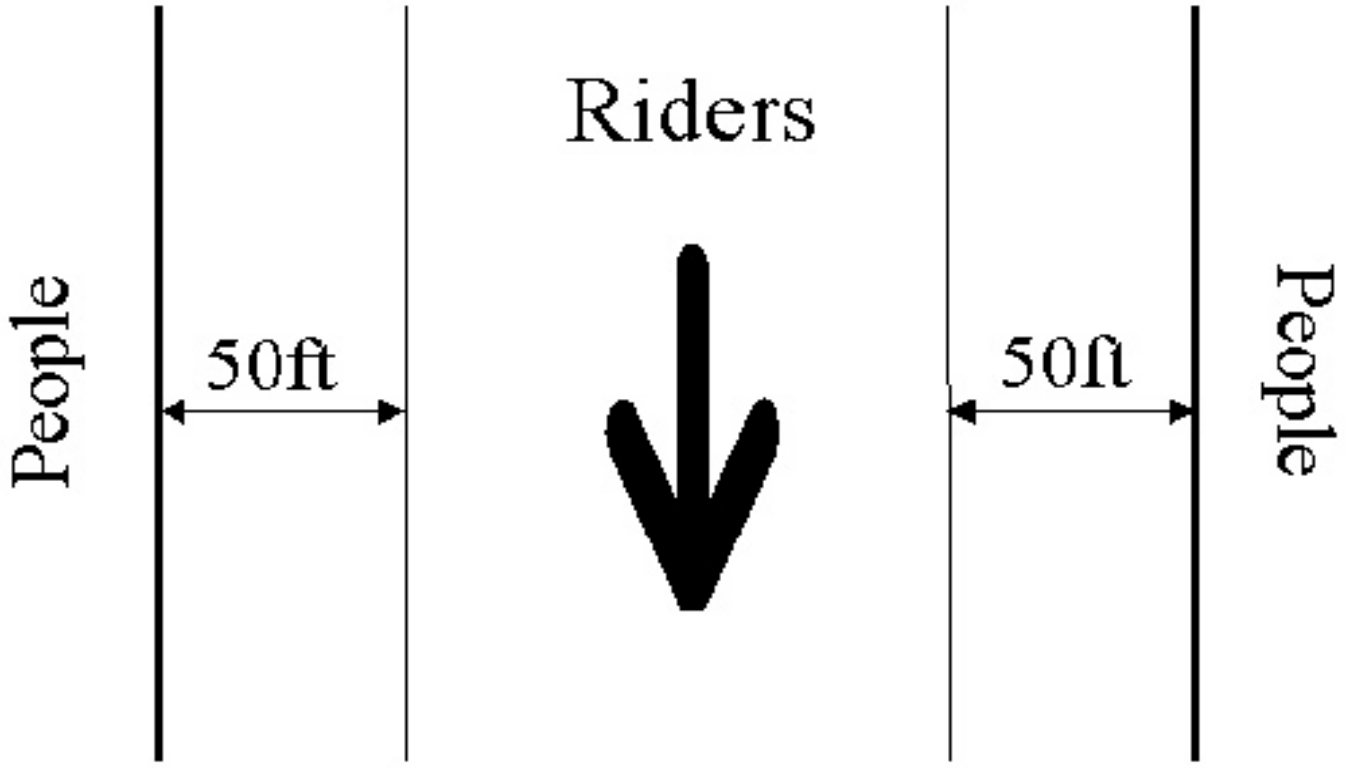
Thank you everyone involved and have a great summer!
Greg Gorman
Chairman of the Board of Directors

KEEPING THE SAND DRAGS **SAFE** MEANS ***KEEPING*** THE SAND DRAGS

The Sand Drags are a popular afternoon activity and social event in the South and North dunes. The number of spectators is growing every weekend. The number and the speed of the vehicles running the drags are also increasing. Spectator safety is becoming an ever-increasing concern. Let's protect our Sport by Recreating Wisely And Responsibly. One major incident might be more than the BLM could handle and would certainly hurt our cause.

THE SAND DRAGS CAN CONTINUE AS LONG AS WE ARE SAFE.

- KEEP THE RIDING LANES WIDE OPEN
- SPECTATORS: KEEP AT LEAST 50 FEET AWAY FROM THE RACES
- RACERS: KEEP 50 FEET AWAY FROM THE SPECTATORS –15 MPH (LEGAL) LIMIT WITHIN 50 FEET OF SPECTATORS
- OBEY AND COOPERATE WITH LAW ENFORCEMENT PERSONNEL
- CONSIDER THE EFFECT YOU WOULD HAVE ON SOMEONE'S LIFE IF THE WORST HAPPENED
- DON'T PROVIDE ANY AMMUNITION FOR ANTI-ACCESS GROUPS BY CAUSING INJURIES.



PLEASE PLAY and STAY SAFE. DON'T RUIN IT FOR EVERYONE ELSE.

Partnership Building Continues

By Bob Mason

From the beginning, the ASA has strived to get local communities and leaders involved to realize the contribution we make to their economies. The following depicts our success in that area. We think you will be pleased.

The Partners In Stewardship program continues to move forward. ASA sponsored a reception on March 19, 2004 at Pair-A-Dice, a popular gathering spot in the South dunes. Representatives of the Gateway Communities[1], including the Mayors of Yuma and Brawley, joined ASA Board members and BLM managers to discuss partnership development. Lynn and Connie Howard, owners of Pair-A-Dice, hosted the event.

The meeting brought forth a consensus that partnerships with local communities will add to the resources available to operate the ISDRA. This is especially crucial during times when State and Federal funding is in short supply. It is now recognized that Recreationists of the Imperial Sand Dunes are important to the economy of the local Gateway Communities. The building of relationships and pooling of resources benefits all involved.

The Gateway Communities readily recognize the value of the partnership with the BLM and the American Sand Association. On April 13 and 14, Nicole Gilles of the Brawley Chamber of Commerce and the Imperial Valley BLM ISDRA Technical Review Team business representative, along with Ken Rosevear, Executive Director of the Yuma Chambers of Commerce, traveled to Washington D.C.

With representatives of ORBA and ASA, they met to discuss partnership opportunities with BLM Director Kathleen Clarke and her staff. Nicole and Ken presented letters of support from their Chamber Boards, County Board of Supervisors, and City Mayors.

Upon their return from Washington, BLM California Desert District Director Linda Hansen conducted a meeting in El Centro with Nicole, Ken, ASA, Cathy Kennerson of the El Centro Chamber of Commerce, and Imperial County Supervisor Wally Leimgruber to begin formalization of a Gateway Communities Assistance Agreement.

The intent of the agreement is to foster cooperative activities with the Gateway Communities and to explore federal funding opportunities. The discussion included potential projects that may involve litter education, safe duning practices, and the gathering of tourism and visitor use data. Your volunteer help will be essential in these areas.

The underlying benefit of this alliance, that includes the ASA, is that now the OHV dune enthusiast community is no longer standing alone in trying to make the ISDRA one of the best OHV areas in the U.S. Many newspaper articles have portrayed us incorrectly in a negative light. Building an alliance with the Gateway Communities helps us to be recognized as legitimate users of public lands with valid concerns, needs, and desires. Our numbers are recognized as substantial in many ways. Collectively, our voice is taken more seriously. Local Gateway Community leaders lobbying in concert with ASA for the ISDRA to remain open imparts a more potent and viable message to Washington.

Further demonstrating the importance of this cooperative activity, Ken Rosevear will again travel to Washington to meet with the BLM Director Kathleen Clarke on May 18. He will report on partnership progress and continue to explore funding opportunities. Additionally, Nicole Gilles has arranged for BLM California State Director Mike Pool to speak at the June 4 annual meeting of the Brawley Chamber of Commerce.

The Gateway Community Partnership commitment will be evident at the 2004 Sand Sports Super Show where, for the first time, the Gateway Communities will have a booth. In addition, BLM Director Clarke has accepted ASA's invitation to present the Jerry R. Seaver Volunteer Recognition Award at the show. Bill Woody, Director of BLM Law Enforcement and Security, is also invited to introduce the BLM's new policy on strict enforcement of all drug and alcohol abuse laws.

ASA has been a highly visible partnership advocate from the very beginning. Why is this so important? What do we gain? The benefits are many-fold. Building these relationships results in pooling of resources, better communications with land managers, local leaders advocating our cause, and fostering visitor pride and stewardship of the ISDRA. Being a Partner in the stewardship of ISDRA reinforces the ASA objectives to UNITE, INFORM, and MOBILIZE.

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[1] Yuma County Chamber of Commerce and the Joint Chambers of Commerce, which represents the Brawley, Calexico, Calpatria, El Centro, Holtville, and Imperial Chambers of Commerce.

WIN THIS BUGGY!

- P.R.P. Seats
- Crow Belts
- King Shocks
- Parker Pumper
- Turnkey Engine Supply (Shortstar motor su
- Mendola Transmission
- Wright Gearbox (trans builder)
- Kennedy Engineering
- Xtreme Tire
- Emil Miller Fab.
- Douglas Wheel
- OMF Performance
- Gear One (brakes)
- Kartek
- Precision Powder Coat
- CNC
- Eagle Eye
- Lazer Star Lights
- Bonaco
- Odyssey
- C&R Racing
- Smith Designs

CAR TO BE GIVEN AWAY AT 2004 SAND SPORTS SUPER SHOW

EXTREME PERFORMANCE
"Sober Duners Live It Up"

All proceeds to benefit ASA General Fund
Tickets are $20 each with no limit and are available online and at select retail locations. OR send check to:
ASA Giveaway Buggy Tickets
P.O. Box 543
Yarnell, AZ 85362

See the ASA website for more details
www.AmericanSandAssociation.ORG

This is the most important fundraiser of the year. We cannot stress enough how important your participation is. With out the proceeds from fundraising, we cannot continue the fight to keep our Dunes open – we need your help. We can't do it without you.

SELLER'S RAFFLE!

Questions?
Raffles@americansandassociation.org
You can win a custom TNT Golf Cart by selling just 5 tickets to your friends!

Sell 5 Buggy tickets and get 1 entry into the seller's raffle.
Email NOW to consign your tickets:
raffles@americansandassociation.org

TO BE GIVEN AWAY AT THE 2004 SAND SPORTS SUPER SHOW

WINNER NEED NOT BE PRESENT TO WIN EITHER PRIZE.

Legal and Bio Update

At this time, there is not a lot of activity with our legal irons in the fire or with the Biological studies. More time is spent waiting than actually seeing things move forward.

Art Phillips is wrapping up this season's work at the ISDRA and will have an article for us in the September issue of the ASA newsletter.

At this writing, we are still waiting for the response from Fish and Wildlife regarding the delisting of the Peirson's Milk Vetch due May 31. We will let you know the outcome in a special mailing in June. Either way the delisting is decided, we expect the legal arena to heat up at that time.

Critical Habitat has been proposed by the FWS for most of the Imperial Dunes. The ASA is opposing it along with all of the local Chambers of Commerce and cities. Our environmental attorney has sent in our formal comments to the economic analysis.

INFORMATION IS POWER!

Get your friends to join the ASA and get the information out

Imagine your anticipation of a weekend of riding on smooth wind swept dunes and you arrive at the dunes to find a big CLOSED sign at the entrance to your favorite camping spot. The ASA is working to prevent this from happening by keeping you informed and up to date on the issues that affect the Imperial Sand Dunes Recreation Area (ISDRA). Here is how **YOU** can help.

As an ASA member, you receive newsletters that keep you informed about activities involving the ISDRA and what your organization is doing to keep the dunes open for your recreation. You probably have many friends that don't get this information and don't know the issues that are affecting the dunes. You can help the cause by passing this newsletter along to them and encouraging them to sign up as ASA members.

They can sign up for the general membership (free) or make a donation to become a supporting member. Supporting members receive a Supporting Member license plate frame, an ASA supporting member sticker, and a membership card that will allows them to receive substantial discounts from our many Premium Business Sponsors.

Since the ASA is an all-volunteer organization, everyone is encouraged to help in any way they can. There is always a need for help at shows to staff our booths and tell people about the ASA as well as many other behind-the-scenes opportunities that make the ASA function.

As a member of the ASA, you know what we are doing to preserve your right to ride at the ISDRA. Do your friends know how much effort is required to keep the dunes open? Let them know that you support the ASA and that you wish that they did too.

I was at Glamis April 16, 17, 18, and 19. What a great weekend! Smooth dunes, good weather (well, except for the wind on Saturday, but that makes smoother dunes!), great riding, hanging with my friends and family. It was so close to perfect we thought we were already in heaven!

Isn't that what going duning is all about: fun in the dunes with your family and friends? The great release from all the stress of your daily life: just plain having a good time.

Want it to continue? I'm sure you do. I need some help.

My name is Brian Trapp and I am chairman of some committees that get very little notice yet accomplish a great deal. To further our cause, I'd like you to get involved.

Everyone rides with a group of family and friends. **That makes your group a chapter.** I'm chairman of the **Chapters Committee**. If you are the first person in your group that starts making phone calls to set up and plan your next trip to the ISDRA (AKA Glamis), or even if you're just a part of the group, please sign up for the Chapters Committee.

Several times a year I send out emails to all the chapters to give and receive news about ISDRA related issues. This really doesn't take any effort on your part; just send me an email with your name, address, phone number, and an email address that is current. I'll add you to the list and you're done!

Another committee I am currently organizing is the **Phone Tree Committee.** When we need to reach as many members as possible in a short time, the phone tree works well. If there is a meeting scheduled, breaking news, etc., I can pick up my phone and call 20 people. They can then call 20 more and they can call 20 more. With just this level of phone calls, we could reach out and touch over 8000 members in a very short time. Nothing works better than actually speaking to people. Again, this is something that will only happen a few times a year and won't require much of your time. It can do a tremendous amount of good. Please send me an email with your name, phone number, address and current email address and I'll contact you.

Please send all your information to chapters@americansandassociation.org
I look forward to hearing from you.
Thank you.
Brian Trapp
Chapter Committee Chair
Phone Tree Committee Chair

KEEP THE SAND DRAGS SAFE

Fees at ISDRA Used for BLM Bio Studies?

Recently it came to our attention that Demo Fees at the Imperial Sand Dunes Recreation Area (ISDRA) were being used for biological studies. This was not what the fees were implemented to pay for and not what we were told in the official BLM press release at their inception.

Verbatim quote from the release on 12/08/98: "The fees collected will be used to fund additional improvements, including camping pads, rest rooms, trash removal and maintenance of access roads and trails. Additional law enforcement, visitor services, and emergency medical services may also be provided on holidays and weekends."

Nearly $1 Million dollars of our camping fees are paying for a Biological Monitoring Study at the Imperial Sand Dunes. The ASA feels the BLM should pay for this and NOT us. Here is why: This monitoring program was started by BLM to dissuade Fish and Wildlife from coming back with a "Jeopardy" opinion on the new management plan. This whole fiasco started because of a lawsuit the BLM settled to appease the Environmentalist Industry. Our position is that we, the users who pay the fees, should not be stuck footing the bill for anything to which the BLM agreed in a lawsuit settlement. They are the ones that were negligent: NOT US! They are the ones that settled: NOT US! The Federal Government should pay the bill: NOT US!

As described in an official BLM press release announcing the fees, the intent of Demo Fees is to enhance a trip to the ISDRA. Seeing this abuse of our fees, we MUST ask: What other abuses lay ahead for us? What other projects will we be "asked" to pay for? How much higher will our fees go if they are seen as a spigot that can be turned on when dollars are wanted?

This abuse of our fees must come to an immediate halt. The ASA implemented a letter generator on our website. It provides you opportunity to use our system to email your opposition to these types of fee expenditures, print and mail letters yourself, or fax them. The link is on our home page at ASAsand.com. We sent out over 10,000 emails alerting our members to the situation.

We also directed our attorney, David Hubbard, to write a formal letter to Gale Norton who oversees the BLM. That letter is below. In addition, Roy Denner of ORBA testified before a congressional committee regarding the abuse of fees. His testimonial follows Hubbard's letter.

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April 26, 2004

VIA FACSIMILE AND U.S. MAIL

The Honorable Gale Norton
Secretary
U.S. Department of the Interior
1849 C. Street Northwest
Washington, DC 20240

Re: Multi-species Monitoring Program Cost and the Imperial Sand Dunes Recreation Area (ISDRA) Visitor Use Fee

Dear Secretary Norton:

As special environmental counsel for the American Sand Association (ASA), I have been asked to review the enabling legislation for the Fee Demo program currently in place at the Imperial Sand Dunes Recreation Area (ISDRA) in the California Desert. As part of this review, I have examined the program's implementation guidelines and Congress' intent regarding how visitor use fees are to be spent.*

According to a news release dated February 27, 2004, the Bureau of Land Management (BLM) has "Initiated a four

* As you may know, ASA has petitioned to have the PMV removed from the list of threatened species; and in September 2003, the United States Fish & Wildlife Service (USFWS) issued a 90-day "preliminary" finding that ASA, through its petition, had presented sufficient evidence demonstrating that delisting may be warranted. A final rule on delisting is to be issued by May 31, 2004.

month multi-species monitoring program at the ISDRA that will likely set the baseline for future population estimates of the PMV." The news release notes that the ISDRA recreation management plan (RAMP) record of decision (ROD) has not been signed, while acknowledging that BLM is required to conduct this plant monitoring in order to comply with the Biological Opinion that was prepared for the RAMP. However, that Biological Opinion was withdrawn by USFWS last August and has not yet been reissued.

Please understand that my client does not oppose additional scientific study of sensitive plants in the ISDRA. On the contrary, ASA has spent a considerable sum to develop legitimate, peer-reviewed scientific data on the PMV – data that ASA has been made available to the experts at USFWS and BLM. However, we think it improper that visitor fees be the "sole source" of funding for this massive plant monitoring effort.

My research indicates that the Congressional intent of the Fee Demo program was to create a revenue stream for enhancing recreation opportunities and natural resource protection. A December 8, 1998 BLM news release stated "The fees collected will be used to fund additional improvements, including camping pads, rest rooms, trash removal and maintenance of access roads and trails. Additional law enforcement, visitor services, and emergency medical services may also be provided on holidays and weekends."

Nowhere in my review did I find anything indicating that Fee Demo visitor fees may be used to assist BLM in performing monitoring programs mandated by USFWS or a court order. These tasks should be funded with monies obtained by BLM through the normal budget and appropriations process – not with user fees. ASA has discussed this issue with BLM managers at all levels. In almost every case, these managers believe that it is inappropriate to spend Fee Demo revenues on PMV monitoring. Nevertheless, BLM intends to use the visitor fees for exactly this purpose, on grounds that "without Federally appropriated funds they have no other choice"

In a letter to you dated January 27, 2004, the ISDRA Technical Review Team (TRT), a citizens advisory body appointed by BLM, called this inappropriate utilization of visitor use fees to your attention. The letter states "The biological opinion requiring species monitoring levied from one Federal agency to another has placed an unfair financial burden on the visiting public and due to its cost jeopardizes basic services and resource protection."

The ISDRA business plan and the derivation of the 2003-04 visitor use fee includes $1,100,000 for the monitoring program required by the USFWS. A recently revised budget for the monitoring is about $900,000. This is approximately 25% of the total amount that BLM has projected for the annual ISDRA operating cost used as a baseline value for the visitor fee derivation. Meanwhile, the visitor use fee has been increased from $10 per week and $30 for a season pass to $25 per week and $90 per season. Not surprisingly, this situation has caused great concern and frustration among the 1,000,000 annual visitors to the ISDRA.

At its April 24, 2004 open membership meeting, the ASA board instructed me to explore the legal and political avenues that are open to challenging BLM's grossly inappropriate inclusion of plant monitoring costs in the calculation of the ISDRA visitor use fee. Your prompt response to both the TRT letter of January 27, 2004 and this inquiry will assist me in carrying out the ASA Board's directive.

The present temporary closure is the direct result of the BLM not fulfilling the requirements of the Endangered Species Act in a timely fashion. ASA believes that the user fees must not be used to bailout a Federal agency that did not carry out its assigned duties in a timely fashion.

Very Truly Yours,
David P. Hubbard

CC: Kathleen Clarke
Rebecca Watson
Craig Manson
AZ and CA Congressional Delegation
California Off-Road Vehicle Association
Off-Road Business Association
California Association of Four-Wheel Drive Clubs
American Motorcycle Association District 37
San Diego Off-Road Coalition

Below and on the following page is ORBA CEO Roy Denner's testimony as presented to the House Resource Committee on May 6, 2004. Our sincerest thanks to Roy to take the time to go to bat for the ISDRA in Washington, D.C.

Oral Summary testimony prepared for the House Subcommittee
On National Parks, Recreation, and Public Lands.
Thursday, May 6, 2004
by
Roy Denner, President & CEO
Off-Road Business Association (ORBA)

Good morning! My name is Roy Denner. I am the President and CEO of the Off-Road Business Association and I am speaking today on behalf of several Off-Road Recreation organizations identified in my submitted material.

Nobody likes to pay fees! But, I believe most recreation enthusiasts in this country have conceded the fact that user fees at recreation sites are a "necessary evil". The major concern now is that the fees collected are utilized in a manner that benefits the people who pay those fees. By way of example, I am going to describe a fee demo program that has been in existence for five years that is actually working to the detriment of the people who pay those fees!

There is an off-highway vehicle (OHV) recreation area in the southeastern corner of California known as the Imperial Sand Dunes Recreation Area (ISDRA - AKA Glamis). This facility, managed by the BLM, is likely the most actively utilized motorized recreation area in the country – in terms of vehicle operating hours per acre available. It is not unusual for the ISDRA to experience 200,000 visitors on a holiday weekend. Annually, the facility accommodates almost 1.5 million visitors.

The ISDRA was reduced from around 160,000 acres to approximately 118,000 acres when part of the sand dune chain was designated as "wilderness" by the 1994 Desert Protection Act. The area available for motorized recreation was subsequently cut in half as a result of a settlement by the BLM on a lawsuit initiated by three environmental organizations in the year 2000. As the area available for motorized recreation has drastically reduced in size, the popularity of this area for recreation has literally exploded.

OHV enthusiasts come from all across the country to visit the ISDRA. A publication released by the BLM and the Forest Service lists the ISDRA as one of the top 12 recreation sites in the U.S.

Prior to the initiation of the fee program on January 1, 1999 there were two sources of funding to cover the operation and maintenance of the ISDRA – Federal allocations; and grants from the California State Off-Highway Vehicle program. Grants from the California program have traditionally been slightly over $1 million annually. As of last year the amount of grant money received for O&M at the ISDRA has been reduced to zero! In spite of the huge number of visitors the area sees each year, the total Federal allocated funding for the ISDRA is only $200,000 – about 5% of funds needed. Not nearly enough to keep the gates open!

So, under the BLM's cost recovery program, user fee rates are set to pick up the balance of the $4 million it takes to operate the ISDRA each year on a minimal – no improvement - budget. Last year, with the elimination of State grant funds, users saw their fees triple without experiencing any significant improvements on the ground to benefit the millions who recreate there. The fee demo program is now covering most of the costs to operate the ISDRA!

That's not the end of my story!

Last year the BLM completed the preparation of a new Recreation Area Management Plan (RAMP) for the ISDRA. In addition to many on-the-ground improvements to benefit users, the Plan calls for a monitoring study of one ESA listed species and several species of concern. The cost of the monitoring plan is almost $1 million dollars. The RAMP calls for the effort to be paid for by a combination of allocated funds, State grants, and user fees. State grants are gone and Federal allocations are only $200,000. As I speak to you, the monitoring effort is underway and is being funded entirely by fee demo money!

Implementation of on-the-ground improvements to provide more OHV recreation support are held up due to legal action which is preventing the implementation of the new Management Plan.The BLM has decided to go ahead with the monitoring study called for by the Plan in spite of the court's order to not implement the Plan until USFWS issues its biological opinion on the RAMP.

Fee demo money is being spent to whatever degree the BLM deems necessary – with no user input or control of the expenditures.

The reduction of dollars available to operate the ISDRA coupled with unregulated expenditures – such as the species monitoring program – will undoubtedly lead to even higher user fees for next season. We will be asking visitors – who have not seen a single significant improvement in facilities or recreation opportunities in at least 3 years – to step up and pay for environmental efforts that may ultimately be used to further reduce OHV recreation opportunities at the ISDRA. Sort of like being asked to pay for the material to build your own gallows!

How do we control this problem? Recreationists nationwide believe that it is imperative that any fee demo legislation adopted include a requirement that the bulk of the dollars collected from end users go to improving recreation opportunities on-the-ground at each facility. As Assistant Interior Secretary, Lynn Scarlett testified to this Committee last month, it was the intent of Congress that the fee demo program allow participating agencies to retain a majority of recreation fees at the site collected and reinvest those fees into "enhancing visitor facilities and services. This authority was deliberately broad and flexible to encourage agencies to experiment with their fee programs". The BLM's "experimentation" with fee demo money at the ISDRA could lead to visitor fees that price the ISDRA out of the recreation market place and ultimate closure of the facility – actually satisfying the agenda of some anti-access groups.

The people who recreate at Federal recreation sites should have some say – at a higher level than advisory – as to how their fees are spent! And, of course, this needs to somehow be compatible with the Endangered Species Act so that anti-access groups can't sue to force Agencies to use fee demo money for environmental studies that can ultimately be used to close out recreation - which is precisely what's happening at the Imperial Sand Dunes Recreation Area. I respectfully petition this committee to help correct the problem at the ISDRA and to establish controls to prevent this example of fee demo gone awry from becoming the norm for other recreation areas. Federally mandated programs at recreation areas – such as species monitoring efforts - should be paid for with Federal funding – not user fees!

Thank you for listening to my story.

A Trip To See The Milk Vetch

By Dick Holliday

In December, I was fortunate enough to be able to help Dr. Art Phillips check on the Peirson's Milk Vetch (PMV) sites that he periodically monitors around the Glamis area. This was a memorable experience from the standpoint that I was able to learn about not only the life of the PMV, but other desert plants as well. Dr. Phillips has six sites in the Glamis area that he monitors to see how the plants are progressing. He has other sites in the south dunes area as well.

As this is technically an annual plant, which means it normally lives only one year, these plants are doing great as some have been able to live through two summers now due to increased rainfall. As we were driving Dr. Phillips and his assistants to the specific six sites he asked that if we see any other PMV to stop so he could check on their status. Well we found so many sites that after a few stops he said don't stop unless there are at least twenty plants!

Dr. Phillips research has shown that this plant is thriving. If you get the opportunity to help in the monitoring of the PMV, I would suggest that you do it. It is well worth a morning or afternoon of your time to help in this worthy endeavor and you will learn a great deal about the plants that you see while driving around the dunes. Being able to identify the many plants that live in the dunes helps heighten your enjoyment of the them.

The requests for help with these monitoring studies are normally posted on the ASA forums. Dr. Phillips has completed his monitoring for this season but will need help next fall. You can also contact Russ Borman at: govmeetings@americansandassociation.org as he will know when Dr. Phillips needs help.

TRT Members on Call:
Jerry Seaver
Jim Bramham
Nicole Gillis
Roy Denner
Harold Soens
Bob Ham
Visitors:
Bob Mason, Ed Waldheim

ISDRA Technical Review Team Synopsis of Conference Call Meeting April 28, 2004

Meeting called to order by Jerry Seaver at 8:10 am.

BLM Staff Present:
Greg Thomsen
Neil Hamada
Bob Zimmer
Chris Knauf
Jim Keeler
Nicole Riven

Member Reports:

Chris Knauf, Natural Resource Specialist - Mr. Knauf stated the dunes monitoring project went well thanks to ECO (Environmental Careers Organization), and the Outfitter & his crew. The monitoring project was completed two weeks ahead of schedule. There was significant impact of rainfall, resulting in many transects being monitored twice. This is a great opportunity to compare the effects of rain. One vehicle sustained damage to the bumper and no injuries were reported. Data from the monitoring project on the PMV is being entered and will be sent by May, 15 to the State Office to be analyzed by John Willoughby. Fringed Toed Lizard surveys will be done in 3-4 weeks. More projects are proposed in the future; possibly some seed collection and population monitoring. There was question as to whether BLM's survey correlated with the survey that Dr. Art Phillip is doing. Mr. Knauf says no, and explains there is a difference in the way each survey was done.

Robert Zimmer, Chief El Centro Law Enforcement Officer- Mr. Zimmer gave a summary of the Easter Break events. Easter Break visitation was spread out over 3 weekends: weekend before Easter, Easter weekend, and after. There was a count of 36,000 visitors for the Easter Break. BLM received assistance from the U.S. Forest Service, Imperial County Sheriff's Office (ICSO), and their Coalition. The officers worked 12-hour shifts. Overall, there were less violations compared to past holidays. Most citations were for regulatory violations and not for serious crimes. Generally, the impact of the Competition Hill Curfew and the increased presence of Law Enforcement Officers are a positive effect and show excellent results.

Neil Hamada, Dunes Manager - Mr. Hamada reported medical incidents are down. 788 medical incidents were counted last year to this date: this year only 675 to date. Night crews were cut back on Easter. There were only 39 medical incidents most occurring in the daytime. ECO Park Ranger Rachel West made a contact with Imperial Valley Waste Management resulting in a partnership to pick-up and dispose of tires left in the Dunes. The last pick-up removed close to one thousand tires illegally dumped at the North Dunes and about half of that amount in the South Dunes. The partnership with El Centro Regional Medical Center (ECRMC) is working out very well. ECRMC provides the Cahuilla Ranger Station with staffing for medicals aids at no charge to the BLM. The Border Patrol's Search Trauma and Rescue (BORSTAR) Team who currently help with medicals in the South Dunes is currently detailed to Arizona leaving one or two BORSTAR team members available here. Mr. Hamada also went over the budget chart and spoke about the building of the south dunes interpretative center that will act as a staging area for Border Patrol, Imperial County Sheriff's Office (ICSO), and BLM and serve as a first aid center.

Larry Caffey, Operations Branch Chief- Mr.Caffey reported that the rubber asphalt seal was applied to Gecko road also camping pads were repaired. Carsonite posts were also repaired at Road Runner Campground. The dust palliative applied to the Wash Road did not work past Thanksgiving.

Greg Thomsen, El Centro BLM Field Office Manager - Mr. Thomsen reports the Biological Opinion was received from U.S. Fish and Wildlife Service (FWS). The Bureau of Land Management sent it back with their comments to the USFWS. At this point, nothing has changed with any progress toward implementation of the RAMP.

Nicole Gillis, Brawley Chamber of Commerce - Ms. Gillis reported the partnership group met with Ms. Kathleen Clarke (National BLM Director) to inform her regarding the economic impact the Imperial Dunes have on the Imperial Valley and her concerns about the use of fees to pay for Peirson's Milk-vetch monitoring. She also stated there is now an alcohol awareness mission being supported by the partnership to encourage responsible alcohol use at the ISDRA. The partnership group also met with the U.S. FWS to stress the importance of accurate information in the draft report of economic impacts in the designation of critical habitat designation for Peirson's Milk vetch. She also reported that she would be sending in comments to the draft.

Vendors in the Dunes who have concerns about long term stay restrictions next season have contacted her. The BLM agreed to discuss all vending issues with the TRT before making policy and procedures decisions for the '05 season. The Dunes Vendors request simplification of the permitting process for the Imperial County Peddlers Permits. Neil Hamada agreed to send E-mail to Bob Ham and Nicole stating that the BLM does not require, or have use for, the sheriff fingerprint clearance. Nicole and Bob will work together toward a less cumbersome process and obtaining Imperial County approval of it.

Neil Hamada reported that the BLM desires to have season passes for the '05 season, starting Oct. 1, 2004, available earlier than they have in the past: thoughts are as early as July. The BLM is working on more cuts to their budget before determining and announcing next season's pass pricing. They do not want to raise the fees for next season but are not able to commit to that at this time.

Meeting adjourned at 9:45
Next meeting TBA

NO ISDRA FEE INCREASE NEXT SEASON

BLM Press Release is below:

U.S. Department of the Interior
Bureau of Land Management
News Release

For Immediate Release: May 7, 2004
CA-CDD-04-46
Contact: Doran Sanchez (909) 697-5220; E-MAIL: Doran_Sanchez@ca.blm.gov

BLM Won't Increase Recreation Fees at Imperial Dunes for Upcoming Season

The Bureau of Land Management (BLM) announced today that it will not increase recreation fees at the Imperial Sand Dunes Recreation Area for the upcoming 2004-2005 season.

The BLM and Dunes Technical Review Team (TRT) representatives expressed concerned about increasing the fees. "The impacts to each visitor are of concern to the BLM, however, we need to balance that with the financial needs to manage the area." said Greg Thomsen, the BLM El Centro Field Office Manager.

In addition to the financial impact to visitors, BLM also had to consider other factors: The uncertainty when BLM may receive U.S. Fish and Wildlife Service's Biological Opinion. The impacts of pending litigation. The uncertainty when the Final Recreation Area Management Plan may be approved.

"BLM will continue to provide a high level of service in the 2004 /2005 season starting in October," added Thomsen. "However, ongoing services for public safety, as well as the regular operations, maintenance, and resource conservation activities come at a high price."

Visitors can support the Dunes and offset those costs by purchasing their recreation permit for next season early. The 2004-2005 season permits will be available August 1, 2004, at www.ca.blm.gov/elcentro.

On October 1, 2003 visitors saw an increase of fees to $25 per week and $90 for a season pass. The increased fees allowed the agency to better recoup its costs of managing this popular area.

Even with the increase, the BLM had to cut back on planned expenditures during the last season. Many tangible amenities that visitors are requesting such as toilet facilities and increased camping space will be delayed due to budget shortfalls now occurring. The public can help the BLM try and keep fees down in the future through voluntary compliance, which is a key issue to setting fee rates.

The continued "Zero Tolerance" law enforcement initiative over the last few years is working, Thomsen said. Serious crimes have been reduced, and families are filling the campgrounds once again and enjoying the safe atmosphere.

For more information contact Neil Hamada at (760) 337-4400.
-BLM-
visit our website at www.ca.blm.gov"

California Desert District Office – 22835 Calle San Juan De Los Lagos,
Moreno Valley, California - (909) 697-5220
Neil Hamada
Imperial Sand Dunes Recreation Area Manager
1661 South 4th Street
El Centro, CA 92243
760-337-4451 ph
760-337-4490 fax

www.ca.blm.gov/elcentro

Please comment on BLM's service by clicking on the link below.
http://www.blmfeedback.com/select.php

SO, WHERE IS THE RAMP?

By Vince Brunasso

Background:
The closures, implemented in Fall of 2000, were part of a settlement of the lawsuit that was brought against the Bureau of Land Management (BLM) by the Center for Biological Diversity (CBD) et al, in part, for not consulting with the Fish and Wildlife Service (FWS) regarding the Peirson's Milk Vetch (PMV) at the Imperial Sand Dunes Recreation Area (ISDRA). Consultation is required because the PMV is listed under the Endangered Species Act (ESA). That was the purpose of getting the PMV listed in the first place: it became a tool for the closure advocates, many of who work within the FWS. The agreement is that the closures are to be temporary pending approval of the Recreation Area Management Plan (RAMP) by FWS with a "No Jeopardy" opinion in the Biological Opinion (BO). This point is constantly ignored by the CBD et al.

Current delay:
Clarification of the recent no jeopardy BO (good for 4 or 10 or X years?) of the RAMP is holding up the implementation of the RAMP and thus the closures being partially lifted at this point. There is no deadline for the BO but I would expect it to come after the PMV delisting decision. In general terms and to the best of my knowledge, if there are no ESA listed species, there is no legal requirement for FWS consultation or a BO. However, either way the delisting decision, expect the environmental industry to file opposing legal actions in an attempt to keep the closures in place **even if the BO again approves the RAMP**. Here's why.

As Brendan Cummings, attorney for the CBD in the above suit, told me back in 2000, they are going for "institutional momentum". That's where a temporary closure becomes permanent based on how long it was in place and the acceptance of the stakeholders in the affected area. They will probably go for an injunction since that would immediately prevent the closures from coming down. I am not sure they would prevail in that, but one must keep in mind that this is not a level playing field.

Adaptive Management Area (AMA)
Since the AMA is Class L land (limited use) and there are other "species of concern" in the dunes, I expect that the AMA will be a part of our lives for quite some time when the RAMP finally is approved: the BLM doesn't want to get sued again.

MEMBERSHIP INFORMATION

We would like all ASA members, which have access to the Internet, to review their personal ASA information profile. This should be done whenever a change to your email, telephone number, or address has occurred. You can log on to the ASA web site at www.asasand.org and review your personal information. You will need your ASA username and password to access your information. This username and password is only for the ASA website and is different than the username and password for the ASA forums. If you have forgotten or do not know your username and/or password, you can request that information from this URL:
http://www.americansandassociation.org/mymembership/forgotpassword.html

Forum users: We have created a page that allows ASA members to merge their BBS and Membership accounts. This will enable ASA members to use their Forum login name and password to access their membership accounts. It also lets us display a small "ASA Member" logo next to member's posts. Please see the Bulletin Board Rules, Regulations, and FAQ forum for more details.

Starting in July certain phone exchanges in the 909 areas with be changing to 951. You can go to this web site (http://areacode.ce-service.biz/ac951.htm) to see if your exchange is affected. If your area code is changing, please update your ASA profile to the new area code. Volunteers do all maintenance of the ASA database by hand so if you can update your area code that will cut down on the number that will have to be manually changed.

Keeping your ASA contact information up to date ensures that you receive the latest information and updates about the status of the ISDRA dunes and on-going litigation being pursued by your organization. If any of your friends are members and are not receiving the ASA information, please give them this newsletter so they know how to update their ASA contact information.

If you have requested to receive ASA updates by email and your not currently receiving them, please check that you are in our email notification list.
http://www.americansandassociation.org/lists/index.php

Thanks for your support
Dick Holliday
ASA Membership Director

(will show your tummy)

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Specify size		Quantity	Contribution

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All can be reached at
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NEW WEBSITE FOR THE ISDRA TRT:

http://www.isdratrt.org/

ASB	Andrews dune Scarab Beetle	OHMVR	Off Highway Motor Vehicle Recreation Commission
AMA	Adaptive Management Area	OHV	Off Highway Vehicle
BO	Biological Opinion	ORBA	Off Road Business Association
CBD	Center for Biological Diversity	PEER	Public Employees for Environmental Responsibility
ESA	Endangered Species Act	PMV	Peirson's Milk Vetch
FOIA	Freedom of Information Act	RAMP	Recreation Area Management Plan
FWS	Fish and Wildlife Service	TRT	Technical Review Team
ISDRA	Imperial Sand Dunes Recreation Area	SDORC	San Diego Off-Road Coalition

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American Sand Association

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