

Desert Advisory Council Meeting

Saturday, August 10, 2024

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>> SHELLY LYNCH: The restrooms are out this corner and down the hall to the left. If you need that, there is a large one in the back if you want some water. Let's see more about logistics. That's it for logistics so with that, I will ask Michelle to do a brief overview.

>> MICHELLE VAN DER LINDEN: Good morning. So, the following information is information for the public for 9:30 a.m. public comment period -- observe this meeting between the BLM and the desert advisory council but you are not able to comment or ask questions during this meeting. Members of the public will be able to address the public comment period only which takes place at 9:30. This meeting is recorded. We have a captioner recording the notes. When you speak to the council, please state your name when you speak so it can be captured in the record. Thank you, Shelly!

>> LYNCH: Just a note too, if folks can speak up so everyone in the back of the room, so the folks online can hear, and the recording can hear. We don't speak up, sometimes the recording is a little -- the transcript is a little jumbled so please speak up. I would like to call on BLM staff to introduce themselves. I would like to start first of all with Brandon Anderson for going in alphabetical order.

I would just like to -- I announced it yesterday and I will announce it again today, Brandon was selected for the permanent position for the Palm Springs Office, so he's been acting in that position for # month, I think.

>> BRANDON ANDERSON: September of last year.

>> LYNCH Yes, so since September of last year so we're so glad to have Brandon on in that position permanently. Sorry, Brandon, I just introduced you but go ahead.

>>ANDERSON: I have been in Palm Springs in the last ten years living between the field office and the district so really glad to be back. Thank you!

>> Okay. And Liz Berry?

>> Are you with us Liz? We'll move on. Tom?

>> TOM BICKAUSKAS: Good morning, I'm Tom, the acting field manager from Ridgecrest, nice to see you.

>> JULIE DONNELL: Good morning, everyone. Julie, I'm the assistant field manager out of Barstow.

>> PAUL GIBBS: Paul, fire management officer for the district.

>> MATTHEW LOHR: Matthew, El Centro field manager.

>> JULIA MOGEN: Julia Mogen, public affairs specialist for BLM.

>> RON NUCKLES: Good morning, Ron Needles Field Manager.

>> And Nancy, is Nancy online? I don't see Nancy. Nancy is my deputy. She couldn't make it for today. She had a death in the family so Michelle?

>> VAN DER LINDEN: Good morning, everyone. I'm Michelle, public affairs for the BLM and I think Nancy can speak now. Sorry, I had to turn it on. Nancy, can you hear us?

>> NANCY SCHMIDT: Hold on a second. Can you hear me now? Hi! Good morning, this is Nancy, and I am the deputy district manager for CDD, thank you!

>> LYNCH: Okay, did I miss anyone? Okay. I would like to welcome the Forest Service so if the Forest Service could introduce their folks here. The.

>>SARAH BELCHER: Hello. I'm Sarah, developer recreational program manager for the Pacific Northwest.

>>AMANDA LOYE: Hi, my name is Amanda Loye- I'm the specialist with the national recreation program.

>> JOSEPH RAFFAELE: Hi, I'm Joe Raffaele – Rec and Lands Program Manager for Cleveland National Forest.

>> BELCHER: And we have a few folks that are with us online. I don't know if we have to introduce them.

>> LYNCH: Oh, go ahead.

>> BELCHER: Todd (Harbin) and Joanna (Wilson).

>> LYNCH: All right, with that, we'll turn it over.

>> HANS HAAS: Hello, everyone Hans Haas, I represent the recreational interest -- and we're going to go around with the different DAC members, and everyone can give their update. First off on the list Randy.

>> RANDY BANIS: Hi, good morning. I'm Randy and I'm a member of the DAC and representing the public at large. I'm a resident of the Leona Valley California, on the edge of the desert and on the border of the -- national forest. By day, I'm President of Friends of Jawbone and Friends of El Mirage, we work with the BLM, Barstow in helping to manage the OHV recreation on the public lands. We maintain the trails, produce maps, and help keep everyone safe and have a good time so they can get safe with their families and return to work on the weekends like the rest of us but it's a pleasure to be here and great to see everyone together in the same place at the same time.

>> HAAS: All right, next, we have Mr. Nathan Francis.

>> NATHAN FRANCIS: All right, my name is Nathan Francis and I'm representing the energy and minerals, I'm with the U.S. Borax -- company and have been operating in the Mojave Desert.

>> DESIREA HAGGARD: Good morning, everyone! I'm Desirea Haggard and also representing the energy and minerals. I work for (inaudible) company -- construction materials company in the high desert.

>> To my left?

>> JENNIFER HENNING: Good morning, Jennifer, I represent dispersed recreational interests and by day, I work in local government and in my free time, I'm just a general naturalist.

>> DICK HOLLIDAY: Dick Holliday, I'm dispersed recreation and retired from the Southern California Edison company -- that's as close as I work.

>> HAAS: All right. Thank you! And online we have Ann. Ann, are you with us?

>> I don't think she's with us.

>> All right, I don't see her online so let's say online. So, you're from Joshua M? Joshua?

>>VAN DER LINDEN: Sorry, it doesn't look like Josh is.

>>HAAS: All right, two strikes.

>> TERRY MCGLYNN: Hi, there, so I'm an academician a biologist, ecologist with the California State University so we offer a desert study and I'm, next week, my role with the desert studies consortium ends as I'm going to go on staff but I'm planning to continue my role on the DAC by appointment.

>> Thank you! And now, the new member, Mr. Steven.

>> STEVE REYES: Good morning. This is my first staff meeting in person, Full time resident of the desert in wonder valley and I was also a member of the Mojave Trail National Monument subgroup for the planning committee. I am also the Vice President of the historical homes society and have a master's in history, but I like history of the desert.

>> I see.

>> BOB ROBINSON: Bob, represent Tribes and I'm the tribal, historic preservation officer for the Kern Valley Indian Community and we work with the Ridgecrest field office and Bakersfield office and Barstow and a little bit with the Bishop area field office. Lately we're working with the fire regionally in my area and -- with the several BLM archaeologists... the three prior. There's food conservation and also resource protections, giving them higher priority and as much as a priority as any other interest and previously in the past, it was -- just something to mitigate and not be considered a serious lead so anyways...

>> All right, thanks! Let's go back online.

>> DAWN ROWE: Good morning. I represent an elected official in the group. I am a San Bernardino County supervisor in the third district, about 10,000 square miles, I touch Arizona, Nevada, and all the way to LA county. So, I work with BLM in a lot of different capacities and I'm happy to be here, thank you!

>> HAAS: Thank you, Dawn!

>> ED STOVIN: I'm President of San Diego Off-road Coalition, President of Friends of Ocotillo Wells-- I'm a director of the California off-road vehicle association and off-road coalition -- mountain, fun run on November 9th. This is a really enjoyable fund raiser and I'm involved in off highway vehicle safety. Our organization has state lobbyist and we're looking at running safety bill next year to require off road vehicle users to take safety training, kind of a formidable thing we're looking at and I'm expecting some staff, but I think, we'll be seeing some -- lights so we're going to be pushing forward with that. Thank you!

>> HAAS: All right, thank you for that. The last one, online, do we have Mr. Jack Thompson.

>> VAN DER LINDEN: It doesn't look like Jack has joined us yet.

>> HAAS: All right, maybe we'll have him later today. That's it for introductions, Shelly, back to you.

>> LYNCH: So many of you have seen the public notice but we have a huge transition in leadership at the state office. Gordon is unable to be here, but Joe Stout is our new state director and many of you remember him, he was the associate state director in the California, I think, for about 6 years so he's very familiar with California. He went to the Forest Service and then came back. He has -- business management. He's very familiar with California. And he joined the BLM in 2001 and his previous roles served as division chief and as a legislative affairs specialist at BLM's national office. He starts on Monday so we're very excited! It was a quick turn around. So, we're excited to have Joe back. We're ahead of schedule.

>>BANIS: I would like to congratulate the Bureau on their selection of Joe to lead the state office. I had the pleasure of working with him in the past and I think he's the right leader, at the right time and I think we'll see that in action.

>> LYNCH: I know there's a lot of new members who have not worked with him but if we can get here to at least meet folks and make some leadership intent comments, that would be great! We can extend the invitation for him to join us at the December DAC meeting. Does anybody have any -- I don't know how we should do this.

>> VAN DER LINDEN: Should we take a quick break until 9:29?

>>HAAS: Yes, so the public period would have to start on time so let's take a little break and then maybe a second coffee for anyone? We can get back here at 9:25.

BREAK

>> HAAS: We have one member of the public here with us. They will be the first and be only speaker. I would like to welcome to the podium, Mr. Ken Freeman.

>> VAN DER LINDEN: Hans, would you like me to go over the public comments? Just real quick, the maximum number of speakers, we ask that each speaker limit their comments for three minutes and be we'll have a count down counter on the screen to help you with that. If we have time left over in the end of the thirty-minute period, we'll give a separate three-minute opportunity to offer the council. It will start in the room first and then virtually; we'll do our best

to call on the ones that raised their hand first. If we have more people wishing to speak than time allows, brief comments may be submitted via e-mail and I'll put the e-mail in the chat. Those comments will be included in the record.

Public comment is welcome to submit questions or comments any time to the BLM and the desert advisory council outside of the scheduled meeting using the outside e-mail. Thank you!

>> KEN FREEMAN: Okay, I'm going to move the mic to the podium. Or closer.

>>FREEMAN: The past President of the southern off-road enthusiastic's, the oldest and one of the largest off-road clubs in the state of Nevada. First off, I would like to say thank you for having a meeting on a Saturday which is unheard of as BLM as a state event. I have been to numerous meetings, and they are always on Thursday and Friday, so I have to take the day off. So, you made it nice!

My comment is on the off-road area outside of Barstow and I applied for a permit there a few years ago, a competitive permit and was told, we are not allowed in the Razor area. I think we need to change it with the growing of OHVs. I think we need to change that in the Needle's office. It does not have an OHV area anywhere. They need to have a minimum of 20,000 acres set aside in the -- area. Thank you!

>> HAAS: Thank you.

>> VAN DER LINDEN: I believe we have one person online who can provide a public comment. Steven, let me turn on his mic. Steven, are you able to hear us? One second.

>> STEVEN GJERSTAD: Can you hear me?

>>HAAS: We can hear you, thank you Steven.

>> GJERSTAD: My name is Steve Gjerstad. I have spoken at the previous DAC meetings in December and April. Both of those comments were in regard to off-road vehicle routes on private property in the western Mojave Trail Network. I gave an extent of those routes in the December meeting but today I want to talk about the potential liability of BLM for placing routes on private property.

Under the federal tort claims act, 28US U.S. code, the BLM is liable for injury or loss of property or personal injury, or death caused by the negligent or wrongful act under the circumstances that the United States gave a private person liable in the place where the act or omission occurred. In a nutshell, what it means is the BLM is treated under California law for liability in the same way as an individual.

How would an individual defend themselves against a claim by an off-road rider in the underlying problem is you placed routes on private property, and you can't control how that private property is used and there's been a refusal over the course of close to 30 months for the BLM to address safety concerns that I have brought to their attention. So how would you defend yourself?

One way under California public resources code 59038 which states no owner or other person having legal control of the property of the vicinity in any lands in the system is liable for any actions of any type resulting from or caused by the user of an off-highway motor vehicle trespassing. Can the BLM avail themselves? They cannot. It states no owner or other person having legal control of property is liable.

You're not an owner or person having legal control of my property. You placed off-highway motor vehicle routes on my property and the property of all of my neighbors. The total number of them in the section where my property is located, of which I own 65 acres of those 640 acres, there are 31 of your BLM route signs. I presented evidence to Karen M when she was the state director or California, and I provided information to others in the Barstow office about the extent of the trespass off of those illegal routes and those were illegal because the Code of Federal Regulations designation criteria does not permit routes on private property. I can leave it there and we'll take this up in the next meeting or if there's more time in this meeting. Thank you!

>> HAAS: Thank you, do you have any other speakers online?

>> VAN DER LINDEN: It looks like we have no other speakers at this time.

>> HAAS: So, if the member can have an additional three minutes, I believe we can do it for him.

>> VAN DER LINDEN: We can, Steven, you can three more minutes if you would like. Give us a second to unmute. Steven, can you hear us?

>> GJERSTAD: Sorry, I hit unmute, but it doesn't come out. So, there's another way that you can defend yourself from a lawsuit by an injured rider. The underlying problem here is that there's no indication that this is private property. All of the indications that are out there, signs and the maps distributed by friends of jawbone, everything suggests to the people who had come out here, that this is public land. This puts the riders at danger unnecessarily and it puts the property owners in a very unreasonable position of having to in effect, operate an off-highway vehicle recreational area on behalf of the federal government of the United States. And on behalf of the land management agencies who designated that land for that purpose.

So, another way you can defend yourself is under California civil code section 846. There are many lawsuits, some successful, some unsuccessful in which public land management agencies have had to defend themselves using that statute. It states quote, an owner of any state or any other interest of real property, whether possessory or none, owes no duty of care to keep it safe or entry by use of others for any recreational purpose or to give any warning of hazardous conditions, uses of, or activities on those premises to persons entering for a recreational purpose except as provided in this section. Once again, notice how it begins.

An owner of any estate or any other interest in real property has no liability. But you're not an owner of my property or any of the properties around my property. Yet, you put these off-highway vehicle routes on my property. There's a third way you can potentially defend yourself and that's under the doctrine of primary assumption of risk, but lawsuits have stated, for example, in the southern Pacific transportation case, the defense of an assumption of risk is only valid when the plaintiff has actual knowledge and preciously of the specific danger involved and be its magnitude. That means that you have got to tell people that they are on private property every time they are on private property.

By my estimate 265,000 acres of private property that have these BLM signs on them, and I estimate there are approximately 8 to 10,000 of those signs on private property. You need to address this. Want you just need to address this. I have been trying for thirty months to get something done about this. I'm going to continue trying if I have to for the rest of my life. Thank you!

>> HAAS: All right, thank you, Steven. I believe we don't have any other -- any DAC members?

>> BANIS: Thanks for letting me hone on this and be this is not an agenda item, but I want to speak on behalf of the DRCP the desert removal energy conservation plan. I was involved in many years on the formation of that plan, and I want to read some quotes. I have handouts here with the quotes and siting where I found those quotes. I would be happy to pass it down if anyone is interested.

The California native plant society calls it a shiny example of smart from the start land use planning. Wilderness society says, if the DRCP permanently protects 2.8 million acres as California desert national conservation lands, adding these lands to our national landscape conservation system that are managed by the BLM in a similar way to our National Parks.

The Los Angeles time says, this will be a strong blueprint for the future, protecting the desert's most pristine and environmentally significant plans. My good friend from the conservation Frazier said, this plan is a compromise after six years of negotiation and input and that's exactly what strikes an acceptable balance. And then there are 10 or 11 organizations with a giant statement, the defenders of wildlife, conservation land, Sierra Club -- the national resources defense council in Audubon, California. I am sure you have heard of some of these. They said, protecting the DRECP is protecting important public lands as directed by Congress.

They say that the DRECP also permanently protects any important habitats within the desert, and it follows Congress's debt direction on the protection of important California desert areas as national conservation lands and lastly, their statement says, the DRECP strengthens land protection by permanently protecting 3.9 million acres as national landscape conservation lands. I'm sorry, lastly, these lands will be protected for future generations from development and will be accessible by all to enjoy the wildlife, scenic and cultural values they host.

Friends said, the DRECP process can personally protect the diverse and unique desert communities. The DRECP is a result of collaborative work, scientific analysis, public participation and compromise. Let's not throw out the plan without get giving it a chance to work. And the conservancy, great testament to the power's process. It will guide future management of 10 million acres of California desert that belong to all Americans and will protect sensitive, ecosystem -- it will provide long term conservation and management of special status species and desert visitation communities as well as other physical cultural scientific and social resources within the DRECP plan area through the use of durable, regulatory mechanisms.

Under the omnibus act, once identified, these lands can only be removed from the NLCS through an act of Congress. The designation cannot be changed through a subsequent land use planning process. So, I run through these statements in complete agreement with my colleagues from the conservation community. It was a pleasure working with them in crafting, helping to craft the DRECP. I do think it's a shining example of land use management policymaking for public lands. And I only leave with one question, with regards to the proposed national monument. What has changed so much in the last ten years to have these same conservation leaders for scrapping it in those lands and replacing it with a national monument? So, thanks for just giving me a few minutes to hone in and bring these statements back to everyone's view.

Thank you, Hans.

>> HAAS: Thank you, Randy. If we don't have anyone else maybe -- maybe she would make her comments?

>> Yes, absolutely. Ann, can you hear us? You can introduce yourself.

>> ANN KULIKOFF: Yes, good morning. Can you hear me?

>> Yes, we can hear you loud and clear, Ann.

>> KULIKOFF: Okay, perfect! Good morning, everyone. I'm Ann and sorry I couldn't be there this weekend. Just wanted to share with everyone, I'm a representative for the public at large. I am happy to be there with everyone at least in spirit. And here on the virtual side. That's all. Just wanted to give an introduction.

>> HAAS: Thank you, Ann. I'm glad you are online and could join us. So, we have a little bit more time before the break. Is there any other DAC members who would like to comment?

>> MCGLYNN: So as Randy asked the question, I will try to answer that question. So, I noticed that most of the folks we have quoted here, are endorsing at least the ones that have interest in the valley have endorsed the proposed national monument. I think what has changed in the last ten years is fundamental shift in how the federal government and public receives the federal government in operating and protecting federal lands. We had monuments shrink because of the action taken by the executive branch and as a representative of one of the organizations that has endorsed the proposal, when they unanimously voted for this proposed monument, we're so concerned that to make sure that lands that were set aside for conservation have the most durable potential protection possible. I think that's the change.

>>HAAS: Thank you, Terry. Anyone else? One thing I will observe, as you mentioned that national monument is actually trumped the declaration, the same being said for the DRECP. I believe the boundaries are what had they are when they were set in place. This is my initial take on it but -- I think they brought up some really good points that all of these stakeholders that spoke about the permanence of this area their message does not seem aligned with that at this point.

>> HAAS: We have ten more minutes. I think we can make it through that -- so let's adjourn for another morning break and we can reconvene.

BREAK

>> HAAS: Let's get started here. I'm happy to welcome the U.S. Forest Service.

>> LOYE: Hi, thank you, everyone! I want to say thanks for having us and giving us the opportunity to present today. My name is Amanda Loye and I work for the Washington Office, national recreation fee program and I would like to give a presentation on the Recreation Enhancement Act and your role.

The Federal Lands Recreation Enhancement Act something was often refer to as the Recreation Enhancement Act or REA. It's the law that authorizes recreation fees for National Park Service, Bureau of Land Management, Fish and Wildlife Service, Bureau of Reclamation and Forest Service and permits these agencies to retain campgrounds, rental cabins and day-use sites. REA also requires that the money collected at the fee sites are to be reinvested and identifies where the money can be spent and it also requires the agencies to honor the America the beautiful, interagency passes. It also requires public involvement for fees proposal and the establishment of the advisory committees to make recommendations on the program.

So, REA has standard amenity fees and special recreation permit fees. These apply to only federally operated sites and concessioner is not part of REA. Standard amenity fee is your original fee. They must have six required amenities in place, a permanent toilet, trash, picnic table, designated parking area, security, and interpretive sign. All of the America the Beautiful interagency passes cover the standard amenity fee. Expanded amenity fees provide direct benefits and services to people. This includes developed campgrounds, developed boat launches, cabin rentals, hook ups and dump stations, enhanced interpretive programming and transportation services. The senior and access passes offer discounts to some fees but not all.

Lastly, we have this special recreation permit which is used for cultural and be resource protection, for the health and safety of visitors or to allocate the past recreational use. An example of where a special recreation place is done. So, we have some fee restrictions for the Forest Service as well as the BLM. The first thing is that we are not charging an entrance fee. Only the National Park Service and the Fish and Wildlife Service are authorized to charge an entrance fee and we're not charging a parking fee. We don't charge the standard amenity fee or the day fee for people under the age of 16 and we don't charge for pass through travel, like, scenic pull outs and overlooks or parking along trails that don't have any facilities.

REA also authorizes how these fees are spent and by law it requires at least 80% of the fees collected at these fee sites need to be reimbursed back to the sites and it identifies the categories in which it can be spent like repair and maintenance to enhance facilities, interpretation and visitor services, lawn enforcement, habitat restoration and any direct operating costs that are associated with the fee program.

Now, we'll talk about recreation fee proposal. They must do it any time they charge a new fee or change a fee, change a pass or even eliminate a fee. Fee proposals require a public involvement period which is a minimum requirement by law. The forest will hold a 60-day public involvement period. At the start of that, they will publish articles in the local newspapers. They will post about the proposal directly at the site, usually the sign is put up at the kiosk and they will post information online in the web sites and they will reach out to their elected and tribal officials in providing opportunities with each of these for public comment and feedback. Also, they are required to have a resource under the advisory committee and for any of these fees, a federal register notice is required to be published and must be published at least 6 months before the fee is implemented.

In addition to the required public involvement steps, the forest can expand their public outreach a little bit more. This includes posting to social media. We have a really cool story map commenting tool which I can explain on the next slide. We can reach out to interest groups, hold

public meeting and have these parts here that the forest can handout, preferably on site at the offices and it allows the public team to -- and directly take it back with them and there's a number of different ways that the public can leave a comment is by looking at the comment card, they get to the story card, the e-mail and address. So, for any forest proposing a special recreation public fee, the SRP plan is required similar to a BLM plan. For those really large proposals, a communication plan can help them identify their public outreach and give it to the front liners so everyone can effectively answer public questions pertaining to the proposal. Here's an example of the story map. This is the Pacific southwest region story map. On this page, you can see there's different tasks of each forest that currently have a proposal out. They keep this up until the proposals have been presented in front of a resource advisory committee.

On the map, the public can come in here and view the sites that are considered for proposal, only the ones up for proposal are on the map. They can view the information of what the current fee is, what is being proposed, information about the sites and they can leave a comment directly online. Next, please.

Here's an example of what a forest web page may look like. The top one is a much larger proposal where there's 31 sites involved so there's this here. Each of them leads to the story map and another one to a separate page which outlines the details of the fee proposal and then on the bottom, it directly leads to the story map. Here's an example of the on-site postage. It's outlined whether it's a new fee or a fee increase. It has the current proposed rates and then the number of ways in which the forest can -- I mean, the public can leave a comment. The QR code links directly to the story map. In this situation, this will take you back to the forest web page on the specific sign in and then you can get to the story map from this site.

So, the forest committees have advisory committee organizations. They have agreed to use a shared approach and then all of these options for a resource and advisory committee, include an FS recreation RAC in place. There's not one in place for the Pacific southwest region. The next is a BLM RAC. We can present proposals by the Secretary like the secure rural schools and certain statements, there's no recreation RAC if it's been requested by the governor of that state.

So, here's an example of the BLM California desert district RAC boundary. This just shows the national forest falls in this boundary which is why we're here today presenting the fee proposal. You can see what is outlined here in blue is the proposed district boundary.

So public involvement and your role. This is a large involvement effort. The fee proposals must be reviewed and presented in front of an advisory committee. They will make a recommendation for the fee proposal and currently the recommendation goes to the regional forester as it has been delegated. There are certain things that are not considered by the RAC. This is including special recreation for commercial, competitive and groups. The use of reservation services and any fees that apply to any cost charge for that reservation service. Any agreements to an existing site.

Prior to the meeting, you should have received a fee proposal packet at the meeting. You'll hear about the fee proposal in the presentation and then we will hear public comments during the public comment period, you can have the opportunity to ask any questions about the fee proposal and then you will make a vote on the proposal and you're voting on a recommendation for the proposal to move forward. There's a number to vote. You can vote by site type, by background, you can vote by forest wide and if you need any that need a discussion, you can do it separately.

I just want to say, thank you again. Let me know if you have any questions, I'm looking forward to hearing what you have to say about the fee proposal.

>> HOLLIDAY: I have a question about the reauthorization, do you have a reference to when it was done? All of the things I have searched online -- there hadn't been an October -- is the deadline. So, there must have been another reauthorization by Congress to move it to 2025.

>> LOYE: For the federal lands recreation enhancement act, it usually gets reauthorized every year. Currently the deadline is October 1st, 2025. You're asking for when they made that

authorization?

>> HOLLIDAY: Yes, there should have been a *Federal Register* notice for that and usually they just stuff it in some other bill and so I was looking for some other reasons, but I cannot find any. I cannot find anything that is registered, a federal lands, recreation being extended.

>> LOYE: I will refer to Todd Harbin or Joanna Wilson online right now and they can look up the information and get you the answer.

>> HAAS: We have a little bit of time because we'll have a public comment period and then we'll have a session and then everyone can ask a question and get more in-depth to it. At this point, this is time for the public comment period. These public comments will be the only regarding the Cleveland national forest fee proposal. So, I would like to welcome the maximum number of individuals and viewpoints and they are strict to 3 minutes -- and we have any time left over, we will have a second opportunity.

>> VAN DER LINDEN: I'm sorry, I think there's a second presentation before public comment.

>> BELCHER: Do you want to restate the question?

>> HOLLIDAY: Do you have a reference for which one?

>> BELCHER: I think that's when we want to call on our panelist if possible. Is Todd or Johanna available? I think it's important to restate the questions to make them understandable because they're online.

>> VAN DER LINDEN: Did you want to restate the question?

>> HOLLIDAY: Restate it? In your presentation you said that the federal law, federal land recreation act was reauthorized October 1st of 2025. I cannot find any reference in where it's been in a record. Like federal register notice or the law, it was in. Typically, the last one that was done was 2022 and I have a copy of the law here they did. Just like a one little line item where they changed the date to 2024. So, I don't see anything changed to 25.

>> BELCHER: I can see Todd shaking his head yes. Hopefully he understands the question. Are you ready to answer?

>> TODD HARBIN: Yes.

>> HOLLIDAY: The law sunsets on October 1st, 2024, and will go through another reauthorization in some kind of a congressional bill.

>> HARBIN: Yes, and I'm trying to look up the exact cut over date because initially it was supposed to sunset in 2014 and then they kept reauthorizing it each year and it was explicitly reauthorized, and then it would come into the law and give the new reauthorization date and then one year, and this is what I'm trying to look up for you. It basically, they rewrote it so that it is reauthorized instead of it expiring September 30th, it expires October 1st. By doing that with each fiscal year, it naturally rolls over without explicit reauthorization. So, for instance, we go into a continuing resolution, or we get a budget passed, it doesn't matter. We automatically go over into the following fiscal year. So, I'm going to research that, and I can pop it into the chat here and maybe you folks can display it but point being is that it essentially gets reauthorized every year at the beginning of the new year, lasting until the October 1st of the following year. They set it up that way so it's not reliant on that specific reauthorization so that folks like us, the BLM, the National Park Service, we all can keep charging the recreation fees we have and not skip a beat on that. I will look that and pop it in the chat.

>> HOLLIDAY: If you want to look it up, it's 136, 4826 on page 368 of the public law, 117-328, done on December 29th of 2022 and the specific wording is section 2421 of the federal section -- federal recreation enhancement act 16USC1809 should be applied by substituting October 1st, or September 30th of 2019. So, I don't -- I can't find anything that was done between 19 and 2022. This law was on December 29th of 2022 but they extended the date to October 1st. They don't see anything else in there about changing the way they do it. They just changed the wording on that particular page of the law.

>> HARBIN: Yes, so I'm looking at a the most appropriate, this shall be applied by substituting

October 1st, this is the piece that allows it to roll over naturally on that. Now, it takes a little bit of time for this page to get updated with that October 1st, the following year.

>>HOLLIDAY: That's fine. That's the same page I got except now you have a newer one that is like, 119. 118, there's one that is -- 117, 326 so this is 118-42. Okay. That was all I'm asking.

>> HARBIN: Yep, got it.

>> HAAS: At this point, would anyone like to make a motion for us to hear the fee proposal?

>> BANIS: The motion comes before the discussion, after the presentations. Continue the presentation and then we'll make a motion.

>> BELCHER: Typically, we would hear from the committee if they want to hear the fee proposal. The answer is yes, I don't know how formal it has to be. I just want to confirm that.

>>HAAS: If anyone has objection to hear the fee proposal, let us know. I think we are good.

>> RAFFAELE: Hi, everyone. I'm Joe and I'm the lands and recreation program manager on the Cleveland national forest. We're going to give a quick presentation of our fee proposal as you know, with me is Marsha and she's a district project manager and -- on the district and online, we have Sam Orozco who is also a recreational land for the other, fee proposal sites. So, the Cleveland national forest is the southern most forest in region five which is all of California. You can see there's three districts, pretty small and very urbanized. It's urban so we have millions of visitors every year and the fee proposals that we're proposing today are only in the southern most districts which is -- and then I didn't bring my laser pointer today. But I should have. Next slide, please. So, we do our national history monitoring every five years in the Forest Service. We have a very robust program for evaluating visitor use. It takes a whole year to do it. We're currently working on one for 2024 so we don't have the most recent data. Using the 29 be statistics, we have 95 -- almost a million visitors per year in 2019. Of those 95,000 were for overnight use and -- on that, roughly 50%, 45 towards the campgrounds and 6% were in undeveloped camping on the Forest Service land. So almost 50%, roughly 51 percent were organized visits. Next slide, please.

So how do we develop our rec fees site proposal? There's two things required which is public involvement, it extends public involvement and market analysis for local -- oh, there we go! Thank you. My finger is not working here. We're going to talk more in-depth about it later and be it goes in fee proposal packets so if you're interested in the details, please review the fee proposal packet and it can show you the market analysis for each site and then also, the public comments we're going talking about in a little bit here.

So, these are the campgrounds that are in the proposal. Martha is going to cover the Springs and observatory. Those are on the northern one for this presentation. And then the southern district is this, once again, on teams who is going to talk about the specifics of each campground.

The overview of the proposal is also in your packet, and this is a summary of it here on this table. So, I am going to go ahead and let Sam talk. If we can get Sam on it.

>> SAM OROZCO: Hey, good morning, everyone! Can you hear me?

>> Yes.

>> OROZCO: Okay, next slide, please. Good morning, everyone! As Joe mentioned, I'm Sam, the recreation on the ranger district. The first camp site we'll be talking about today is Boulder Oaks, so you'll see it come up three times in this presentation. The first proposal is to include a walk-up site that will be five dollars a person -- ten of those are single tent camping and 13 will equestrian camp sites. This will add one additional camp site bringing the total to 24. Which will be the walk-up site that we're discussing here today. As you can see on this slide, these are some of the amenities we hope to have with the walk-up site. The reason we're including this walk-up site is because boulder oaks is a very unique campground. For those who are not familiar with it, the Pacific crest trail which is a trail that starts in Mexico and runs to Canada goes through this campground and during peek PCT season which is May-June, we permit about 50 hikers a day for the hiking of the PCT. All of those 50 hikers each day have to cross through this

campground. So, we also make it unique is that the PCT is only designated for hikers and equestrian and boulder oaks happen to be the only equestrian campground in the district.

So, we determined this need for the walk-up site, based on how popular it is during the PCT season and it's also the most popular time and most use it gets through the year which is why we include the walk-up site. We're in the process of determining and be monitoring the walk-up site to figure out what is the best capacity and use of the site going forward. Next slide, please. Both of these can be found in our corral canyon area. This is our premier OHB area and it's the largest one on the Cleveland National Park.

It consists of campgrounds and sixty miles worth of Jeeps, side by sides, quads, any type of off roading. This is where our recreation goes to participate in these activities. We have determined these fees as Joe mentioned earlier from the market research in our report that you all have. Want we determined that the price increase to 15 dollars and 30 dollars was fair and was also comparable to other campgrounds in our region and area. In an effort to not try to under cut the other agency campgrounds or private campgrounds, we tried to align our fees with them as well to make it fair for everyone who has a campground offering. Next slide, please.

Here which is similar to Boulder Oaks, and you can see -- adjacent to it, so it's another popular PCT hiker area and as well as for regular public use. People enjoy going to this campground because it's remote and lets you get away and disconnects. We're increasing this site from 20 dollars to 40 dollars and the second part of the boulder oaks campground is increasing the single site fees, the ten of the single site fees to the 20 dollars mentioned here.

One of the challenges that we face here in the Forest Service is that we do have budget limitations. A lot of times we have to triage the work that we have on our campgrounds and we don't get to address our priority two or priority three items as quickly as we can because of our limited budget with the fee increase where we're hoping to address this quicker and we're also by addressing this defer the maintenance quicker, we're looking to increase the quality of services that we offer to the public and a brief example of what we are talking about here just to put some numbers.

Based on our recreation report, this is about 8,000 a year, the maintenance budget is 26,000 so you can see there's a deficit. That's also not including about 90,000 dollars in deferred maintenance we have to boulder oaks and campgrounds like Cibbets to address this deferred maintenance we put on standby for quite some time now.

>> We're proposing at this time, the current fee is 15 dollars and increase to 20 dollars for single site. This moment of 40 dollars is the double site fee to increase the 40 dollars for double sites. This campground is located off of -- southern California. For those who don't know.

The increase of the proposed fee, we're hoping to continue similar to our counter part, tackling on the deferred maintenance we have for the campground. I know that personally myself, we have had a posted -- tackling some of these pictured here with this project and then we'll talk about this a little bit later but, this is one of the few campgrounds we have available with hot showers and also, star gazing pads and also an amphitheater in our district. Next slide, please.

>> MARTHA CRUZ: And the third and final part of the Boulder Oaks campground is the 13 equestrian sites we mentioned earlier. So, we're looking to increase these fees as you can see on the slide there. So, the reason for that is, as you may all know, equestrian sites require more resources to maintain. Common maintenance task we have to complete after the use of these equestrian sites is the manure clean up and with the fee increase, we're hoping to get more staff time in these areas as well as other remote locations on our district.

>> CRUZ: This equestrian campground is the only one -- on the district. And it is also one of the Gateways to whatever designated wilderness area, so this campground is very popular for us, not only for our campers, our equestrian users and our hikers that have access once they enter to 25 miles plus of trail access.

OROZCO: And we do recognize that the increase in fees can have some effects to our recreation user which is why we're dedicated and committed to conducting more public outreach and education and teaching people about our fee free days and passes that exist. So right now, some of the national fee free days that we have are Martin Luther King Day, Juneteenth, national get outdoors day which falls on the second Saturday in June and national public lands day which falls on the 4th Saturday in September.

All of these are fee free days where everyone can come out and use any of our recreation offerings for free that day. It's an effort we're committed to, to just try to educate the public more and let them know these opportunities exist for any of those who may be impacted by the fee increases. Another interesting and neat feature we have here is the interagency and forest passage. So, these passes get you into any federal state lands, parks and they cover the entrance fee. Also, some unique features of these passes are that we have the senior pass which anyone above the age of 62 for 80 dollars can get a lifetime pass and that will get you half off on certain campgrounds and gets you in free and these are good for all federal agencies and another really cool offering that we have is the access pass.

So with medical proof of a disability, you can qualify for this pass for free and it also offers the same perks as the senior lifetime pass and these are some of the efforts that we hope to outreach more and just provide education for and let the public know these opportunities exist and for 80 dollars, you can get into any federal agency which is a pretty good deal!

>> RAFFAELE: I just want to highlight what we're going to do with the increased fee income. Obviously maintain to a higher standard, modernize the amenities which are currently in the process of doing a few of them. Increase the presence of forest personnel. Some of these sites are fairly remote. And provide additional recreation resources including education which is a big one and installing new concrete dumpster pads is on the list. New restrooms in some areas, accessible walkways and accessible parking, shade structures, and one of the big ones for me is to operate our campground host sites electrical and sue sewers to keep our campground hosts on site because we have a high turn over and it's good to have nice facilities for them to stay in the area. This is another brief from our annual REA accomplishment reports. You can Google this. We have a website for what we have done with the money in the previous year. And this is a highlight from the last one we did. I believe, I believe -- too but I know every forest in the nation does an REA report every year. So, we did it in 2023 is we replaced the concrete end tables, that was 9,000 just for that. And that is just on this. We hired the process of replacing signs and name changes and we also have volunteer days we supply supplies for. It's not a big cost but something we highlighted. This is a picture from the last time we did it. The that was Martha's group there. And next slide, please.

So, what can we do for public involvement? We started in August of 2022 and ran for the required 60 days. We posted it on our forest website, and we did a news release to all of the local newspapers but specifically to the San Diego tribune because that's the highest read newspaper in San Diego.

We posted signs on all of the sites for the fee proposal, and we published it in the federal register notice which is another requirement. And we did outreach by phones and e-mails to counties, state, and federal officials. We do have over 30 tribes in our area so any time we do tribal outreach, we have to literally go to thirty tribes which is a lot compared to a lot of areas.

And then we briefed one on one with some of our with the association, and -- which ran out of PCT. The PCT is the Pacific crest trails that goes from Mexico to Canada, and it goes through these areas which is a part of our proposal. And then let's see. Next slide, please. And then we posted it to the story map and comment tool. This once again is still up and available. It's just that you can't comment anymore because the period closed. Next slide, please. The overview of the public results is we received four comments. One is in support, and this is also in your packet. Two requesting this specifically for the Boulder Oaks area which is -- a loft these hikers

and the equestrian user groups and because on the PCT it is hikers and equestrians that can use that trail. This just to clarify that and then one opposing. Next slide, please. That's it. Thank you. I apologize for going through that so fast. I was just trying to get through it. We're open for questions now.

>> HAGGARD: You said the e-mails were, the following were sent emails.

>> RAFFAELE: Yes.

>> HAGGARD: Of last year?

>> RAFFAELE: Of 2022. I know it sounds like a couple of years ago but if we do it again, it will be another year or two, probably. These are the comments. They're in the packet if you want to read the actual verbatim comments.

>> MCGLYNN: I have a question. It wasn't clear to me how much if any the interagency pass will cover these costs. So, for users using the interagency pass, who -- are these fees on top of those?

>> LOYE: So, the interagency annual pass only covers the standard amenity fee. For the camping fees, the standard amenity fees, only the senior passes and the access passes cover 50%, only for single sites.

>> STOVIN: I kind of have a lot. I don't remember seeing this. I don't know. In fact, I didn't know about this until a couple of days ago when I read what came for this meeting and I am kind of involved in the Cleveland National Forest. I have personally chaired the trail days where Bobcat and -- campgrounds are located, and I personally put the trails in that area during travel management and I know the area managers for a long time. So, I'm a little disturbed I didn't know about this because I consider myself a friend of the forest. And I keep track of this, and I always get comments about any kind of actions for BLM, various state parks and national forests and the areas I am familiar with. Some of those areas where you're looking to increase the camping fees don't give me heartburn, like, 16 or 25 dollars -- some of that. I don't do a lot of hiking, so I don't have any strong feelings on that stuff but as an off-road vehicle enthusiast representative, I'm a little annoyed I didn't know about the proposed fee increase for Bobcat and Corral canyon. And the amount of money isn't very much, right, from 15 dollars -- I don't think it's going to hurt a lot of people but if you look at the percentages have changed. For those two areas, it's a tripling and then six times as much increase as opposed to a lower percentage for the other areas. That's a little bit annoying. I did have one question. In Corral Canyon for those who don't know, there's a loop that goes through in the campsites and a lot of people can't -- park there for day use. They'll have the adventure pass and I think all of you know that the adventure pass is 5 dollars, you can get it at the general store, just a few miles away. So, when you need to get a camping pass to park for day use and --

>>RAFFAELE: I'm going to refer to Sam for that question. Let's see, Sam, are you there?

>>OROZCO: Sam, yes, the last part of that question cut out, I heard a little bit about day using campgrounds in.

>>STOVIN: Do you need an overnight pass for a day use in a campground?

>> OROZCO: There's no day use technically allowed in the campgrounds. So, you need to get a camp site to stay there overnight.

>> STOVIN: Because a lot of people park in a camp spot, unload and ride and leave the same day.

>> OROZCO: Yes, that's actually one of the areas of improvement we're hoping to accomplish with the increased user fees is to have more staff time out there to be kind of make sure those things are followed and people aren't using the campgrounds for day use.

>> STOVIN: You mentioned shad in the kid's area. So, corral canyon has a kid training area next to it. A couple of years ago -- maybe two years ago, I got a grant from Yamaha to put haybales around it and it cost me 7400 dollars so if you want to put shade there, you should call me and ask if we could get a grant and help do that because we're not oppose to helping the

forest. As opposed to raising camping fees, if there's something that can be handled that way, I'm happy to help. If it's anymore than what you guys need, if it's more than what we can do, then I understand. I understand the inflation and the five-dollar adventure pass is pretty old. I know five dollars used to buy a lot more than it does now. I don't see how five-dollar pass will help pay for the five dollar pass program can actually make extra money for the forest. Like the pass program, like, it would cost five dollars a pass -- you know what I mean? So, I can get that, it's almost overdue in asking. One of the things is that you provide visitor protection. What does that mean?

>> RAFFAELE: Mostly it's visibility. Whether it's a rec staff going into the program, just having a presence. The law enforcement, I don't really know how they schedule their visits but increasing law enforcement patrols, and more so just increasing rec staff visits to these remote areas to clean and talk to people and that kind of stuff.

>> STOVIN: So just having people come through as opposed to -- where no one goes through? That make sense.

>>CRUZ: That includes the campgrounds, we have campground hosts who are routinely doing check ins, picking up trash and just more visibility at the campground and parking spots.

>>STOVIN: I'm unaware of the camp hosts and off-highway vehicle camp sites, is there any that I don't know about?

>> RAFFAELE: Are there hosts in the OHV sites?

>> OROZCO: No, there's no host ins the OHV sites. There is more of a reforest camping. They don't have a lot of the electrical or water amenities there.

>> STOVIN: If this were to go through, would you put water in the camp sites? There used to be a hand pump for water. It hasn't worked in a while. I understand if you bring water for Bobcat and Corral Canyon, maybe that would tip the scale with going forward with that. Is that in the plan?

>> OROZCO: Yes, that is definitely part of what we're talking about in the modernization effort. To try to bring these campgrounds up to speed a little bit. The water thing is definitely something we're exploring and it's going to take time and as you know, money. And going back to what you said about the volunteering, I want to say thank you for showing up. I was at that event, and it was great success putting out all of the hay bails and improving that and I will definitely be in contact if I need any help with the shade structure. Thank you for your support and volunteer time!

>>STOVIN: I understand from the beginning of this presentation, it would be possible for us to approve different facets of the camping increases, in other words, we can say yes to certain camp sites and no to others. I'm kind of interested in kick the can down the road a little bit and I don't know if this would work, with the forest and the BLM here but I would like to get some public outreach from my community, just at corral canyon and the bob cat meadows sites and I am not opposed to going on the other stuff today and hopefully approving but I would like to ask my community to weigh in on those two areas and the increase. I don't personally have heartburn over it, but I'm just surprised I just found out and I know they came to us in the reports like a while back, but I only read about it a couple of days ago. I don't know how it would be to bring it to the next staff meeting. The next staff meeting is December, is that right? Whether it would cause undue hardship to Cleveland would it be a problem for the BLM to put it on the agenda for that?

>>VAN DER LINDEN: Todd has his hand up. I don't know if he wants to speak to this portion. Can you hear us?

>> HARBIN: Thank you much! I want to say another piece of these campgrounds, Corral and Bobcat. Right now, they are running at the standard amenity fee. So my adventure pass I have, my annual adventure pass I have for thirty dollars, I can use that, stay there a week and I'm covered with that pass, my interagency pass, the full suite of passes will cover that because it's listed as a standard amenity fee for five bucks and all of those standard amenity fees in southern

California are 5 dollars. I was out there on site few years ago now, I don't remember exactly when it was, 2018, 2019, but I was standing there at the campground and it's like, how much is this? Five dollars, what do you mean? Campgrounds are usually expanded amenity fees and not standard amenity fees, so part of the fee change is just getting the right fee type to those campgrounds. So, all of the other campgrounds in this package, they are considered expanded amenity fees.

The vast majority are expanded so that's why we're trying to make this change. It's just to get the right size for its fee type and that's why you see such a huge jump from going to 5 to 15. All of the others are small changes but because this is the day pass of five dollars, that's why it's jumping to 15. That's another piece we're trying to achieve here.

>> Yes, that's a good point because the other ones are fifteen dollars, and this would just come up to that. It's a nice campground but -- there's a restroom there and they have fireplaces. I don't know, do they have picnic tables?

>> I think we installed some a couple of years ago. There didn't used to be. When I started here 8 years ago, that's one of the things I wanted to do is to get the picnic tables up to those campgrounds.

>> Yes, it definitely makes it a nice camping experience.

>> RAFFAELE: Yes, it's on a mountain so everyone knows. Well, a southern California sized mountain. It's very remote and mostly only used by OHV for the most part.

>> STOVIN: I could go all day on this. I would assume -- is the five-dollar parking still?

>> RAFFAELE Correct. Just so everyone knows, there's OHV parking, loading and unloading area that we recently, well, a few years ago we paved and put a bathroom in there and a fee area, a fee machine and it's five dollars for the OHV to use that park area. And then around that, are trails that go out and into our open OHV area with trails -- it actually stays on the trail, designated, thank you. And these are the campgrounds nearby for them to stay the night.

>> Yes, and some are -- four-wheel drive and others are dirt roads. The area coming in on the bottom, this part here, people park along there be. The is that a no fee area.

>> Yes, that's a no-fee area. That goes back to the standard amenity fees and the amenities that need to be had to charge a fee. It doesn't have a bathroom. Yes, that's a free parking area.

>>HAGGARD: So, my question is, the current fees you have listed, when were they approved and how old are they?

>> RAFFAELE 2008 is the last time we went through the process. We raised some and lowered some. I have that old presentation on a thumb drive with me if you would like to see it.

>> HAGGARD So they haven't been assessed in 16 years.

>> RAFFAELE Yes, and when I got here 8 years ago, I started this process and that's how long it took to get to this point. It's time consuming.

>> Understood.

>> STOVIN: Yes, this five-dollar thing is pretty old. I don't remember how old it is, but it's been a long time. And also, the road, where we are parked in the -- it's a trash can and a -- justifying that. That's a very popular parking area.

>> HAAS: DAC members can continue the discussion, but we are coming up on 11:15 right now. This is our period for just this proposal. So -- for this online. We should go to the public comment period and then back further that discussion. So, this, as I said, the public comment period is only regarding the Cleveland National Forest fee proposal to allow for the maximum number of individuals to express their viewpoints. Speakers have 3 minutes. The if there's any additional time in the end, an additional opportunity can be given. Do we have any members online with us?

>> VAN DER LINDEN: We did not receive any public comments in anyone in the room. Any comment request cards, and no one is online raising their hand at this time.

>> HAAS: Okay, that makes it pretty straightforward. We can go right back to this discussion.

>>HOLLIDAY: I had an observation, I want to ask why you think it's you did so much for public comment -- asking questions, if you only have four responses?

>> RAFFAELE: It is funny you mentioned that, and I asked the same question. It's a dichotomy. I still don't understand or wrap my mind around it. We're such an urban environment. We have millions of people living in this area. One of the most highly populated areas in the nation and almost all of our public outreach gets very few comments. I used to get more comments, way more, and you know, when I worked in Yuma area than we did in Cleveland. I still don't know why. I'm very honest by it.

>> HOLLIDAY: I'm just wondering, like, other BLMs, like, this is just like, it's pretty incredible. One agreed, one didn't, and one had a suggestion.

>> RAFFAELE Absolutely. I was very surprised. And like I said, I have seen it with other public outreaches we have done for other issues and planning and it's just one of those things, I don't understand.

>> NUCKLES: My question was two part. How do you collect your fees? Well, three parts, what is your current fee compliance percentage and what are you hoping to gain in your fee compliance after?

>> RAFFAELE: That is a question for Sam or Martha.

>>CRUZ: I can answer to partial for the questions. I know partial are in our campgrounds is half recreation.gov and a half -- depending on the sites. We have one campground that is just walk-up sites so with our recreation site we just increased in the past year, part of that compliance is coming out there on a routine schedule. We are a little stressed out as most field offices are. Part of this comes with field staff and our volunteers as well. We have been successful in recruiting a couple of volunteers and campground hosts which we had not had success in the past four years.

>> RAFFAELE: Also, another core component to that is the automated fee machines. We have them in a couple of areas like mentioned. This is a new thing. It has to be an area that is popular in order to go to it and justify. With those machines, we can figure it out, with the way it is, you know, hiring rangers and other things and with not a lot of foresight in the area, sometimes we don't even know what is the actual numbers.

>>NUCKLES: That is my question, like, how many is it folks just not paying the fees or needing an increase of fees?

>> RAFFAELE: Yes, definitely part of that, probably. In some areas.

>> Thank you!

>> STOVIN: From what I see, compliance is pretty good. The places for the off-roaders, they have patrol. Like, on the weekends, they always have patrols. It's still five dollars and not a lot. And while people use the place, it's not enough numbers to generate money to hire staff and do real work. I appreciate that you want to do more in these areas to maintain, don't get mad because I'm saying a lot of stuff. I like you want to manage the areas and keep them viable. I would like to run it by my community. I don't know in the past 2022, I don't understand. The off-road clubs, like, I'm friends with people in those clubs and nobody ever says, what do you think about this. I go to the meetings, and they come to my meetings, and we talk to each other. I don't remember any discussion on this. I'm getting older and I don't remember everything.

>> I totally understand.

>> REYES: So, what are the steps to get in fee approved, is there another step after this?

>> RAFFAELE: I would have to ask Todd.

>> REYES: What I'm trying to ask is, if you guys approve it or disapprove it, well, if you approve it, it goes to?

>> LOYE: The regional Forest Service.

>> REYES: So, you need to get this approved.

>> BANIS: So hone in on it a little bit more, the criteria we are supposed to use in make our recommendation is whether or not there's a demonstration or whether or not we can quote on

quote document general public support. What I'm wrestling with in my head is the absence of objection similar to general public support? I don't mean that facetiously and I believe I can lean that way. The not seeing a general out cry and heads on stakes and pitchfork and torches like I have seen at other proposals. I remember the only other time that the desert advisory council played a role in approving a recreation fee increase was maybe ten years or more ago for imperial sand dunes and my phone was blowing up in the middle of the night. It was hairy. I swear to God, I just wanted it over so I can get my piece. So having done this before, I can lean towards the absence of public opposition as being general public support but that is what we're supposed to base according to the interagency agreement between agriculture and interior as well as the BLM guide to providing public participation to recreation fees. This specifically outlines our duties and it state, really, that's the only one criteria we use in making our decision.

>> HOLLIDAY: I was involved when we did the dunes proposal, and I made a presentation for that. I was on the board for American Sand Association (ASA), and I had people calling and telling me, get off. You talk about that, you know, having people getting on you, because -- you're supporting that.

>> We were booed!

>> HOLLIDAY: Yes, that's why I asked that question. It's amazing to me that you didn't get more either way, you didn't get people's -- or oppose, it almost feels like you didn't get to the right people.

>> RAFFAELE: I had thought of that too, but just people in San Diego, the cost of living is so high there. I kind of thought this for a while now, it's probably they just don't pay attention. It's not like you're in the desert. When I worked for the BLM in Yuma for a long time, we used to have our planning meetings court side and there would be hundreds of people, 4 or 500 people.

>> HOLLIDAY: Maybe you're correct. Maybe the amount, like -- consequences.

>> VAN DER LINDEN: Todd Harbin has his hand up.

>> HARBIN: Yes, so I wanted to speak to this lack of public feedback on this. The one gentleman was saying how really four comments on it. For me, fees of this nature, I was expecting 6 to 8 comments, actually. I see fee proposals literally all over the country. We do get some fee proposals where we have two or three money, four hundred comments and those are going to be something, a little more controversial like a back country wilderness permit or something along those lines and it depends on where too. We had some that flew by, no person and some that had two or three hundred comments, so it just varies on these things. With these types of fee proposals, your basic campground fee increases like this, we generally don't get a lot of comments and sometimes we'll have 50 campgrounds going out for fee increases because we don't do it very often, but you know, we'll get 10 comments on that. It's just not a whole lot.

So, when we initially started with this new fee authority, our lawyers and USDA got with the lawyers at the Department of Interior because this law covers both of us. They said the solicitors stated, if the agencies conduct appropriate public outreach and receive little to no feedback on the proposal, it can be determined that the public is not objecting to the proposal. In other words, we don't need a whole lot of comments saying, yes, yes, please raise my fees when we don't get a lot of objections, then we're still okay with that. And we do have some numbers on this. Yes, it went out and that San Diego newspaper, so it got in front of a lot of eyes any way but that map, we had almost 400 views of people to comment, and we got a total of 400 comments.

A lot of people saw it and were able to comment on it, but they just chose not to. So, I just wanted to put in some context of what we're seeing in other places and just as you folks experienced with the one previous, you can get a whole lot of comments but generally, the vanilla fee increases, you don't get a lot of public feedback on that.

>> HOLLIDAY: All right. Well, I have one other question. Some of these proposals, we're looking at enhanced fee. They require more items and some of these items you have listed as, you're going to do it in the future. So obviously, if you approve this thing, you need additional

amenities put in. Is there a way that, if someone looks at that, is there a contingency that we can say, this is approved, only once these things are completed?

>> RAFFAELE: Did you hear that, Todd?

>> HARBIN: No, I'm sorry, repeat the question.

>> RAFFAELE: He's asking, if you go to standard amenities to expanded amenities, if they can approve or if they can track if it actually happens, I think, is that --

>> HARBIN: Some of these say, we have a plan of accomplishments or -- those things will allow you to then qualify for the expanded amenity fee so you, do you really -- we're approving this but it's contingent on you getting these things in place before you increase that fee.

>>BANIS: Can I rephrase? Do these standard amenities sites have the required facilities to be an enhanced amenity fee at this time or are they to come?

>> Right.

>> HARBIN: So -- with the expanded amenity fees for campgrounds, that's a different set of amenities and there's nine of them listed in the log. You need five of those nine to qualify for an expanded amenity fee. Those campgrounds already have five of nine. So, we have already met that bar on that. The planned accomplishments, those are what we intend to do with the money coming in. So, replace the picnic tables and those things.

>>BANIS: Just another piece of perspective. Provided my math is done at the last minute, we're looking at 7 units within this proposal. I'm just going to call them units. The grand total that would be raised in addition to additional funds that would be raised, I hate to use the word only but it's only 91,000 among the 7 units. More than half of that, are the two standard amenities that would become expanded amenities so out of the other five units, they are only sharing the 4,000 increase which is only 8,000 a site. I hate to use the word only to some people because that's a lot of money but in the course of the larger forest, the side of the Cleveland national forest, I'm not going to say this money won't make a difference and won't make it easier and make some great enhancements for the visiting public, but in the grand scheme of things, this is 90,000 dollars would fund a 28 dollar an hour employee plus benefits and everything else on top of it. The so overall this isn't breaking any records by far.

>> Earlier in the presentation, it was mentioned one camp site would have 90,000 dollars in permits so considering that 8,000 dollar increase in that camp site, it helps but it certainly doesn't get you out of the woods.

>> Yes, we will get that water pump fixed! Right.

>> So, I can speak to this as someone who lives -- the campground with large groups and we are up there because you guys have -- clear opportunity to get the kids up there, dark skies and show them it, whatnot.

I just want to say, every single person that we camp with there would not have a problem with this whatsoever. We can see the problems with the campground and the maintenance issues and the lack of a camp host specifically there. I feel like this is long overdue and you know, I look forward to it.

>> Is these fee increases adequate to do what you're talking about doing? You're talking about from 2008 -- that's a lot of inflation. Is this going to reflect?

>> Probably not. It's helpful. It all helps in the big picture, but it is expensive in southern California! Even just going out to bear valley, just the gas alone because it's remote, it's helpful but it definitely won't offset everything.

>> LYNCH: Well, I think the amenity fees we collect, the BLM and the forest service side are not intended to cover the entire cost because it would be too expensive. So, it's just to help to, you know, bring them up to speed with today's inflation and cost of materials. We're experiencing some of the same things with the BLM. Federal employees have subsequent raises without the initial budget to go with it. So, in essence, those are budget cut because we pay employees more money, but things cost money more. People realize, everything from gas and

materials have increased tremendously. So, to replace the picnic table toss, you know that was done five years ago with the encouragement of today's prices, it's way more expensive. So, any time we increase fees, this is just an attempt to try to off-set the increases in all of the costs so that we're able to do it a little bit more. They're not even close to help. I don't mean to speak for you guys, but this is just the way it is.

>> RAFFAELE: You nailed it! You nailed it. I didn't want to go into it in the second time with the appropriated money, which is the annual budget versus, the fees carry over from year to year so they kind of help to offset when we run out of appropriated money which is congregational mandated budget stuff. At the end of the year in September, that money goes away if we don't spend it and it's usually not enough money, but the fee money will carry over from year to year, so they help us to -- the time we run out of appropriated money, kind of.

>> In the campground, the Corral canyon campground, I believe the adventure pass for each vehicle and the camp spot pass, is it so one camping pass will cover the whole site -- do you know what I mean?

>> Do each vehicle in the group site need a pass or one would cover the whole group site?

>> HOLLIDAY: We don't have any group sites in the corral canyon area. Our group sites are --- that, reserved on recreation.gov. All of the campgrounds on the corral canyon area are single use. Double site versus single site.

>>STOVIN: I have it here. It says for corral canyon, single site fee -- proposal, 15, double site fee, current -- proposed 30. I know there's a couple of bigger areas. I don't know if that is bigger area or if it's just bigger.

>> OROZCO: Okay, I see. So, the bigger sites, you would be covered. One, whatever, thirty dollars would cover the number of cars you can fit in there whether it's two or three. That's how we would do that.

>> STOVIN: So, one pass per site?

>> OROZCO Correct.

>> STOVIN: So, you would -- on the bigger site -- a double site? I don't think they are marked as a single site or a double site now. I think that is something that management would have to work on.

>> OROZCO Yes, definitely. The just to provide a little bit more clarity to the public when they camp out and have that fee structure a little bit more organized. You would definitely delineate which is the double and which is the single.

>> HOLLIDAY: To answer your question too, do you have a pass for OHV -- standard?

>> It's very hard to understand your question.

>> Do you know, with the off-road vehicle, the California off road vehicle.

>> RAFFAELE: We do, the two districts have OHV areas, this -- are both involved with that program. So --

>> HOLLIDAY: Do you get money from grants in California?

>> RAFFAELE: Typically, we do. It changes but it's similar.

>> STOVIN: They ask for about 150,000 at corral canyon. About half or a third of that at (inaudible). I review the grants every year. So, they get those grants.

>> RAFFAELE: And the state is very strict. Really strict so we have to account for every penny with them. It's under the microscope which is good.

>>HOLLIDAY: Wouldn't it be great if the government did that same thing?

>>BANIS: The grant awards were just announced last week, and one project for Cleveland national forest for the OHV grant asked for 125,000 dollars: They were awarded 60 and the second, they asked for 250,000 and were fully funded with great scores. Congratulations because there were a lot of people who finished below the line. It's a lot!

>> HAAS: Any more questions or discussion items for DAC members? Okay, hearing nothing, it is time to call for a motion on this from a DAC member. First and foremost, we have an option

to vote on this as a whole. If any DAC number would like it broken down to individual votes, this is the time to speak up.

>> STOVIN: I was thinking about breaking out OHV areas, but I changed my mind. It's okay to me if we keep it all one. I will make a motion that the DAC approves the proposed grants by the Cleveland National Forest.

>> HAGGARD: I will second.

>> HAAS: So, we have a second. All right! In order to have absolute clarity on the yes or no vote, we're going to do a roll call vote in order to pass the majority of each of the three different categories of the DAC. So, we're going to start with category one.

>> STOVIN: I approve.

>>HAAS: Desirea is next.

>>HAGGARD: Yes

>>HAAS: Josh, is not there. Last member of category one Nathan Francis.

>>FRANCIS: Yes.

>>HAAS: So, we have a majority on category one. Category two, was Jack Thompson able join us?

>>VAN DER LINDEN: He was not.

>>HAAS: Someone named Hans. I vote yay. Jennifer Henning.

>>HENNING: I vote yay.

>>HAAS: Approval from them. And Mr. Steven.

>>REYES: yes!

>> HAAS: Category three, first on the list here, Dawn Rowe, how do you vote?

>>ROWE: I vote yes.

>> HAAS: Yes, from Dawn and Ann, how do you vote?

>> KULIKOFF: I vote yes. And Terry McGlynn?

>>MCGLYNN: Yes.

>> HAAS: I see a yes from Terry. And Bob Robinson.

>> ROBINSON: Yes.

>> HAAS: Yes, from Bob. And last and not least, Mr. Randy?

>> BANIS: Yes.

>> HAAS: I see a yes from Randy. The approval is unanimous and the motion passes.

Congratulations! Congratulations on all of the hard work.

>>HOLLIDAY: I'm wondering, can I get a copy of your presentation?

>> LOYE: Yes.

>> HAAS: Since we voted, we can add more time to the lunch break, but we'll reconvene at 1 p.m.

>> CRUZ: I just want to say, thank you for the support and feedback. For me, this is my first official council so a lot of great feedback and energy that I really appreciated.

LUNCH BREAK

>> HAAS: All right, we're back in session now. It's back to ethics training and we have Liz to present this. Liz, take it away.

>> Hi, everyone! Thank you so much for inviting me. My name is Liz Barry and I'm an attorney with the Department of the interior. I work in the solicitor's office in the departmental ethics office, and I am assigned to BLM to the California employees, and I provide advice to BLM Californian employees and as part of these duties, I will also provide advice to you as council members. I'm going to turn my video off while I give my presentation if that's okay.

Hopefully you can see my presentation. I hope it's there. Wonderful. Here's my contact information along with my e-mail address. You, the council members have been selected by the agency to be council members and so the next step is to work with me, the ethics attorney for BLM to talk with you about your disclosures that are required under federal law and also the

charter and then I will give you advice about any recusal that are necessary given your interests. In the next couple of weeks, I will reach out to each one of you. Because I'm appearing virtually and it's hard for me to hear does see all of you, it may be best to save your questions until I reach out especially if you want to ask about the specific matters that relate to you individually.

Don't worry about writing this information down unless you want to reach out to me before I reach out to you. I said, will be in the next couple of weeks. So, the BLM advisory councils, their purpose, and they're organized pursuant to the federal advisory committee act, the federal law and they are composed of individuals private and -- diverse views and the proposition of the BLM advisory committees are specifically awe pointed to provide the committee with a point of view of a nongovernment of a non-recognizable group of industry sectors and environmental groups. With interests that are subject matter under the communities' charge. And representative members are a voice for a group or other entity that may have a financial interest or other stake in the matter before the advisory committees. So, the purpose, the big picture, is that the council is advised the secretary and the BLM on matters that relate to the public lands and resource under the administrative control of BLM.

The specifics are, and this is under the charter so the big picture comes from the law and the specifics under the charter is that under the charter, you furnish advice and recommendations to the secretary, through the designated federal officer who is Shelly Lynch on the planning and management of public land resources located in BLM's Californian desert district and on the long range plan for management use, development and protection of the public lands within the Californian desert conservation area.

So, I heard when you are giving your introductions, some of you mentioned which groups you're in. The council is comprised of 15 members, distributed in a balanced fashion from the following three interest groups. The first group are persons holding federal grazing permits or leases in the area in which the council is organized so the central desert district, representing interests associated with transportation or rights of way, representing developed outdoor recreation off highway vehicle users or commercial recreational activities, representing the commercial timber industry or representing energy and mineral development.

Group two is comprised of persons representing nationally or regionally recognized environmental organizations, disperse recreational activities, archeological and historical interests or nationally or regionally recognized wild force and bureau interest groups.

And the last group, group three, are those holding state, county, or local elected office, employed by a state agency responsible for the management of natural resources, land or water representing Indian tribes within or adjacent to the area for which the council is organized and employed as academic -- those from universities. I'm going to go over that word for a moment.

Natural resource management or effecting the public at large. So, by show of hands in the room, who are those representing group one if you know? It's a little hard for me to see. Hopefully with those hands raised in group two. But what about group three?

When you become a council member, you're required to make additional disclosures pursuant to federal law. So, under federal law, and you can see the citation there, this is a Code of Federal Regulations, all members of the committee are required to disclose their direct or indirect interests and involves claims and resources and administered by BLM or any litigation related there to.

For the purposes of this paragraph, indirect interests include the holdings of a spouse or dependent child. So that citation is from the federal law, from the federal regulations and there's also disclosure requirement in the charter and also a provision related to the conflict of interest in the charter. So, let's take a look at the ethics requirement under the charter. So non-federal members of the council and subcommittees who are appointed as representatives are not subject to the same federal ethics statutes and regulations that federal employees are subject two, like the Hatch Act. I mentioned in the beginning as an ethics attorney, I provide advice to California

BLM employees and advise them on federal ethics law and as council members, you are not subject to the same federal ethics law. You're subject to a different set of ethics law and those are from the regulation and from the charter. And under the charter, you are subject to the conflict of interest provisions and that states you may not participate in any council or subcommittee deliberations or votes relating to a specific party matter before the department or its bureaus and offices including a lease license permit contract, grant, claim, agreement, or litigation in which the member or the entity that the member represents has a direct financial interest.

So now in these next couple of slides, I'm going to talk about what these terms mean. These terms are -- they have a legal meaning, each of these terms so -- talk more about what each of these terms from that little blurb mean. A specific party matter typically involves a specific proceeding effects the legal rights of the party or an isolatable transaction or related set of transactions between the identified parties.

Some examples of a specific party matter include a lease, license, permit, contract, claim, grant, application, controversy, charge, investigation, arrest, enforcement action, request for ruling or other determination and related litigation which involves lands or resource administered by the bureau of land management.

The specific party matter does not include matters of general applicability, which is rule making, legislation, formulation of general policies, standards or objectives and other actions of general application.

Here we can talk about what a direct financial interest means. It means one's own personal financial interest. An indirect financial interest includes the holdings of your spouse or dependent child. Financial interests mean the potential for gain or loss as a result of governmental action on the matter. Direct or indirect financial interests might arise from a permit on public land being discussed by the committee, oil or gas lease so public land, litigation involving lands or resources administered by the bureau of land management and any similar interest that may be affected by the matter.

So, you're prohibited from participating in a specific party matter only if the matter will have a direct and predictable effect on your direct financial interest or the holdings of a spouse or dependent child, or the direct financial interest of the entity you represent. A specific party matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. And an effect may be direct even though it does not occur immediately. So, what is not a direct effect of a financial interest.

If the chain of causation is so attenuated and is contingent on the effect so speculative, independent of our unrelated to the matter or with the impact when it occurs only in the consequence of the specific party matters, effects on the general economy. So, for it to be a predictable effect on the financial interest, there has to be a real, as opposed to a speculative possibility if the matter will affect the financial interest of the member, spouse or dependent child or the entity of the member represents and here, the magnitude of the gain or loss doesn't need to be known.

It doesn't matter if the gain or loss is small or large. It's immaterial. The issue is whether there's a predictable effect on the financial interest. So, this is a lot to digest. The shorthand way of thinking about is what we call the Washington Post test. If it's in the front page of your local newspaper that you participated in a bureau matter in which you had a direct financial interest or the entity you represent, had a direct financial interest, or your spouse or dependent children had a financial interest, would you be embarrassed? Would we be embarrassed or compromised in our ability to carry out our mission.

If you would answer yes, that's the kind of matter you want to recuse yourself from. So just to clarify, you may act outside of your council advisory duties on behalf of yourself and others in a specific party manner before the agency that effects your financial interest but when you're

wearing your council member hat, you may not act as part of council advisory duties on that specific party matter.

So, if you find yourself in a position to take any advisory action regarding a specific party matter which will direct your financial interest or the holdings of a spouse or dependent child or the direct financial interest of the entity you represent, you must notify Shelly Lynch and recuse yourself from participating in that action.

So, before your meeting, you want to look at the agenda, see if there's matters listed on the agenda you may need to recuse from and reach out to me if you have questions or to Shelly if you have questions about participating in it. If you feel it's a matter that would fail the Washington Post test and it would compromise the agency or you, if you participated, you want to make sure you don't participate in the deliberations or votes related to that matter and that you don't talk with your council members regarding that matter.

So, the bottom line is that the federal advisory committee act and the BLM advisory committees are put in place because the government needs your experience, expertise and insight. But don't let an ethical problem derail the good work you're doing. Remember the Washington Post test.

Here again is my contact information. Just as a reminder as I mentioned in the beginning, I'm going to be reaching out to all council members in the coming weeks. Asking you to make your disclosures as required under federal law in the charter and then working with you to give you advice as to those matters you may need to recuse from and to answer any questions that you may have as well. Thank you so much. That's the end of my presentation. I appreciate being invited to talk with you today and I hope you have a good meeting.

>> HAAS: Well, thank you very much! We appreciate it. We have one more presentation. We have Jennifer who will virtually present on the federal advisory committee act.

>> Right there where your mouse is.

>> Okay, so we can see.

>> Great, try going at it in a different way. Can you see the button where it says from the beginning?

>> Yes.

>> JENNIFER HEINDL: Try that. There we go. So hi, everyone! Sorry for this slowness. My name is Jennifer and I'm an attorney advisor on the Office of the Solicitor at the Department of the Interior in the division of general law in the branch of general legal services so how is that for a bureaucratic title? I was asked to come here today and give you a brief overview of the federal advisory committee act and my focus in my brief time with you is to give you enough of an introduction to the statute and the regulations that it might help explain to you, you know, when BLM or when specifically your DFO says, we need to do things this way and we need an idea of why as committee members, you're being asked to do certain things in certain ways.

So FACA was passed in 1972 by Congress. This was one of several good government or sunshine type 1s that were passed in the wake of the water gate scandal. To promote public be -- to any particular interest group had sort of secret or unfair access to policy makers. FACA was meant to address any public perceptions out there that is sort of secret law or secret policy was being promulgated in sort of like the smoke filled back rooms outside of the public scrutiny.

So, in this spirit of the statute, at DOI and BLM specifically, we like to keep our facts, as open and transparent as possible and we want the public to participate and we ask you as members to engage with public comments and submissions and to consider them seriously in your deliberations.

FACA governs the establishment, operation and determination of the advisory groups within the executive branch of the federal government. It defines what constitutes the federal advisory committee and is a procedural statute by which I just mean, it doesn't generate a certain outcome, rather it provides a set of procedures for executive agencies to follow in establishing

and running and terminating these groups.

Additionally, it allows for congressional oversight and public oversight and participation. We see this in the statute's open record requirements and its reporting requirements which keep Congress and the public informed of the number or membership, the activities, the benefits, the work product and of course, the cost of all of our advisory committees.

These are the FACA authorities. Note, unlike most agencies, BLM chose to promulgate their own. This is done by the GSA. In several areas where BLM has chosen to impose an extra layer of regulation in the service of making its committees even more open and even more transparent.

Both the BLM and GSA promulgated regulations will apply to all BLM committees such as this one. Any committee, work group, panel, whatever, is established and utilized by the President of the United States or by an executive agency, for the purpose of obtaining advice or recommendations for the President or agency officials for agency on the scope of responsibilities.

Established in the context of the law, it means common sense meaning, to cause and come into being. Utilize has a special lawyer meaning because it's the Supreme Court that determined what utilized means in the statute, in the case called public citizen versus DOJ. I'm not going into it because I don't have a lot of time here but basically the holding of that case, the court said, look, a committee is utilized within the meaning of the act, when the President or agency official exercises actual management and control or control over the operations.

So, this is either established by us, the agency or managed and controlled by the agency.

Factors that will determine management and control are what courts have mostly looked at, who determines the membership of the group, who is setting the agenda and who is paying for the group. In the FACA context, virtually group advice consensus is not required for FACA to be implicated and then I would also note -- well, I will be talking about it later when I have a chance.

FACA doesn't apply to every interaction in the agency with outside of experts and stakeholders. FACA doesn't apply to individual advice whether it's coming from an actual human individual or a single organization, whether it's the American petroleum institute. The it also includes where the agency seeks individual advice, something along the lines of a town hall type of meeting.

FACA doesn't apply to what we call in the federal government, operational committees which are usually established by Congress and their committee, usually by statute and their committees that are primarily brought in to implement policy. Even if they're also providing advice.

It doesn't apply to intragovernmental committees, committees made up of all feds. It doesn't apply to inter-governmental applies with an exception, and committees of elected officers, acting in the official capacity or their designated employees with authority to act on their behalf are not going to be covered by FACA as long as they're meeting to exchange views and advice that share an inter-governmental character.

Groups that strictly exchange facts and information as opposed to advice and recommendations are not going to be covered by FACA. Consequences of it. So, the good news is no one has gone to jail for violating FACA. No one has ever been fined for violating FACA. The bad news is, a violation of FACA or even a perceived violation of FACA can result in litigation and I should say, right at the outset, any litigation is against the department and not against members of the FACA committee.

Litigation against the department can occur even if people think there's a violation, it's very easy. Anyone can file a case in federal court.

As you all probably know, litigation is almost always time consuming and expensive and can really get in the way of advisory committee doing its work. If a violation is found, the

additional remedies can include an injunction. It can really range from an injunction just preventing a federal advisory committee until it's fixed and the FACA's procedure requirements are met. Something like, hey, your charter is out of date. That's a violation. You shouldn't have been meeting. You can't meet again until you fix that charter.

The most extreme consequence of a violation I'm aware of is what is sometimes called a use injunction and sort of a famous example is one that is Fish and Wildlife case, so another Department of Interior was involved in a sister bureau of BLM and in that one, the court said the remedy of the violation of the federal advisory committee act is to throw out everything they have done up to that point and to prevent the agency from publishing or using any committee work product in any decision making, basically making the agency start from zero. That is an older case. Recently I worked in another litigation where I had a similar use in junction. Obviously, this interferes seriously with the agency's work, costs, taxpayer dollars, wastes a lot of time, we don't like it and we try to avoid it. Next slide, the requirements of FACA.

They advise and don't perform agency functions; they are just advisory in nature. We strive to establish and run our facts here at interior and BLM in such a way they will provide useful advice. It comes with expenses and it's important with the agency that appropriated agency funds which are of course, usually taxpayer dollars, are used in an efficient and worthwhile manner to be valid under the statute of federal advisory committee, they have to file a charter which includes the authority under which the authority is being formed, its mission and objectives and scope. Various logistical matters as far as government documents go. The FACA charter is concise and gives you a nice overview of the scope and member's duties. I always advice them to take the time and read it over carefully.

Federal advisory committees must maintain a balanced membership. This is the standard that is kind of so vague as to be mostly non justiciable, but I would note that BLM is an exception. BLM chose to layer its own FACA regulars over GSA's. The so they have provided their own standards for balanced membership, there is case law in which courts have been willing to enforce BLM's standard against the agencies they have looked at what they put forward in the regulations and they judged it like yes, you're following your own rules or no, you aren't. For all of the executive branch, they realized what it means at the very least. If the variety points of view -- relative to the functions to be performed. That doesn't require numerical -- it's separate from considerations gender, race, or geographic region and no individual has the right to be on a given committee and membership is not an entitlement. We have case law that will make it clear.

Members generally serve the pleasure of the agency head. There's a number of openness requirements associated with FACA and that's what the statute is all about. You have to maintain your committee documents for public inspection. You need to hold public meetings. That is to say that deliberations in the adoption of any advice or recommendations by the FAC must take place in an open public meeting of the full commission. It can't happen, through e-mail exchanges and things like that. It has to happen in the meeting in public. Only after any advise or recommendations have been discussed and adopted by the committee in its public meetings, may that those recommendations or advice be presented to the agency as the product of the federal advisory committee.

Committees are required to allow the public to speak at meetings or file public comments. Under the GSA regulars, they have timely announcements with the meetings and here is the place where BLM has gone further than that and said, not just fifteen days in at advance, but you need it announce them thirty days in advance. So, anyone who wants to come, will have time to arrange to come and talk to you guys. Finally, the committee has to create detailed public minutes in this day and age and available to the public.

Committee charters will terminate after two years after which the committee will continue to meet. They have to be renewed and no meetings can take place without a valid charter on file.

That is a violation of the statute. Agencies have to designate a federal employee that serves as the DFO and the DFO in this case is Shelly Lynch. They have a large number of roles.

They have to approve all meetings and attend all meetings and can adjourn meetings if she determines that it's in the public interest to do so. Additionally, the DFO can always chair meetings at the request of the agency head. More broadly, the designated federal officer, the DFO is the member's liaison with the department. When you have questions, she's going to be your first stop. She can hook you up to me if there's a question about the law.

This is usually the line of communication so she's your primary liaison. This next slide is almost done. This is important in terms of practice and in terms of understanding the purpose of the act as a whole, I think. The so subcommittees, subgroups are defined as a smaller group reporting to the full chartered advisory committee. Subcommittees can include non-committee members, but they don't need to. Subcommittees require the DFO's approval to be formed and they need to be formed and tasked by the full committee in a public meeting and this should be reflected in the detailed minutes of the federal advisory committee meeting. A lot of federal advisory committees have several subcommittees.

That is very normal. Some have none at all. It really varies. In many cases it's the subcommittees that kind of do the spade work of the federal advisory committee, researching and developing draft recommendations and reports for the consideration of the full committee.

The important thing to remember about subcommittees is they may not have to directly advise it. So, the work product and the recommendations of the subcommittee have to go through the full committee before being presented to the agency as the advice and recommendations of the committee.

Draft recommendations or advice coming out of the subcommittee cannot be rubber stamped by the full committee but have to be fully discussed in that public meeting. With the whole committee participating, before the committee itself can adopt those recommendations as its own. If it chooses to, right? The whole committee can say, go back and try again. We don't think we'll do it. We're not going to adopt this other one from the subcommittee. Really up to the full committee. All of that deliberation is going to take place in your public meeting. It's only when it's this work that has come up through the full committee, been discussed and adopted, **R** only then is the recommendation to be presented as advice.

Usually to the extent they report to the full committee, it's not subject to GSA FACA. So, the intent is to make subcommittees with more flexible than full committees as far as being able to meet and not having public meetings but again, BLM has made a choice. They decided that even their committee meetings are notice and open to the public. They did that in their regulations, and they have an ability to do that.

So, BLM has traded a certain amount of flexibility in favor of that higher level of public openness and engagement.

Should a subcommittee report to them, bypassing the agency of the full committee. That subcommittee is subject to all FACA's requirement because it's acting as its own federal advisory committee and that can expose the work of the subcommittee and the committee as a whole to legal challenge and the agency to legal litigation. So, it's very important that the subcommittee work be reviewed in the subcommittee before it's approved and goes forward to the agency as the work of the committee, as the advice recommendations of the committee.

This whole process should be recorded in those detailed minutes which need to be posted publicly. I'm just about done. As I mentioned in the beginning, FACA supports transparency and openness and wide public participation. Under FACA, committee records are public which includes the minutes obviously but any presentation slides, documents shared with the committee by the public or among members. These are all going to be public and all hopefully going to be as quickly as possible on the committee's website. One last important point, I think. The committee e-mail communications are generally not posted to the committee website. Members

should be aware that e-mail communications regarding committee business, obviously, not your personal e-mails but if you're talking to members about committee business, you should include the DFO on those e-mails. And all communications with the department should be aware, are going to be considered agency records and are going to be subject to the freedom of information act, the FOIA and then as such, we'll be released in response to a FOIA request from my member of the public, except within the content fits in the narrow things like personal privacy, information, or confidential, commercial information so I always like to make sure that members know, that one, you should be included your DFO on e-mail communications regarding committee business but only communicate committee business in those e-mails.

You know, practice good e-mail hygiene. When the agency is responding to a FOIA request, we are pretty limited in what we can with hold. So don't put things in there that you don't want public. We don't want to have a situation where we're forced to release something. That you don't want released.

I am going to stop here. You already talked about conflicts of interest. Any questions?
>>HAAS: I don't think so.

>> HEINDL: Okay, I'm done. If you need to get in touch with me and you want to talk about legal issues with FACA, come to us through your DFO. Please have a good meeting! Thanks a lot for what you do. We really do appreciate it here at the Department.

>> HAAS: Thank you very much for the presentation, Jennifer. We appreciate it.

>> HEINDL: My pleasure.

>> HAAS: All right, so next we're going to turn it over to Shelly.

>> LYNCH: All right! So, some of the state and district updates and then we'll go around for the field office update. I already mentioned Brandon Anderson is selected as Palm Springs Field Manager -- first. We distributed a call for nominations for the DAC and applications are due by August 16th so next week. We have a position in category one and then one vacant in February 2035 in category two. So, we have to -- these. Some highlights from the state director. In late May, Interior Secretary Deb Haaland came to southern California to meet with federal state, tribal, and local officials and community members to learn about their vision for the national monument. In June, there was a public meeting held in Indio for the proposed national monument and we have over a thousand people attend that meeting. It was great turn out.

Unfortunately, we didn't get through all of the comments because there was a very passionate group there. Folks were able to provide written comments even if they didn't get the chance to speak. Just to remind, the proposed one which is 6,000 acres of existing public lands in the riverside county and also includes the expanding east side of Joshua tree National Park. Just for clarification, if that monument is established through a congressional action, this is part of that. If it goes by presidential proclamation, the National Park expansion would have to be parked because you can't expand a National Park by presidential proclamation just for a clarification on that.

September 28th is an upcoming national public lands day. We have volunteer events and there's a variety of events that happened in each field office. I know last year I did the crater event that the boy scouts helped to clear a trail there. Julie and I did that. It was a lot of fun.

So, we have a variety of events among the field offices for folks to participate in. October Marks the 30th anniversary of the California desert protection act which designated most of the wilderness areas in the California desert conservation areas.

>> LYNCH: On the personnel front, we are working hard to fill a lot of the field office vacancy. As you recall, I'm not sure where we are at in April, but we were at a point where 5 out of the 6 leadership positions were vacant. We have -- and my deputy position was taken.

We worked really hard. We made a selection and we're negotiating a start date so that's the last field manager position to be filled so we're excited about that! I will be able to announce that once we get a start day. I'm excited about that and then Nancy started back in March, so we

got that position filled too.

Fortunately, we have a massive push for the with vacancies to get a bunch of announcements out so we have a slew going out to fill the vacant field positions and unfortunately, people are leaving faster than we can fill the vacancies. We have enough staff in the district level, it's the same size of the field office so we have about 45 employees at the district level.

Right now, we're about 46% vacancy rate at the district office level so what that means is we can't provide support for the field houses. If they don't have an archaeologist, neither do us to help them. So, we're pushing hard to get the vacancies filled. The biggest struggle is that three are middle level managers so right now, or very shortly between Nancy and I, we're going to be supervising all 45 staff members. So, we're working hard to fill the vacancies and recruitment. There's some key positions in the report out and I think, that's all I had. Is there any questions for the state or district report out? Okay, we'll move to Barstow.

>> DONNELL: It was announced yesterday we finally got a chief law enforcement agent hired, Christopher Perez and he starts tomorrow in his new role. I'm super great to have him on board. Some of our key projects in Barstow. We're working on the river and wild and scenic river comprehensive management plan. We're currently working on finalizing the outstandingly remarkable values report which will inform the CRMP. The timeline for completion of the draft CRMP is November of this year. The bright line wild line crossings on I-15, there's three big horn sheep over crossings being planned. One is in Barstow, one in needles. This is to funnel the sheep over the highway and other critters as well but there's going to be an under-highway component for desert tortious. The most recent update is the federal highway administration is recently issued an amendment grant, to CAL trans stipulation and they're going to share it as soon as they are received, and construction is to start in 2025 for those over crossing projects.

Razor road OHV area which was brought up earlier. We were awarded a planning grant by the state of California to prepare an OHV management plan for razer road. We have a contractor in place and have started the biological surveys. They will be required to do cultural resource surveys for us and develop and analyze the plan with BLM approval and review. We are expecting the draft EA for public comment January, February, of 2025 for the razer road OHV plan. We're going to get a final decision next year. Want.

One of the mining projects that some of you have heard about is the St. Cloud mining project. They're going to have some east of valley junction to explore (inaudible). They currently have a mine. This is going to be southeast of the current mining operations. This is not a mining operation but just exploratory drilling. We went out for public comment and got a lot of comments back, like, 200 plus so we're currently working through comments on that project and we're working with a proponent on that project to get those comments answered. For recreation we have CAL300 coming up. We're expecting it to be out in the federal register notice. We're doing a lot of planning that is upcoming this fall as well. -- winter. So, we have a lot going on and coming up for recreation for us.

Afton canyon, we have a wildlife habitat enhancement effort and recently I think back in April, we had a bio -- and had a lot of professionals come out and do a bunch of surveys for us. We had 40 plus participants, 660 hours of volunteer work, and while they were out there, they found 522 species which is really neat. Some of those very unique to the canyon so we got a lot of cool information from that. And then it's been an active fire season. We have had several in our field office. Most recently, I think, a lot of folks talked about the lithium battery fire that shut down the highway for several hours a couple of weekends ago.

It was moved off the highway and is on BLM land and we're waiting to work with a company to remove that, but we have to wait for the batteries to cool down. So, we're currently waiting to cool down and then we'll move it off our lands once it is cool enough to move. That's it for me.

>> STOVIN: I have a couple of questions. One is about Razor. I had a gentleman earlier today ask, umm he thought there's no way to get a permit to have a special recreation event out there. Is that the case?

>>DONNELL: I'm not sure. I know when we come out with the public comment period, that's an opportunity to have comments on that project.

>>STOVIN: I would just assume that the open areas were all available, Randy is shaking his head. Oh, I thought you could have events in the BLM open areas? That it was the purpose.

>> BANIS: The magic word is a competitive event and generally my understanding is a competitive event, vehicle competitive event, can only occur in an OHV area that has the management plan that would allow it.

>> Do you have a management plan?

>> DONNELL: We're currently working on the management plan.

>> That has been an open area for a long time.

>> BANIS: But a lot of them don't.

>> BANIS: That doesn't mean there's a plan. There's no guarantee that the management plan that comes out at Razor will allow it. That would be predecisional and we don't know if it will or not. I know it's in the hopes of many in the community who are urged the BLM to look at razer because of the potential to host a competitive event. Johnson valley and -- are so many events they can't occur. There's just too many, too much overlap so it was conceived that perhaps, the razer off road area, particularly since it's designated an OHV area by Congress, it might be one that could sustain competitive events so if the management plan draft comes out and be it says it would allow it, great! We can comment on it. If not, we can comment on that and see what happens in the final. That is the hope of many competitive event planners that they'll have an additional option to be able to hold them at Razor, fingers crossed.

>> DONNELL: Yes, and that public comment period, January, February.

>>STOVIN: I don't -- that area very often.

>> DONNELL: Sure, I can make a note of that.

>>STOVIN: I would appreciate being able to comment at those times. I saw on your report, it says west Mojave network, 2015 programmatic agreement. Is this for archaeological and cultural?

>> DONNELL: Yes.

>>STOVIN: So, when I think of the west Mojave network, I think of the vehicle routes area? Are you looking at those? They haven't been surveyed before.

>> DONNELL: Some of them have.

>> STOVIN: So, you're going to do a program where you can survey all of them?

>> DONNELL: We're trying to.

>> STOVIN L: Is it possible if we find something on the route, can we close it?

>>DONNELL: I can't answer that, I don't know.

>> LYNCH: The process would be, if we found something and we would have to go through the whole section process, so that would, the outcome of that would depend on what it is, the value of it, and our consolation with it.

>> STOVIN: I'm hoping, if you find something, I am hoping we can detour around it, as opposed to a closure?

>>LYNCH: It would depend on what was found....

>> STOVIN: of course. If you're in an open area -- is there -- a public comment on that? Is it all hush hush?

>> DONNELL: It's -- there's no public comment as far as I'm aware.

>> STOVIN And then you also said that BLM continues to implement the program, is that the same one? It sounds like an agreement. Is that the same project?

>> DONNELL: It's the same.

>> STOVIN: You completed a survey of -- acres, that's also archaeological stuff?

>> DONNELL: Yes.

>>STOVIN: All right, thanks!

>> Thank you.

>> BICKAUSKUS: Just so you know that programmatic agreement effects all of the offices that are under the planning so like it effects -- Ridgecrest Palm Springs myself. It was the process. There's so many miles, you know. No one could survey that many miles or acres. There's an annual meeting where we invite tribes to see the progress that we have made, and the methodology set out for that PA. I still marvel at the people who put it together. It's a document like that. I don't even -- you know, I have to have my archaeologist understand what is in it.

>> Is your --

>> We look at the data. That's really driven from the Barstow office.

>> Is the Barstow office doing all of WIMA or just the Barstow office?

>> STOVIN: They have been the lead since WEMO. We used to have a couple of archaeologists, but the team has since shrunk where it's really run out of Barstow now. They do the sampling so they go right where the sampling will happen that year.

>> As an off roader, I worry about losing routes and the WIMO network was bigger in older days, and it has shrunk, and I worry about another level of closures because of what the archaeologists find. I don't know how to mitigate that. There's a way to.

>> BICKAUSKUS: I can say that WEMO has a process for changing the route network so, our entire WEMO document is on E-planning so it gives you, if you want to read the particulars -- a bit. It's all there. I don't know. It's pretty complicated or maybe this is a topic for this group to understand.

>> ROBINSON: Tribes are worried about losing cultural sites. When there's major sites, people have been accessing them, it has pretty much picked up everything and been dispersed, like the private collections and you know, in some places they have them. And maybe their damaged so we're really trying to protect those. I didn't realize how extensive it is, but you can see how much, this is just -- like, pretty much everywhere. As soon as you get off of it, it just disappears, all over the place because people just have no respect, and they haven't for a long time. And you know, I didn't realize it, but the -- those things -- (inaudible)

>> That is -- state office, outside of it --

>>ROBINSON: If we find it, I might -- what they are doing at Red Rock, moving riparian areas -- for a long time in that area. They were -- (inaudible).

>>STOVIN: That made me remember something from years back. I would like to hear your thoughts on it. There's a solution to archeological discoveries on routes, they can make a report of what is there and then they can simply bury it.

>>BANIS: The west Mojave programmatic has a consultation component to it where special, where stakeholders and interested parties participate in, I believe, it's quarterly briefings that are conducted by Zoom or by teleconference and your organization, the off-road coalition could request to be notified and be a part of that. Friends of Jawbone is one of those parties we get the notices, forgive me, we don't participate in them regularly. The from time to time, we phone in to listen. Any route changes that are proposed as a result of that, would go through a process and one thing that is unique and neat about WEMO, is in the past if a route designation is proposed, with an emergency disclosure, we had to open a plan amendment and WEMO was forward thinking in by sending out subregions that could have their own travel management planning processes in the future that wouldn't have to open up the whole planning area and the whole kit and caboodle to do certain kinds of adjustments. I remember when the original project brought under lawsuit and is no longer out but one of the limitations is that the field office could make a change to the route designations if it found it necessary, but it was limited to a mile. The it was bound to be some mistakes or oversights so the west WEMO plan can allow a possibility for

periodic adjustments and changes in route designation to either correct some of this, some of the data that had been supplied at the time or, even address changes in the these for travel management. As I understand it, any findings that are necessary for route designation changes under this programmatic would be put forward with the public process to do so.

It's going to take a very very long time. It's a lot. Funding is only coming in certain chunks, and this is a long-term process. Before there's going to be any real product of that program in my opinion. This is all -- it's a very opened process. Of course, you don't get any data. You don't see any specific results and all of that is handled in the confidential manner that the law requires.

>>Any other questions?

>> BANIS: Just a little one. I hope that the other projects, I'm sure and am going to make sure there's adequate measures to prevent motorized use of the crossings. That's certainly what they're not intended for, and we don't want it to occur. There's anything we can do to help with that regard.

>> LYNCH: And one other thing I want to add, personnel for Barstow, the assistant field manager position is closed. That was a vacancy, so we advertised that, and you know, it just closed so hopefully --

>>LOHR: Good afternoon from El Centro Field Office. Share some successes, awarded grants... So just to give you an idea, there is -- business plan and I'm going to roll over to it because it's probably in our next DAC meeting, December or April, depending on if it gets to headquarters on time. We fit it together. It's over 4.7 million dollars between the plan and the grants in the office. That's a huge amount. That doesn't include our appropriations that go to that too.

One of the things I want to think about is, in the business plan, it's very important. When we see these grants, we're able to tentatively pay for them by offering in kind cash and services. So, a lot of times -- in the field offices. This can go forward. I just want to say, a big thank you to all of our staff. This is usually a GS10 or 11 position. We're vacant in a lot of positions so we have some of our GS7s, they stepped up and wrote some grants this year. I want to give them a big kudos for coming in and getting these grants for us.

Next year, we're looking to apply for the fifth one, the planning and development plan that helps with the construction of the new ranger station. So, another information about the ranger station, it's been delayed a year. It came in under 12 million to 18 million dollars. We're looking at ones, Congress reallocates the money. This is a blessing because it gives us more time to get our temporary open and especially with being short staffed, it's really planning that in a little bit more detail which I'm working with staff currently. Myself and our chief ranger, Mike and our supervisor ranger, Mike, one of our EMS staff Alex.

What is coming up is in December, we'll present our business plan for this. The last time this came in front of the DAC is in 2013. It's been about 11 or 12 years for increases, and we know it has changed a lot. In the last couple of years, we are seen our trash service double. A couple of years ago, we were qualified for the LA salary and it's a 40% increase. What is good is it helps to keep the staff around. So, all of the field offices and desert district are already on it. So, it helps us compete and keep staff. They stay locally with us. So, a little bit about the business plan is, we're pretty much putting it together. We have been working closely with the association and other groups to kind of talk about what is needed in this future plan. This isn't just a roll over so some of the things you may see different is there's funding towards interpretation and there's also making sure at that we have a defined capital plan that can tell us what we're putting away for the future improvements and also, taking into account, our new ranger station and it comes with a lot of bells and whistles from the staff living there, to -- vehicles connected to the building. So, there's a lot of ventilation systems and a lot of alarm systems and it has to be cool in certain temperatures so when you bring the business plan in hopefully December, if not April, those will be shown there. So, we are expecting a significant increase. I think the last few years, we have noticed with the business plan, is that we're not

putting it away for our future capital improvements. It's going towards salaries and stuff because of the increase in the last couple of years. That is stuff that we can't control. I think the reason we have it is because of border patrol. It's not something we went and seeked. It's other agencies looking for it to say competitive with San Diego and LA.

Next, we're working with Ocotillo Wells SVRA to update the MOU or were gonna patent 20,000 acres to them so we're looking at that management time or what they call the general plan. So, we're working closely with the staff and at state parks, offices and Sacramento. One thing to share with you, our forty-year lease just came open towards (inaudible), so we got the document signed last week. We renewed the lease. They have been out there for forty years now, so that's good to hear.

A lot of our staff are on fires, it has already been on six to seven weeks of fire. This is a way to offset our budget and support our national and state needs. Our Middle Mile project here which you'll notice here is connecting a state project actually that was former state director, it says it's a priority. We found out the other day, that all Imperial County projects were cancelled at this time. That is due to state funding that is state of California. The governor, it's not us. They have gone off our priority list. The others are we're working with -- so we're getting to start that whole process with them in the next couple of weeks and working closely with the Imperial County and we'll do a joint document. Another thing coming up is our California state release and we're working closely with the Yuma office since part of that is on that land and part is our land. Part is the state park so trying to figure out where the state park wants to move forward if they're looking at just renewing the lease. So, they are looking to give back to us. And last but not least, a couple of highlights I want to share, if you or a new member -- come out to one of our events. I sent the date of our incident out of the sand dunes. Please give me a call, e-mail me. I would love to give you a tour. It's a great time. Our mayor dates are Halloween, which is October 31st through November 23rd, Thanksgiving. New Years -- long one. President's weekend, February 14th through the 17th. So, if you want to come out for the day or a few hours, give us a heads up so I can make sure I have staff to take you out. This is great operation and an amazing event. I'm so impressed with the professionalism of the staff. We are now part of the coyote program. So the state parks offer motorbike lessons or dirt bike lessons and our staff is involved in that. A lot of times these are kids at risk. Last but not least, another highlight is, we are partnering more with state parks. We're meeting with them often, whether it's doing more interpretation or other kind of, how we can work together to find more opportunity. That's my report. Thank you for this opportunity to present today. Yes, sir?

>> HOLLIDAY: Do you have any information on the railroad? Is anyone talking about that?

>> LOHR: We did have a meeting with my first couple of weeks there. They talked about how it's a great idea and we can take over the bridge and we said we're not interested in taking over the bridge. The and they're like, we can charge a toll but it's not feasible. Somehow there's a third party adjudicator or judge we met with. He is still interested in building this bridge. They were coming to build the bridge. There was an accident where a youth was crossing and got killed by a train. There's some mitigation from that. We said we're not interested in the bridge. Who is going to maintain the bridge long term?

>> HOLLIDAY: The county put forth a study and preferred alternatives but I haven't heard anything more about it. I know that the rules are there for the California -- in charge of that. It requires a -- it requires a governmental agency to build it, pay for it, insurance it, make a payment. It isn't going to happen. I am just wondering if you're meeting with people who are trying to make some of that.

>> LOHR: We know, like a judge or lawyer with it and we just shared that we're not interested. In either A, B or C. We just don't have funds and the long-term capability to maintain it.

>> LYNCH: Any other questions for Matt?

>> STOVIN: We talked yesterday but I want to share with the rest of the group. When I was first

interested in the business plan, I helped ten years ago. The vice chair of a subgroup and I was supported by the big increase. I say a lot of people walking around with pitch forks and people were upset. If we didn't support the increase that services would be lowered in such an amount that it is for recreational users. It was worth it. And in the report, you mentioned geothermal leases. We can take later.

>> STOVIN: I can send you the map and it's on my list. What I'm talking about is the format. They already established a geothermal group towards interstate 80. The that was the 40 year lease. One that has a facility out there?

>> LOHR: More on the Salton Sea side -- I can get the map out to you.

>> LYNCH: So, the project manager, managing the geothermal lease left. So, we're working on reassigning that. We're close to putting it out once we get the project managed assigned...

>> STOVIN: I'm an off roader. I'm not opposed to geothermal. It's the best way with the smallest footprint and impact. I appreciate that. I would prefer it not to be in a place where operators --- And the flat tailed horned lizard...I'm happy you're participating in this. There's a group of governmental agencies that try to work together. I appreciate that. I want to go out and see it. I don't go in the desert in the summer. Thank you!

>> LOHR: Thank you! I'm going to have a couple of staff reach out about the milkvetch count. We just got the final report this morning. That came out. The plateau lizard, I will have them contact you on both of them to have a discussion. It would be great to have this conversation. They will reach out do you and you can ask for the survey routes.

>> The endangered plant, it lives around -- recreational area.

>> HOLLIDAY: I would suggest too you put together some kind of an outreach plan for the reason they're putting a new ranger station in to fully approve and everything. The problem is the people out there who see their money and they don't see -- they don't -- they see a huge amount and they find out it's like, 18 million dollars, why do we need that. It would be good to have a long range, sometimes an update on the website and stuff like that. Once we get closer to there, and then have some -- so I think we can reference something as to why this is required.

>> LOHR: Julie is going to be our helper. We're doing outreach with the bees and working closely with ASA. Meeting with Dave in a week or so and you know, to have that connection that we're communicating and that we're on the same page.

>> HOLLIDAY: ASA doesn't have quite the exposure that they used to. That was a -- I was a treasurer and membership director for ASA for years, ten years. I kind of left them. They lost their way. Hopefully it will create -- some -maybe they will gain more traction. There is a lot of -- ways to get out of it through them.

>> LOHR: Thank you. If you would like to spend time with us, it's a little cooler if you want to hang out with us. Thank you!

>> LYNCH: One thing I want to touch on. Paul will talk about this. We are in a national preparedness level 5. When that happens it's all hands-on deck and shortage of resources, resources are slim. You'll hear it from a number of field offices that staff are on fires and that's why.

>> NUCKLES: I want to thank I you for coming out today. This is in Vegas and remote from where we toured. This is the best set up. Thank you to the PAO staff for everything behind the scenes. Doing all of this and then, you know, as far as that tour went and everything, you know, Mitch mentioned his staff set it up. Because of the preparedness level, we have a few folks who are gone out to fire, I think, in north CAL so he did that on their behalf after he just got back from fire. He has been on for a couple of weeks without a day off, so it was nice to have him present that. I appreciate you all coming out for that. I think it was a cool little trip and doing off site -- so thank you to you and your staff for doing everything for us and thanks to Mitch. If you guys see him, please say that. So, I just wanted to touch on that. I appreciate your patience. I don't have an answer to every question, but I appreciate everyone being patient with me while

I'm kind of gaining efficiencies in the office of trying to get some internal objectives accomplished. With that said, there's a few things I want to touch on.

We were having an emergency wild burro gather near Fenner Springs we have 44 out of that. There's about -- three to five left. We're still kind of trying to work on getting them corralled in with the heat. Where they are at, it's complicated. We're continuing to haul water out continually and check on them and trying to do the best we can with the heat. So, we just need to make mention of that.

We do have a couple of future gathers. We're in discussion with Chemehuevi tribe to get a gather on their lands of about 200 burros. We have to figure out where we stand on it for that. We're also having discussions about doing -- we can kind of -- run out into the I-15 there. We need to address that. So, I'm sure everyone knows the questions about the mining plan. We're moving pretty well. We kind of changed how we did that and it's on target. Currently, our tentative dates are to have a draft by October of this year and go out for public comment shortly after that, we'll probably wrap up the public comment period around December and January and we'll go over the consistency reviews, somewhere like March and April. Hopefully, we'll have a final done by May of 2025. Those are our target dates. We have some internal discussions, and the state offices may need more time to review.

DGS, Caltrans, they're working on putting this station just -- I guess it would be west of the 95. We're going to do this to capture it we're becoming a cooperative and be what the action is requiring is within the federal highways. I just saw the papers for land acquisition. There is -- private lands intermingling. We are targeting some of the public lands. We have routes that are complex. We just signed documents and it's 599 acres east of this area in the same area. We're talking about the -- area, southwest of that 95. We just need to sign up for that, this is part of the monument. It is coming up shortly. -- I think she's going to go well. There's the recreation side of the house. We are waiting on the background, the monument manager and I decided to do a detail. I can see how this position functions so when we do the permanent advertisement, I have a good gauge of what we will target. This is a little bit different position. We can use this. Just give a few months of how to assess where to be with that and make a good selection.

We did get a biotech as well. She's assisting our resource specialists on a couple of things. We just advertised for an IRA geologist. We have an IRA funded geologist that is a top priority. To bring back in the office and I believe that closed shortly but -- oh, it has already. I am fortunate unlike the other offices, somewhere in the 90 percentile, if not, a little higher so we don't have a lot of vacancies. The geologist are the only vacancies we currently have. Knock on wood, we're fortunate. That's all I have. Any questions?

>> REYES: Real quick. I know you're new. If you can e-mail me the solar projects. Sounds like they are all on hold for the moment.

>> NUCKLES: There's a couple in the monument boundaries and we're looking to finalize the plan before we do anything with that. The ones that are north, there's an issue that crosses over to Palm Springs and in the field office, with the land use plan that will require an amendment. From what I understand, Equinox, one of the applicants is going to potentially redo it. We have not seen anything from it yet.

>> REYES: So, it sounds like two in monument and two are outside of it? And then two are private property?

>>NUCKLES: So, the one is partially private, partially federal.

>> REYES: So, can you e-mail me that. I need to know where they are at.

>> BANIS: I believe just reading them, Salt Flats, I believe they're in the donut hole. This is inside. If you look at it the center, or the space shuttle, there's a unique shape. I believe in the Salt Lake, there's a salt production project there. This is a way for I believe them to get additional industrial uses out of this land that is surrounded by the Mojave trails. This surprises me to hear, with Equinox and Serenity, they are not in a DFA.

>> LYNCH: Some of it is. Some of it is and some of it is outside. Only those in the DFA are a priority.

>> And be they are outside of the monument because it prohibits it.

>> BANIS: No if it's not in an NCL. Is that right? With these, are any of these Equinox or Serenity are they inside the footprint of the monument at all?

>> NUCKLES: I didn't think so. They are north by Vegas.

>> NUCKLES: I thought Equinox is partially on private and partially on -- lands. It's not on other lands. Now, Serenity, that one I'm not familiar with. But the other one, Equinox I'm pretty familiar with.

>> BANIS: Kudos to Equinox looking to get 500 megawatts on 623 acres that's pretty cool! Wow!

>>NUCKLES: I don't know what the private land is.

>>BANIS: Oh, that's right!

>> Yes, I thought so.

>>BANIS: Before that, they still need a permit from the state.

>> ANDERSON: They need to demonstrate they can produce power.

>> REYES: Lastly, -- can we see some pictures? Maybe next time?

>> NUCKLES: People in my department were talking about this giant bear looking badger we had online. I couldn't believe how large this animal was. I did want to share that.

>> VAN DER LINDEN: If we can ask everyone to speak up, the captioners having a hard time capturing the information. Thank you!

>> STOVIN: Yes, by the way, on the way back, on the tour, Mitch pointed out the burros on the hill where the old one is, we saw five. I would never have seen them if he hadn't pointed it out, but I mentioned there's a problem with burros getting on highway 15. They were right next to highway 15. I couldn't imagine having that being a big problem.

>>NUCKLES: Yes, frequently.

>> STOVIN: When Noelle [Mojave Trails National Monument Manager] left, it was just setting everything back with the Mojave National Monument another six months or a year or whatever.

>> LYNCH: Negative! That's not true. When we did when Noelle left, we assigned two project managers to the national planning effort to keep it moving forward before she left so they could get up to speed so that planning effort could continue. So, there's been no delay with Noelle's departure. Well, any vacancy is but I think the field office that supported the district has done a great job of this for the priority for the district. We sat down and had a discussion. We support the field office and make sure this planning effort keeping moving forward and this is with Noel's departure and with the two project managers assigned and Mitch, bless his heart, he has down an outstanding job of being the core for that, the management contracting officer for that, in concert of the project managers to keep us on track. I think that's one of the only projects in the district on schedule. Not that we're slacking but we just have a lot of work. They have done an amazing job keeping that project on track.

So, you know, like I said, the monument manager position right now is not a district priority for hiring. Ron and I came up with the idea of hiring two details until the monument manager rises to a higher priority. Nancy and I cannot supervise 40 people. That's unrealistic. We have to fill those supervisory positions and once the monument manager rises to the priority level, we can hire that permanent position but, in the meantime, we have hired two details to help it. We made sure that Noelle's departure has been part of the planning effort. There's no delay. I just want to be clear.

>> STOVIN: Thank you, I wasn't suggesting that you dropped the ball but just adding a challenge to the whole process. In your report, you mentioned Amboy Crater working on that. I didn't even know it was there until there was a tour with the subgroup. I want to go back and hike up to it and see it.

>> NUCKLES: They're going to expand that network slightly and work with that group to do so. We actually got the chance to go out there and they had a monsoon and then, you know, it got hot right after that.

>>STOVIN: You have mentioned putting boulders to keep vehicles out. Are there any off-road vehicles there?

>>NUCKLES: I don't know if it's off-road vehicles but there's been some vehicle intrusions. We have to keep some people from, you know, venturing off the direct path.

>>STOVIN: The monument plan alternatives are coming out?

>> NUCKLES: We're finalizing it and getting ready to start the draft. We have stopped primarily to it what was already written in the land use plans for that. There's just like, slight deviations. If what you're concerned about is the OHV trails in that area, we have tried to stick to what was existing and keep it in place.

>> LYNCH: Those will come out in the end of October.

>>STOVIN: Would it be possible to ask them to see the alternatives before they are published? It would be interesting to see them and provide feedback. Once they are released, it's going towards this, and it gets harder for the changes.

>>LYNCH: We'll ask.

>> STOVIN: That's all I have. Thank you!

>> BANIS: When we're talking about monument, I want to say hi to Ashley in the audience. She's part of our national monument planning subgroup and Las Vegas is her home and she drove some of the longer distances to come to our meetings and is a regular participant in the subgroup. It's great to see you here. want to point out it's nice to see the Amboy Crater project continues to move forward even though it's in the monument and this monument planning is taking place, just to know, again, it's like, the world doesn't standstill just because the plan is being developed. Kudos on keeping that going forward too.

>> NUCKLES: I appreciate that. Thank you.

>>LYNCH: Palm Springs-South Coast, Brandon.

>> ANDERSON: We have a couple of solar projects. This is nearing public input. So easily it's in the desert center area. It's about 400 megawatts on public and private. Sapphire is a private land with a gen-tie on public lands and we're aiming towards this summer for the release of the EA for both of those projects. They are all on DFA land within the DRECP. On the Dos Palmas, we have the escape fire that happened earlier this year. Good news is the vegetation is recovering remarkably well. We have the water infrastructure that was damaged during the fire, has been installed and everything is working as well as the bridge repair so it's working pretty good at Dos Palmas and we're working on the private landowners on doing repair there. Great news!

Along the border, so the border patrol has two projects for us. They submitted it a couple of weeks ago. We are responding to their applications to fix portions of the border wall. On the monument front, so we're beginning to plan for our new visitor center. It's probably going to be several years in the making. We are planning for an expansion off there on the campus off highway 74 and in terms of our ongoing issues with the visitor center, they have been closed for the past few weeks giving various repairs so we're hoping over the next week or two, we'll have it done and back up and running.

And then on the Sand to Snow front, we have the wild and scenic river plan: We are working to finalize the plans with the Forest Service. We're working on the legislative maps, so the goal is this year we'll have that plan completed. And then we're working on finalizing the preplanning on the national monument plan itself. We were hoping to have scoping and the plan initiated this year but just with staffing and funding shortages, we have to look towards next year or the future to begin those efforts, but we at least have the preplanning phases completed.

And then for those who work with Jihhada, the Sand to Snow National Monument manager, she's on detail for 120 its days. She's been on detail for about 30 or so days. David is filling in, he

used to be BLM but worked for the Forest Service so he's filling in. In terms of staffing, we have about a 17% vacancy rate within the field office. A lot is the leadership position. Nancy and Shelly, I'm going to be managing three quarters of our office here. So, we're working on the deputy field manager position that behind Dara Glass and we're hoping to have interviews next week and a selection made in the next couple of weeks.

We have one for the Recs assistance manager, this is vacant, and we just got the list for that so we're looking at interviews and then we have our admin officer who does a lot of the background and support work. That's been vacant for some time. We're hoping to make a selection in the next week or so. Fingers crossed by the end of this fiscal year or calendar year, we'll have those key positions filled and we'll look towards filling our other positions such as natural resource specialist our planning environmental coordinator and one of our realty specialists that have been vacant for some time. I think that's the end of my report. Any questions?

>> HENNING: Can you give an update on the communication tower in Morongo Valley?

>> ANDERSON: It's completing its admin EA review. It's completed the internal and we're looking at this, within the next few weeks to a month to be releasing the EA.

>> STOVIN: Down near San Diego – Truck trail, the entrance to campground was closed by Homeland Security a couple of years ago as a temporary order. Once they closed it, there was only one of two ways to get in there. People didn't want to do another clean up until there's access. I went there and a portion of the fence was removed next to the locked gate. It's like business as usual. I have been meaning to get down to Homeland Security and ask them about it, but you know, is everything the same as it was? Is it open?

>> ANDERSON: A lot of the gates are on private land so like the gate that the campground manages, we only have one gate we manage that people can go in and out of. We have been working with the local community members but it's up to them.

>> STOVIN: So, Pio Pico has been asked by Homeland Security -- they locked it. There were people -- BLM land and getting taken to wherever they go. Whether there's some high-speed chases and then there was a fatality. I can't blame the BLM. Even though it's BLM land, it's Homeland Security and Pio Pico. I would like to see the gate open. I'm blaming you, but I'm asking -- if you happen to know if it's open?

>> ANDERSON: To my knowledge, it's still closed.

>> STOVIN: That's all I have.

>> BANIS: The renewal energy projects that were listed Crimson, Desert Quartzite, --- are they all on Development Focus Areas?

>> ANDERSON: Yes, they are all in DFAs.

>> LYNCH: Any other questions?

>> BICKAUSKUS: We were successful with the G24 grant applications, we applied in all five categories, restoration, ground ops, law enforcement, education, and planning. Education and planning are the two we hadn't applied for in several years. State parks tends to award us 1.983 million, we have to match about 600,000 to that. So that's the biggest grant award I have seen in my five and a half years at Ridgecrest. So, we're pretty excited. It does mean a lot of work. We asked for it so now we do it. And the biggest thing is with the planning grant, we're planning some reroutes of unsustainable trails that were identified during WEMO, the rest of the work is pretty much the same. That have already done it, complimentary friends of jawbones work. Wherever they don't work, we work. Yes. It's like, having an adjunct workforce. Actually, having a bigger workforce than we do. So other projects I want to update you on that have, you know, some changes from the report that we have filed. The authority -- geo tech and pipeline. The geo tech work is basically done -- one interesting thing about this project. Usually when we process a right of way, the proponent brings us the project that is already been designed. This is actually concurrently being designed and going through the NEPA process. So, the geotech

work, 98 holes around, they drilled 91. They were holding off on 7 because they were in waters California. So, they are trying to get the stream alteration permit and they may or may not end up drilling it depending on how fast we moved project. So you know, we have been trying to get to a draft EA out for comment but one of the things that came out in the scoping is, the place, the organization that ground water authority intends to connect to in CAL city, Antelope Valley water provider (inaudible) they have asked the authority to put a contingency in your plan to be able to upgrade the line that supplies CAL city, which is 25 miles southwest of CAL city. That's one of the things that is causing a delay in getting this environmental assessment and EIR out for public review. There are more surveys going out. It doesn't involve the BLM land surprisingly but it's all on private and it crosses the -- there's an existing pipeline there is what I forgot to mention but they want to continue to upgrade and review the pipeline because they only have a certain link of life span and also, when you look at putting water for, you know, a full build out for --Calcity and Ridgecrest, through the same pipeline, it has to be bigger so that's one of the things that we're -- you can see, it will be basically an alternative to the environmental assessment/EIR. So, kind of prepositioning that project. It won't likely happen for some time. But it's an interesting wrinkle that I thought it was worth mentioning. We, for about two years, we have been entertaining how and if we should do a land sale to the golden queen gold mine which is south of between Mojave and Rosemont if you're not familiar with the area. They have basically been mining gold on this mountain on the west side of the state route 14 for about 100 years. They have a big open pit there. What they're interested in is some BLM land to be able to put, to put their land on it. And one of the things that we're going to discover is that part of the area that they want is actually a DFA and so we have some interest in a solar farm on that DFA. Figuring out if it's appropriate to sell it. If we sell it, it will go competitive sale perhaps through the -- process which is a process where we would put it out competitive sale. It's a long way off, but you heard it here.

Our project that is permitted for mining exploration in Red Mountain Area, Gold Discovery Group, we approved it within 293 holes is progressing. They have completed 91 of 293 holes and this is an interesting exploration project because they don't have to build any roads. They have one rig and one support vehicle and it's pretty mobile and light type of operation. That's just an update on that. Our wild horse and burro corral, we have 1,000 animal capacity at that corral and for the past year we've been past that. Over the 1,000 capacity right now. I foresee us being busy there for the next couple of years, cause the bureau in general is trying to collect animals to get it down to the appropriate management level. We'll be working with the Navy in the fall on a wild horse and burro gather on the base. Short some positions supporting wild horse and burros. We are planning to onboard a new biologist the first week of October and have a good candidate for a geologist. Our field manager position is still open. That's the update I have for you.

>>HAAS: When the BLM sells lands to a private, where do those funds go?

>>BICKAUSKUS: If we go the FLPMA way, the field office retains a significant portion of the sale. Benefit other programs, to buy other lands.

>>LYNCH: Up next is fire, Paul.

>>GIBBS: It is really busy nationally. Lot of activity going on, very busy locally, 25-30 fires since I put the report together. Nixon fire 5200 acres. Lot of times see the desert slow down this time of year, but still seeing a lot of activity. Brought in outside resources, engines, staff, etc. Working together with local state government, CalFire, etc. Primary focus is initial attack.

>>LYNCH: Good example of James Gannon's fuels work really paying off. Nixon fire. Prevention work really helped.

>>GIBBS: Fuels treatments, strategically placed. When we do have large fires and small fires, these areas are safe for firefighters to be in. Fuel breaks, stop fires. Monitor fuels treatment effectiveness.

>>LYNCH: Fuels breaks really make a difference in the acres burned.

>>ANDERSON: Reduces suppression repair, fuel break was able to catch the fire. Less repair work after.

>>HOLLIDAY: The fire out in Dos Palmas, why and how did the fire start?

>>LYNCH: That was a prescribed fire. So, we were out there burning piles and it got into a palm tree adjacent to the piles.

>>BANIS: Just two observations. Crediting the interagency fire program, what are these numbers here on the very start? 48 fires and then we had the 23 fires so you're in 171 fires resulting in only 2,800 acres of BLM landscape burned. That's extraordinary. Thank you for that success. I definitely think that's worth noting.

>> LYNCH: The other things is the firefighters are climbing up very steep slopes in 100-degree temperatures carrying packs and hoses. It's not just sitting from the seat of the engine spraying hose. These guys are packing hose, over 100 and they got on the fire so fast and it kept the community adjacent on the bottom of the hill, and literally they were packing hose up that face of the mountain. They were packing all of the gear, in 100-degree weather. I would have died and keeled over.

>> BANIS: My second observation, I just want to tie back to our federally advisory committee training act. It's there to prevent us from making decisions in smoke filled rooms, I want to credit Paul for keeping our rooms smoke free.

>> LYNCH: All right, any other questions for Paul?

>>HAAS: We usually take a 5-minute break, but given the time, let's push on to the next item. This is the point where the staff members can suggest possible agenda items for the next meeting in Barstow on December 7th.

>> BANIS: In any event there is a draft of the Mojave Trails National Monument.

>> ROBINSON: I would like to hear more about the training for the final lands rule. And how it's going to be implemented to the programs.

>> LYNCH: We just had more guidance come out from HQ on that, so we can start doing a presentation.

>>ROBINSON: It's been in the federal register since May.

>>LYNCH: Well, we were waiting for further guidance beyond the federal register notice.

>> ROBINSON: What I read is it's going to be retroactive and implemented as quick as possible, so we don't have to go back and do this.

>> BANIS: Yes, they're interested in -- that presentation.

>> HAGGARD: I want to know what the map where the District boundary and the desert advisory council -- website but perhaps -- been there. The this is just an impact.

>> ROBINSON: I hear a lot of different things with the Amargosa River from it what I have seen and different things, at some point in the future, if we can have a field trip for that.

>> Say it again?

>> ROBINSON: Amargosa River, there's a lot of things going on there from scenic and different animals and things and all of that stuff and have a field trip there to look at what is going on.

>>LYNCH: I'm all over that!

>> All right, do we have any other suggestions?

>> We could go in August.

>> HAAS: All right, hearing nothing else, turn it back over to Shelly, let's turn it over for a wrap up.

>> LYNCH: Any last-minute comments or questions?

>> REYES: Thanks to you, your staff and everyone pulling it together and it's a lot of work. It's nice, I knew it but it's great to learn more about the BLM I had no idea your sphere of influence at the BLM so thanks for that.

>> LOHR: I want to go back; we see a lot of letters about ghost camping where people stay more than 14 days in one spot. We're addressing them, working with the ASA and we'll be at the Sand

show-- yes, thank you! Definitely have information and we're working to get the information out and getting closer to -- to make sure we of course, have more this coming season so we received probably about 20 or so letters and we have responded through the state director, acting state director at the time, so I just want to say, if you have any questions, feel free to reach out to me. We'll be doing marketing on that in the next few weeks.

>> All right!

>> STOVIN: I would love to see that. I'm interested in it. Ghost camping, the prime time of the year is Thanksgiving and new year weekend. A lot of people go out to the dunes, like, hundreds of thousands of people and some people go out before Thanksgiving and put their motor homes in some spots and then over the Thanksgiving weekend but they will leave one person there to watch a whole group of campers and then they will just stay there until after New Years so they will be haunting the prime spots and it's okay because there's a person there. But there's only one person for however many motor homes. It's becoming a problem. A quiet weekend or weekday and you want to go to find a spot and there's someone in the way.

>> LYNCH: Alright, with that, we'll adjourn the meeting.

>> Thank you!