

The Mojave Desert Land Trust

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June 1, 2008

The Honorable Jeff Bingaman
U.S. Senate
Chairman, Senate Committee on Energy and Natural Resources
Washington, D.C. 2051

Subject: Illegal Off-Road Vehicle abuse on private land

Sent by Email: Scott Miller,
Council for Energy and Natural Resources
Committee scott_miller@energy.senate.gov

Dear Senator Bingham:

Thank you and the committee for taking the time to listen and consider our experiences with illegal Off-Road Vehicle abuse.

The Mojave Desert Land Trust is a non-profit land trust whose mission is to preserve in perpetuity the Mojave Desert ecosystem and its cultural and scenic resources through land acquisition and stewardship. The land trust acquires private land through purchase, easement or gift. Under land trust ownership, the land is private until transferred to a government agency.

We raise funds through private donations, foundation grants, government programs, and membership. Many donations are the modest sums that could have filled the tank or purchased groceries but instead feed hopes for continuing dark skies, clear air, profound quiet, free roaming desert tortoise and miles and miles of open desert land.

Land Trusts are responsible to their mission, their members and funders, the state Franchise Tax Board and the Internal Revenue Service to maintain the acquired land or easements for conservation purposes. These are responsibilities which drive all trust activities. Failure can bring severe consequences including loss of public support, fines, and loss of non-profit status.

The Mojave Desert Land Trust was founded in 2005 and has since purchased, with private foundation funds, over 6,000 acres of inholdings within the California desert national parks. These inholdings will be given to the National Park Service under an agreement that they will be maintained for the conservation purposes they were acquired. The Land Trust will steward the agreements in perpetuity and have trained 40 volunteer stewards for this purpose. We are painfully aware that a major threat to our activities is the behavior of ORV riders and their belief that they have the "right to ride" whenever and wherever they choose.

In 2006, our first capital campaign required us to raise nearly a million dollars from all sources to preserve a section of land (640 acres) providing habitat for big horn sheep, mule deer, multiple bird and animal species, and ancient stands of Perry Nolina and Pinyon Pine. The section is within the Wildlands-Urban Interface and a high fire zone. Although this land will eventually become part of Joshua Tree National Park, to date it has always been private land. From the moment escrow papers were signed it was essential to invest in a heavy steel gate and signage to protect the area from illegal ORV traffic and trails. The trails promoted erosion and provided access for illegal riding, hunting, target practice and logging of ancient Pinyon Pine trees. Currently we have spent nearly \$6,000 and many volunteer hours to restore the area, maintain the gate, and discourage vandalism. It appears our efforts provoke illegal trespass rather than promote respect for private property. The land trust is accused of "closing out the public" but this land has always been private; never open to ORV riders or loggers. It has been and remains open to hikers, horse riders, and cross country bike riding. Many of these recreational users supported the purchase with their dollars and volunteer time.

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The Mojave Desert Land Trust
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We appreciate this opportunity to comment in the belief that national awareness of the overwhelming magnitude of illegal OHV destruction of private and public lands will promote new control efforts at all government levels and increase essential restoration programs. Currently, laws which should protect private property rights are ineffectual and encourage illegal OHV riding. This lawlessness hampers land conservation groups, like the Mojave Desert Land Trust, from meeting their mission, honoring their supporters, and complying with state and federal tax laws.

I can be contacted for additional information at (619) 993-4728.

Sincerely,
Pat Flanagan
Program Coordinator