

The Mojave Desert Land Trust

6393 Sunset Road, Suite 211
Joshua Tree, CA 92252

August 20, 2007

Board of Supervisors
San Bernardino County
San Bernardino, CA

Dear Supervisors:

The Mojave Desert Land Trust is a non-profit organization that permanently conserves land through acquisition and stewardship. We work across political boundaries to meet the needs of land owners, public land agencies, and municipalities in the implementation of land use strategies. The public benefit of land trusts is acknowledged by state and federal governments through income, estate, and property tax benefits. We raise money through public donations and grants. Our membership currently exceeds 500.

I am here today to publicly support the existing OHV Ordinance and to request that you pass it either as is or, if it is changed, to strengthen it by including stiffer fines and even confiscation of vehicles for repeat offenders. We also support a requirement for a mandatory education course along with written and driving tests for riders — similar to what is required for a driver's license.

Recently the Trust closed escrow on Nolina Peak, a 638 acre parcel of land adjacent to Joshua Tree National Park. This parcel has a private one acre cell tower facility at the top and a gated access road. Two gates, previously installed by the American Tower Company (AMT), had been torn down by vandals prior to our interest in acquiring the property. AMT reported to us that they had frequent break-ins and thefts. Our investigations uncovered a logging operation, shooting areas, and illegal riding trails including one into the private Pine Hills tract and national park lands to the east. To meet our obligations to the landowner, the Trust installed a heavy duty iron gate when we opened escrow. Very soon motorcycles and ORVs were driving around the gate destroying acreage on the steep slopes on either side of the gate. The gate was posted with No Trespassing signs, which were promptly removed. Currently, to stop illegal access and property destruction, the Trust has spent in excess of \$5,000 over five occasions to construct and install the gate, to place and replace boulders at access points and repair the destruction. There is no question that these incidents of illegal trespass are purposeful and possibly malicious. The property and road are not closed to those wanting to walk or ride their bicycles and I have personally led community members on 16 interpretive walks using the road as our trail.

The Friends of Giant Rock have proposed that the heart of the ordinance, the staging permits and the permission requirement to drive on private land, be struck and replaced with the RIDE education program. This program would be administered and presented by County Code Enforcement to riders after they receive a citation. The design of this education program would be the responsibility of a cooperative of agencies and groups, similar to the one convened in 2006 to design the current Ordinance. This education program would supposedly inspire offending riders to be courteous and responsible ambassadors of the sport. Actually, the RIDE Program would be the punishment for having been caught.

The Friends of Giant Rock's web site states that off-roading is "a family sport whose participants are primarily children and that the organization supports education and enforcement." I suggest parenting classes are in order. Parents and the justice system understand that to deter illegal behavior, responsibility, especially when no one is watching, includes the

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real threat of reprisals. If a person is not willing to suffer some unpleasant consequences, claims of responsibility are hollow. The threat of an educational experience is no deterrent. “Now Johnny, you are not to do this bad thing but if you do you will have to listen to those people tell you not to do it again.” There are no suggestions for dealing with repeat offenders. Nor are there suggestions for dealing with offending adults.

Before this ordinance was passed in 2006, riders felt empowered to go where they liked and do what they liked, in whatever numbers they liked, because there was no enforcement; they had, in fact, your permission. It was your decision last year to take that permission away and institute legal deterrents for criminal behavior. I trust it will be your decision to continue this reasonable and prudent course because, as you have heard from so many, it is working. And because it is working it is the best education program for teaching responsibility.

Sincerely,

Pat Flanagan
Program Coordinator