

MBCA



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California Assembly – Committee on Water, Parks, and Wildlife

Position: Favor Passage of SB 249 - Off Highway Motor Vehicle Recreation Act (OHMVR) - Statewide

Thank you considering our comments on SB 249. The OHMVR Act. Although we do not live in districts represented by members on this Committee, we feel it appropriate to address you on the statewide issue of OHV recreation. Your districts contain population centers supplying the OHV riders that enjoy their recreation on the public and private lands in the California Deserts. The MBCA is writing on behalf of Mojave Desert community members in eastern San Bernardino County, and by extension areas in the adjacent counties of Imperial, Inyo and Kern, where community residents suffer from the dust, noise, trespass, and destruction from illegal OHV recreation. The OHMVR Program sunsets on December 31, 2017. The need for reauthorization of this program is critical for the reasons discussed below.

The Importance of the Grant Program to “other areas in the system”

SB 249 would reauthorize California's Off-Highway Motor Vehicle Recreation (OHMVR) Program in a way that continues public use of State Parks while aligning with the mission and general resource protection efforts of the Department of Parks and Recreation. In Section 11 of the Bill, the Public Resources Code 5090.35 (a) reads: The protection of public safety, the appropriate utilization of lands, and the conservation of *natural and cultural resources* are of the highest priority in the management of the state vehicular recreation *areas and other areas in the system as defined in Section 5090.09*. As defined, “System” means the state vehicular recreation areas, the California Statewide Motorized Trail, areas and trails within the state park system, and **areas supported by the grant program**.

The Chair of the OHMVR Commission underscored the importance of the ‘system’ in his message preceding the Commission’s 2016 report: ***In fact, the vast majority of the OHV recreation opportunity available in California is on federal lands. For the calendar year 2016, the BLM reported a total of 7.1 million recreation visits to BLM lands in California. Of those 7.1 million recreation visits, an astounding 5.6 million were OHV related. The OHMVR Program addresses the need for quality OHV recreation management along with a high level of environmental protection on these federal lands through the OHMVR Grants and Cooperative Agreements (Grants) program.***

The BLM Riding Areas

The California desert region is 28 % of the state but there are only two State Vehicular Recreation Areas (SVRA), both in Imperial County: Heber Dunes (343 acres) and Ocotillo Wells SVRA (85,000 acres). In

contrast, the BLM California Desert District manages 15 OHV riding areas with a total of 373,620 acres. The majority of the BLM areas are designated "Open Area" which means the rider need not stay on designated trails. These desert riding areas account for the majority of the tabulated 5.6 million OHV users referenced above. However, there are also an unknown number of OHV riders, from California population centers, attracted to 'open riding' in the 69 BLM Wilderness Areas and Conservation Lands, including the three new National Monuments. OHV riding in these areas is either illegal (Wilderness Areas) or restricted to established dirt roads. The BLM desert Field Offices annually apply for grants for law enforcement, restoration, and signage. For 2017, law enforcement requests only, Field Offices received \$1.860.000 through the Grants program.

National Parks

Increasingly the desert national parks, Joshua Tree and Death Valley National Parks, are being inundated with illegal OHV riders. Illegal OHV use in the parks disproportionately affects wilderness areas and prime desert tortoise habitat, while negatively impacting wilderness character, wildlife, vegetation, cultural resources, and other ecological processes. The parks received \$299,250 and \$411,360 respectively for restoration projects for 2017.

Private Lands and Community Roads

In addition, many areas in the San Bernardino desert lands have a peculiar public/private checkerboard pattern of land use. There are thousands of dirt roads in rural communities that originated with the federal Small Tracts Act (1938-1976). These roads, originally granted as easements for access to each purchased 5 acre tract, are in the familiar grid pattern that identifies a community. Still, today, one's neighbor might be a BLM tract where open OHV riding is permitted. OHV riders love the confusion created by this patchwork of public private ownership and feel they have a 'right' to use all dirt roads despite ownership, posted signs, or federal and county laws and ordinances. Posted signs are quickly dispatched. This turmoil will not end soon. Local law enforcement annually applies for funds from the Grants Program to enforce county laws and ordinances in desert communities.

Since Senator Allen introduced SB 249 there has been much wrangling between conservation and OHV organizations regarding various sections in the bill that some OHV enthusiasts feel would curtail their 'right to ride'. The purpose of this letter is to be sure that a third voice is being heard - the collective voice of individual property owners, including ranchers and farmers, who live along or near the thousands of miles of dirt roads and trails that are considered open for riding (and advertised as such on OHV media sites) regardless of legality. Property owners know their posted signs will be torn down.

Illegal riders are a privileged class of anonymous law breakers: there is no requirement for visible license plates, an important enforcement tool.

The MBCA works at the local, county and state level with Community Off-Road Vehicle Watch (COW), and the Alliance for Responsible Recreation (ARR) to protect rural landowners from illegal OHV riders. As our state population increases so does the number of riders who want to escape the city for open space recreation. Many of our members are OHV enthusiasts. Our concern is not with the legal but the illegal riders. The SB 249 Grants Program supports law enforcement and restoration on the multi-jurisdictional desert lands, public and private, used by riders from throughout California and neighboring states.

Respectfully,



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