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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

11 ALAN S. FREEMAN, Individually and as
12 Successor in Interest of the Estate of
ZACHARY S. FREEMAN, Decedent,

13 Plaintiff,

14 v.

15 UNITED STATES OF AMERICA; MDR
16 PRODUCTIONS, INC., a Delaware
Corporation; MOJAVE DESERT RACING,
17 INC., a Delaware Corporation; and BRETT M.
SLOPPY,

18 Defendants,

19 v.

20 DEBRA FREEMAN,

21 Nominal Defendant for
22 Wrongful Death action.

Case No. '11CV2116 BEN NLS

**COMPLAINT FOR DAMAGES FOR
WRONGFUL DEATH**

- (1) NEGLIGENCE (FTCA)
- (2) NEGLIGENCE (non-FTCA)
- (3) STRICT LIABILITY (non-FTCA)

**DEMAND FOR JURY TRIAL (As to non-
FTCA claims)**

24 COMES NOW Alan S. Freeman, individually and as successor-in-interest to the Estate of
25 Zachary S. Freeman, deceased, for causes of action against defendants, and each of them, and herein
26 alleges, based on information and belief:
27

28 ///

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1 **JURISDICTION & VENUE**

2 1. This action is brought pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. §§
3 1346(b), 2671 *et seq.*, against the United States of America, which vests exclusive subject matter
4 jurisdiction of Federal Tort Claims litigation in the Federal District Court.

5 2. As to those claims asserted herein against the defendants Mojave Desert Racing, Inc.,
6 MDR Productions, Inc., and Brett M. Sloppy the Federal District Court has supplemental jurisdiction
7 pursuant to 28 U.S.C. §1367(a).

8 3. Venue is proper in the Southern District of California pursuant to 28 U.S.C. §§
9 1391(b)(1) and/or 1391(b)(2), as well as 28 U.S.C. § 1391(e)(1), because the United States is a
10 defendant and defendant Brett M. Sloppy resides in the Southern District of California.

11 **NATURE OF THE ACTION**

12 4. This is a wrongful death and personal injury action arising out of the injury to and
13 death of Zachary S. Freeman, on or about August 14, 2010 in Lucerne Valley, California in the off-
14 highway vehicle open area known as Johnson Valley, on land owned, controlled, operated, supervised,
15 managed, secured, patrolled, and maintained by the United States Department of the Interior, Bureau
16 of Land Management (“BLM”). Mr. Freeman was a spectator during an off-road race involving motor
17 vehicles called “The California 200.” Defendants Mojave Desert Racing, Inc. and MDR Productions,
18 Inc. sponsored and conducted the race. During the race, a 2000 Ford Ranger pick-up truck owned,
19 modified, and operated by defendant Brett M. Sloppy traveled into a group of spectators, resulting in
20 eight fatalities and more than a dozen injuries. Mr. Freeman was one of the fatalities.

21 **PARTIES**

22 5. Plaintiff Alan S. Freeman is a competent adult and the surviving father of Zachary S.
23 Freeman, deceased. Mr. Freeman is also survived by his mother, Debra Freeman, who has claims or
24 potential claims as a beneficiary, survivor, and heir of decedent. Plaintiff Alan Freeman brings this
25 action individually and as the successor-in-interest to Zachary Freeman.

26 6. At all relevant times, the defendant, the United States of America, acted through its
27 agency, the United States Department of the Interior, Bureau of Land Management.

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1 negligence, wrongful acts and/or omissions of employees of the United States of America through its
2 agency, the United States Department of the Interior, Bureau of Land Management. These employees
3 were acting within the course and scope of their office or employment, under circumstances where the
4 United States of America, if a private person, would be liable to the Plaintiff in the same manner and
5 to the same extent as a private individual under the laws of the State of California.

6 13. Pursuant to 28 U.S.C. § 2675, this claim was presented to the appropriate agency of
7 Defendant, the United States of America, namely the United States Department of the Interior, Bureau
8 of Land Management (“BLM”) on February 1, 2011, for the claims of Plaintiff Alan Freeman. Said
9 Defendant failed to respond and, thus, on August 1, 2011, the claims were deemed denied by
10 operation of law.

11 **FIRST CAUSE OF ACTION – NEGLIGENCE**
12 **(Against Defendant, United States of America)**

13 14. Plaintiffs incorporate by reference each and every prior and subsequent allegation as
14 though fully set forth herein.

15 15. Defendant, the United States of America, was negligent in its conduct leading up to and
16 during the off-road race that led to the death of Zachary Freeman by failing to follow mandatory
17 procedures to ensure the safety of those involved before and during The California 200 race and, in
18 fact, said Defendant was grossly negligent and enhanced the risk of injury and death to spectators of
19 the California 200 race, such as Zachary Freeman, as set forth below.

20 16. The United States, through its agency, BLM admitted to said negligence in a report
21 which was made public on or about November 19, 2010, and which is attached as Exhibit A to this
22 Complaint. That negligence occurred with respect to the Special Recreational Permit process,
23 including the application process, undertaken by BLM on the one hand, and MDR and/or MDR
24 Productions (“permittee”) on the other hand, to issue a Permit to allow The California 200, as well as
25 in BLM’s oversight, administration, management and control of The California 200 and the land upon
26 which it occurred, and otherwise, as set forth below.

27 17. The United States, through its agency, BLM, failed in its mandatory duty to ensure
28 spectator safety at The California 200. Pursuant to BLM policy, spectator areas must be marked-out

1 by the permittee on the ground using temporary fencing during all events. Spectator rules, code of
2 conduct, and risk information must be posted on large signs at access roads during an event weekend.
3 Spectators are not allowed in the pits. This was not done. Had BLM done so, it would have
4 withdrawn the Permit and/or cancelled the event due to its inadequacies as set forth in this Cause of
5 Action and otherwise.

6 18. The United States, through its agency, BLM, admits it failed in its mandatory duty to
7 follow standard procedures for monitoring and supervising The California 200.

8 19. The United States, through its agency, BLM, admits it failed in its mandatory duty to
9 conduct pre-application consultation, as there was no pre-race consultation with the permittee and
10 event applicants are required to meet with a Field Office Recreation Planner before submitting an
11 application. This did not occur.

12 20. The United States, through its agency, BLM, admits it failed in its mandatory duty to
13 use a non-expired version of the permit form as an expired version of the permit form was used.

14 21. The United States, through its agency, BLM, admits it failed in its mandatory duty to
15 follow application filing requirements, when it accepted the application for the Permit late, as the
16 effective application was received two months (60 days) before the event and applications must be
17 received no later than 180 days prior to the proposed use, unless waived by the authorized officer.

18 22. The United States, through its agency, BLM, admits it failed in its mandatory duty to
19 collect the required total estimated fees in advance of any authorized use and instead only collected
20 the minimum fees (\$95) prior to The California 200.

21 23. The United States, through its agency, BLM, admits it failed in its mandatory duty to
22 conduct cost recovery, which is necessary to make sure that adequate resources are available to ensure
23 public safety. BLM admits cost recovery has not been implemented for any Special Recreational
24 Permit in the field office. Cost recovery is mandatory for all administrative work that involves 50 or
25 more staff hours to complete. Over 50 hours of staff time may be necessary to properly conduct the
26 pre-race, during-event, and post-race administration of large off-highway vehicle (“OHV”) races.

27 24. The United States, through its agency, BLM, admits it failed in its mandatory duty to
28 include terms required by BLM mandatory policy with the Permit, such as specific requirements for

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1 spectator setbacks from the areas race vehicles would be traversing, signs advising of safe spectator
2 viewing areas and safe spectator viewing distances away from areas race vehicles would be traversing,
3 and crowd control and crowd management activities at known spectator viewing areas such as the area
4 where the subject incident occurred.

5 25. The United States, through its agency, BLM, admits it failed in its mandatory duty to
6 include specific and adequate special stipulations for spectator safety in the Permit. Instead, there
7 were none of the specific requirements in the stipulations and in the operating plan for spectator
8 setbacks, for signs to be posted advising of safe spectator distances, for all race participants to attend
9 the pre-event briefing, and for event staff to specifically manage crowds at known spectator viewing
10 areas for The California 200 such as the area where the subject incident occurred.

11 26. The United States, through its agency, BLM, admits it failed in its mandatory duty to
12 require a permittee operating plan. A detailed operating plan provides a mechanism for the agency to
13 review exactly how a permittee proposes to manage and staff an event, provides an opportunity to
14 modify and correct a plan if it is not adequate, and provides a mechanism to establish race-specific
15 operating and emergency procedures that can be tied to performance requirements and Permit
16 stipulations. This was not done for The California 200 Permit.

17 27. The United States, through its agency, BLM, admits it failed in its mandatory duty to
18 conduct pre-race course monitoring as required by Permit stipulations. A law enforcement ranger
19 visited a portion of the race course prior to the event, yet there was no direct communication between
20 recreation and law enforcement staff about the event and the law enforcement ranger did not conduct
21 required monitoring specific to the event and mandated by the Permit stipulations, nor did the law
22 enforcement ranger report back to the recreation staff with any observations regarding The California
23 200 as he was required to do. Despite this, the law enforcement ranger departed the area in
24 contravention of BLM requirements.

25 28. The United States, through its agency, BLM, admits it failed in its mandatory duty to
26 monitor the event with adequate staff, as no staff were present during the race. Only one law
27 enforcement ranger was present on the day of the race, and only for a limited time, and that law
28 enforcement ranger observed violations of mandatory duties by BLM yet failed to intervene. The law

1 enforcement ranger thus did not conduct the monitoring mandated by BLM procedures and Permit
2 stipulations.

3 29. The United States, through its agency, BLM, admits it failed in its mandatory duty to
4 conduct post-race monitoring and evaluation of OHV races conducted in prior years, as a performance
5 evaluation is required of all commercial and competitive permittees. Instead, in prior OHV races BLM
6 staff had relied on law enforcement on routine patrol to notice if course flagging had been pulled, or
7 on reports from other race organizers if trash had not been collected.

8 30. The United States, through its agency, BLM, failed in its mandatory duty to deny the
9 permit application based on the failure of the permittee to comply with BLM requirements as set forth
10 above and otherwise.

11 31. The United States, through its agency, BLM, failed in its mandatory duty to review the
12 application packet with the permittee before the event, which requires scrutiny of the operating, safety,
13 and communications plans, as well as the terms and stipulations. Had BLM done so, it would have
14 denied the application, withdrawn the Permit, and/or cancelled the event due to the inadequacies as set
15 forth above and otherwise.

16 32. The United States, through its agency, BLM, failed in its mandatory duty to utilize the
17 checklist from the BLM-California's Special Recreation Permit (SRP) Information Booklet, used to
18 ensure all components of permit administration are completed and all documentation is included in the
19 SRP file. Had BLM done so, it would have denied the permit application, withdrawn the Permit,
20 and/or cancelled the event due to the inadequacies as set forth above and otherwise.

21 33. The United States, through its agency, BLM, failed in its mandatory duty to monitor
22 the subject event for compliance with the terms and stipulations of the Permit. Had BLM done so, it
23 would have withdrawn the Permit and/or cancelled the event due to the inadequacies as set forth
24 above and otherwise.

25 34. The United States, through its agency, BLM, failed in its mandatory duty to conduct a
26 drivers' safety meeting before the event. Drivers not in attendance are to be disqualified from
27 participating in the event. Had BLM done so, it would have withdrawn the Permit and/or cancelled
28 the event due to the inadequacies as set forth above and otherwise.

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1 35. The United States, through its agency, BLM, failed in its mandatory duty to advise
2 state and local law enforcement of the upcoming event and require the permittee to submit
3 communication and safety plans that include advising the local sheriff, fire, and emergency medical
4 service of the event. Had BLM done so, it would have withdrawn the Permit and/or cancelled the
5 event due to its inadequacies as set forth above and otherwise.

6 36. The United States, through its agency, BLM, failed in its mandatory duty to strictly
7 oversee the Special Recreation Permit (SRP) program and to deny permit applications that do not meet
8 the program's standards. Had BLM performed the required oversight, it would have denied the
9 application, withdrawn the Permit, and/or cancelled the event due to the inadequacies as set forth
10 above and otherwise.

11 37. The defendant, the United States of America, through its agency, BLM, was negligent
12 in issuing the Permit for use of the land on which The California 200 took place, because BLM knew
13 or had reason to know that there was a dangerous condition on the land that existed prior to the subject
14 event that would make the land unsafe for members of the public attending The California 200
15 because they could easily be struck by OHVs during the race, which thereby required that BLM not
16 issue the Permit, yet BLM issued the Permit nonetheless.

17 38. The defendant, the United States of America, through its agency, BLM, is liable even
18 though BLM permitted use of the land by the permittee because BLM retained control of parts of the
19 land to be used by the permittee, as evident by BLM's negligent discharge of its mandatory duties to
20 oversee, supervise, and control the event as described above and otherwise.

21 39. As a direct and proximate result of the aforesaid conduct and other tortious acts and
22 omissions of the defendant, the United States of America, The California 200 race occurred as set
23 forth above, even though it should not have, and Zachary Freeman consequently suffered severe
24 injuries when he was struck by a vehicle participating in The California 200 race on August 14, 2010,
25 and ultimately died as a result.

26 40. As a direct and proximate result of the aforesaid conduct and other tortious acts and
27 omissions of the defendant, the United States of America, and the resulting death of Zachary Freeman,
28 plaintiff has suffered and continues to suffer non-economic losses, including but not limited to: loss of

1 the decedent's love, companionship, comfort, care, assistance, protection, affection, society, moral
2 support, training and guidance, in an amount according to proof at trial.

3 41. As a direct and proximate result of the aforesaid conduct and other tortious acts and
4 omissions of the defendant, the United States of America, and the resulting death of Zachary Freeman,
5 plaintiff has suffered and continues to suffer economic losses, including: loss of income, loss of
6 support, loss of services, loss of gifts, and loss of other economic benefits, in an amount according to
7 proof at trial.

8 42. As a direct and proximate result of the conduct and other tortious acts and omissions of
9 the defendant, the United States of America, the decedent's property was lost, damaged or destroyed,
10 causing economic loss in an amount according to proof at trial.

11 **SECOND CAUSE OF ACTION – NEGLIGENCE**
12 **(Against MDR, MDR Productions, and SLOPPY)**

13 43. Plaintiff incorporates by reference each and every prior and subsequent allegation as
14 though fully set forth herein.

15 44. At all relevant times, defendants, and each of them, had a duty to use ordinary care
16 with respect to the off-road race.

17 45. On or about August 14, 2010, defendants MDR, and MDR Productions, and each of
18 them, so negligently, carelessly, and recklessly owned, controlled, planned, applied for, authorized,
19 reviewed, promoted, sponsored, produced, managed, supervised, directed, patrolled, inspected,
20 secured, conducted, contracted, permitted, monitored, maintained, prepared, enforced and/or entrusted
21 the race so as to directly and proximately cause the incident involved herein.

22 46. At all relevant times, defendant SLOPPY carelessly, recklessly, and negligently owned,
23 controlled, operated, designed, manufactured, constructed, fabricated, modified, repaired, managed
24 and maintained the motor vehicle involved herein and carelessly, negligently and recklessly applied
25 for, prepared for, entered into and participated in The California 200.

26 47. As a direct and proximate result of the aforesaid conduct of defendants, and each of
27 them, plaintiff suffered, and continues to suffer, loss of society, companionship, comfort, protection,
28

1 care, love, affection, training and guidance, services, moral support, and all other damages under
2 applicable wrongful death and survival statutes.

3 48. As a further direct and proximate result of the conduct of defendants, and each of them,
4 plaintiff incurred expenses for funeral, burial, and other costs pertaining to Mr. Freeman's death in an
5 amount to be ascertained at trial.

6 49. As a further direct and proximate result of the conduct of defendants, and each of them,
7 plaintiff experienced, and continues to experience economic loss, including but not limited to loss of
8 financial support, loss of services, loss of gifts, and other economic benefits, the value of which will
9 be proven at the time of trial.

10 50. As a further direct and proximate result of the conduct of defendants, and each of them,
11 plaintiff's decedent's personal property was lost, damaged or destroyed, the value of which will be
12 proven at the time of trial.

13 **THIRD CAUSE OF ACTION – STRICT LIABILITY**
14 **(Against MDR, MDR Productions, and SLOPPY)**

15 51. Plaintiff incorporates by reference each and every prior and subsequent allegation as
16 though fully set forth herein.

17 52. At all relevant times, the location of the off-road race, the track/path of the race, the
18 race itself and the foreseeable spectator viewing areas were unreasonably dangerous and ultra-
19 hazardous justifying the imposition of strict liability against defendants, and each of them.

20 53. At all relevant times, defendants, and each of them, were in some manner responsible
21 for the race track path in that, among other things, they owned, controlled, planned, applied for,
22 authorized, reviewed, promoted, sponsored, produced, managed, supervised, directed, patrolled,
23 inspected, secured, conducted, contracted permitted, monitored maintained, prepared, enforced, and/or
24 entrusted the event in the location and use of the path at the location involved herein so as to legally
25 cause the injuries and damages herein alleged.

26 54. As a direct and proximate result of the aforesaid conduct of defendants, and each of
27 them, plaintiff suffered, and continues to suffer, loss of society, companionship, comfort, protection,
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1 care, love, affection, training and guidance, services, moral support, and all other damages under
2 applicable wrongful death and survival statutes.

3 55. As a further direct and proximate result of the conduct of defendants, and each of
4 them, plaintiff incurred expenses for funeral, burial, and other costs pertaining to Mr. Freeman's
5 death in an amount to be ascertained at trial.

6 56. As a further direct and proximate result of the conduct of defendants, and each of them,
7 plaintiff experienced, and continues to experience economic loss, including but not limited to loss of
8 financial support, loss of services, loss of gifts, and other economic benefits, the value of which will
9 be proven at the time of trial.

10 57. As a further direct and proximate result of the conduct of defendants, and each of them,
11 plaintiff's decedent's personal property was lost, damaged or destroyed, the value of which will be
12 proven at the time of trial.

13 **PRAYER FOR RELIEF**

14 WHEREFORE plaintiff prays for judgment against defendants, and each of them, on all causes
15 of action as follows:

- 16 1. For general damages according to proof;
- 17 2. For special damages according to proof;
- 18 3. For personal property damages according to proof;
- 19 4. For pre-judgment and post-judgment interest as allowed by law;
- 20 5. For costs of suit incurred herein; and
- 21 6. For such other and further relief as this Court may deem just and proper.

22 DATED: September 14, 2011 BAUM, HEDLUND, ARISTEI & GOLDMAN, P.C.

24

25 By: s/Kate E. Gillespie, Esq.
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28 *Attorneys for Plaintiff*

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DEMAND FOR JURY TRIAL
(As to non-FTCA claims)

Plaintiff hereby demands a trial by jury for all non-Federal Tort Claims Act claims.

DATED: September 14, 2011

BAUM, HEDLUND, ARISTEI & GOLDMAN, P.C.

By: s/Kate E. Gillespie
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EXHIBIT A

Report on Johnson Valley OHV Incident and Review of Special Recreation Permit Program

BLM

California





United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W1623
Sacramento, CA 95825
www.ca.blm.gov

In Reply Refer To:

1120 (P)
CA-910

November 17, 2010

Memorandum

To: Director

From: State Director, California 

Subject: Report on Johnson Valley Off-Highway Vehicle Incident and Review of Special Recreation Permit Program in the California Desert

I am transmitting to you the results of the findings, actions, and recommendations from our review relating to the tragic accident during the California 200 event at the BLM's Johnson Valley OHV Open Area that resulted in eight fatalities and more than a dozen injuries. All of us in BLM were stunned by the accident as there had never been a fatality under a BLM-authorized Special Recreation Permit (SRP), either of a spectator or a participant here in California. We immediately offered our condolences to the families of the victims. We continue to do so.

The report summarizes what happened, what actions we took, and are taking, to respond. It focuses on our Special Recreation Permit (SRP) program and describes the overall status of the program, including recreation staff and law enforcement support to SRP events that existed in the California Desert District prior to the accident on August 14. Not only had we never had a SRP-related fatality, but the program had never experienced any significant safety problems. This perspective is important in terms of determining appropriate short and long-term actions necessary to ensure future public safety.

The accident occurred on Saturday evening August 14. BLM law enforcement and a large number of other public safety personnel from the various jurisdictions responded quickly despite the remote location, and all are to be commended for their heroic actions at the scene. We continue to provide our full support and cooperation to the lead investigating agency, the California Highway Patrol, which is still handling the open and active investigation.

In the days that followed the accident, I chartered an initial inquiry team, composed of BLM staff with expertise in this area from across the West and Washington DC. The team was charged with making short and long-term recommendations regarding BLM OHV permit administration and to produce a written report on those findings and recommendations. The team did an excellent job and the results of their efforts are attached, as well as their recommendations.

The team's findings and recommendations are quite specific, but they made it clear that BLM did not follow our own standard procedures for permitting the event. Further, they found this situation was not limited to this particular event, but determined that adherence to these procedures was inconsistent throughout the Desert. The IIT report and its findings are cause for alarm and will require significant change in how SRPs are processed and managed in the California Desert. The report outlines the actions immediately taken as well as our longer-term plan of action.

Most important, we are in the midst of the California Desert's active OHV recreation/event season, and I tasked the California Desert District with immediately reviewing upcoming events and ensuring sufficient controls and oversight are in place to determine if events should proceed. We immediately suspended the pending permit applications from the promoter of the California 200, Mojave Desert Racing Productions.

I have impressed upon each of our managers that if our permit procedures and public safety standards cannot all be met, BLM has a responsibility to the public to deny that event. All BLM managers will be held accountable for carrying out this directive. So far, out of more than a dozen applications for events to be held post-August 14, four have been denied due to inadequate advance time and close adherence to permit procedure requirements. All authorized events occurred with appropriate BLM law enforcement and management staff oversight. This important review process is ongoing and its full effect on SRP events in the future is unknown.

I also directed the District Manager and staff to do a thorough evaluation of the long-term outlook for the program and make recommendations on improvements. The outcome of that effort also is summarized in the report. In addition, the Off-Road Business Association and others in the OHV community initiated their own efforts to help address public safety issues inherent in their sport, and assist us in stressing the importance of personal responsibility in avoiding unsafe situations and fostering a more safety-conscious environment. We appreciate their input and will continue to work with them on this important effort.

I make it clear that as State Director I am ultimately responsible for BLM management actions in California. This event happened on my watch, and I am accountable to the public to see changes are made to better ensure public safety at any authorized SRP event. I am committed, along with the other BLM managers involved here in California, to carrying out that duty.

In summary, all of us involved in OHV events in the California Desert – BLM, race promoters, participants, spectators, and the entire OHV community – should dedicate ourselves to cooperating fully to better protect the public. BLM-California has and will continue to make changes aimed at using better management oversight, safety reviews, law enforcement, public education, and other tools available to us to achieve that goal.

Attachment:

Report on Johnson Valley Off-Highway Vehicle Incident and Review of Special Recreation Permit Program in the California Desert

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Initial Inquiry Team Charter

Initial Inquiry Team Report

Special Recreation Permit – California 200

Instruction Memorandum SRPs – California State Office

Executive Summary

On August 14, 2010, a tragic accident occurred during the California 200 race event at the Bureau of Land Management's (BLM) Johnson Valley Off-Highway Vehicle Open Area, which is located approximately 100 miles northeast of Los Angeles. Eight fatalities and a dozen injuries resulted when a truck in the desert off-road race crashed into spectators standing alongside the race course. This report summarizes the BLM's response to the incident to date. Law enforcement's investigation—led by the California Highway Patrol with assistance and full cooperation by the BLM—is ongoing.

Within days of the incident, the BLM-California's Acting State Director formed an Initial Inquiry Team (IIT) to conduct a full, transparent, and frank review of the BLM's issuance of the permit involved in the Johnson Valley incident. The IIT concluded that the BLM did not follow its own standard procedures for permitting the event. Further, the IIT found adherence to those standard procedures is inconsistent throughout the BLM's California Desert District (CDD). These findings indicate that significant changes are appropriate in how Special Recreation Permits (SRPs) are processed and managed in the CDD.

As a first step towards meeting the BLM's responsibilities with respect to public safety, the Acting State Director is issuing an Instruction Memorandum (IM) to all managers directing them to deny any application for which we cannot completely meet the BLM's permit procedures and public safety standards. The IM also specifies that SRPs may only be authorized by field or district managers.

These changes have already had an impact on off-highway vehicle (OHV) events in the CDD. To date, four permit applications have been denied based on these changes, and five applications submitted by the promoter of the California 200 are being held in abeyance, pending completion of the California Highway Patrol's investigation. More than a dozen applications, however, have been approved with appropriate oversight by law enforcement and management as described in this report. Public safety is always the BLM's highest priority. BLM-California is committed to making the changes necessary to meet its standards and comply with its procedures to help ensure safe OHV recreation on the public lands.

I. Setting and Context

There are two major organizational and policy aspects relating to the California Desert that are important to addressing the Johnson Valley incident. These are the California Desert District's SRP program and the law enforcement officer (LEO) program. Set out below are brief descriptions of these two critical programs.

A. Special Recreation Permit Compliance Program

The public lands in the CDD provide outdoor recreation opportunities for many of the more than 20 million residents of Southern California and for neighboring populations in southern Nevada and western Arizona. As a result, the CDD has the largest recreation management program in the BLM system, averaging more than five million visitors per year. Visitors to the CDD are drawn to the desert landscape and open wild settings, and they enjoy varied opportunities and experiences, including OHV recreation, touring, camping, and hiking.

The California Desert is the birthplace of OHV recreation, which dates back to the 1950s. Section 601 of the Federal Land Policy and Management Act of 1976 specifically recognizes this type of recreation as one of the multiple uses authorized by Congress in the California Desert. Section 601 provides that management of the California Desert should include opportunities "particularly outdoor recreation, including the use, where appropriate, of off-road recreational vehicles."

The CDD has a total of 10 OHV open areas, totaling 520,000 acres. Of these, the Barstow Field Office manages five areas, totaling 270,000 acres: Johnson Valley - 180,000 acres; Stoddard Valley - 50,000 acres; Dumont Dunes - 10,000 acres; El Mirage - 25,000 acres; and Rator - 5,000 acres. These open areas offer visitors experiences found no place else in California.

Over the past decade, public demand for OHV recreation events has grown. Over the past decade the number of SRPs that the CDD issues for competitive, commercial, and organized events has grown by over 27%. The sharpest increase in permits for commercial competitive and organized events occurred between 2007 and 2010.

This growth in demand for authorized events has impacted both the recreation staff and the LEOs in the CDD. In the same period, between 2000 and 2010, CDD recreation staff capability declined significantly from 32 recreation staff members district-wide to 19. The majority of this decline began with attrition around fiscal year 2005. With decreasing staff, the CDD streamlined its permit process in order to accomplish an ever increasing workload.

Over time, the established OHV community and promoters assumed more and more oversight responsibilities at these events. Given staffing levels and workload, the CDD concentrated its efforts on processing permits and working with new permittees.

The permit issued for the California 200 event was one of 130 SRPs issued for motorized-use events by the CDD in 2010. The permittee, MDR Productions (MDR), has been sponsoring this

event for the last 15 years without serious incident. The race had been authorized using standard stipulations, such as speed limits and crowd distance requirements. The sponsor had estimated a total attendance of 200-300 people. On the night of August 14, however, there were 1,500 to 2,000 people at the event, including 500 spectators at the site of the accident.

B. California Desert District Law Enforcement and Compliance Program

The resources and uses on public lands in the CDD are vast and diverse, including designated Wilderness Areas, National Monuments, National Trails, and Off-Highway Vehicle Open Areas. They also include watchable wildlife sites; geothermal, wind, and solar energy facilities; energy production and utility corridors; campgrounds; and long-term visitor areas.

The primary mission of the law enforcement program in support of the broader mission of the BLM is to ensure resources and assets are protected from theft and vandalism; illegal activities are detected, reported and investigated; and authorized uses are conducted in a manner consistent with applicable laws and regulations.

Not only is the CDD law enforcement program the largest in the BLM, it is also by far the busiest in terms of scale and complexity. The 51 LEOs cover approximately 11 million acres of public lands and are responsible for monitoring a broad spectrum of BLM program activities within their assigned geographical areas, including permitted and open OHV recreation.

Of the 51 LEO positions in the CDD, currently 38 positions are filled, with 3 officers at training, and 10 are vacant. The CDD historically and currently experiences a low retention rate, with officers transferring to more amenable duty stations more frequently than in other areas. There are several negative impacts as a result of this attrition. It takes approximately three to six months to hire an officer once a position becomes vacant and another year to train that officer. Therefore, a position, once vacated, will not be filled by a sworn actively patrolling officer for 1-1½ years.

The CDD District Manager is taking a number of actions to reduce turnover and increase retention among the LEO ranks. These actions include using recruitment tools such as the Student Career Experience Program (SCEP internship program), recruiting at lower grade levels, and implementing recruitment and retention bonuses. In addition, the CDD improved the supervisor-to-employee ratio by adding an additional supervisory level. This addition has allowed LEOs to spend more time in the field and reduced the administrative workload on the chief ranger.

Of the CDD's LEOs, 10 are assigned to the Barstow Field Office, where the California 200 event was held. On August 14, 2010, seven of those positions were filled. However, one LEO was on medical leave, one was at basic law enforcement training, one was on vacation, and one was on temporary detail to another BLM office. Of the three available officers, two were originally assigned to work the permitted race in Johnson Valley, but one called in sick that day.

The incident occurred in August, a period when CDD recreation activity is lower than in the cooler fall, winter, and spring seasons. Consequently, the CDD had several officers detailed to

other areas, as is normal for the summer. In return, the CDD requests a large cadre of officers from other BLM offices throughout the West during the peak Desert winter season. August is also the time of year when officers in the CDD historically take annual leave, as they are not able to schedule significant amounts of annual leave during the busy fall, winter, and spring visitation seasons.

On the evening of August 14, the BLM had one LEO and no SRP compliance staff or any other personnel on duty in the Johnson Valley OHV Open Area. The LEO was on established patrol in this sector covering roughly 500,000 acres, a typical number of acres to cover for BLM's law enforcement in the Desert.

For events such as the California 200 event, which had been authorized and run over several years with no serious incidents and apparent compliance by the promoter with the permit stipulations, there appeared to be minimal staff compliance checks and management oversight. While the permittee is responsible by law for carrying out the stipulations, such as the speed and crowd distance requirements in MDR's permit (attached), BLM compliance and enforcement oversight was lacking.

II. BLM Response and Action Plan

Set out below is an outline of BLM-California's immediate response and subsequent corrective actions taken. This section of the report also describes what actions the CDD has already undertaken to bring the SRP program under close management oversight and control. This section concludes with a description of the BLM-California Acting State Director's Action Plan.

A. Initial Inquiry Team

Within days of the California 200 incident, the BLM-California Acting State Director established an Initial Inquiry Team (IIT). He chartered the IIT to evaluate permit administration for off-highway vehicle events in the CDD, particularly as it relates to public safety, and to provide short and long-term recommendations. The IIT was composed of staff with expertise in permit administration from the states of California, Nevada, Colorado, and the Washington D.C. Office.

The IIT met August 24-26, 2010, in the CDD Office to review materials and interview staff regarding the California 200 permit, as well as gather information about the SRP program generally within CDD. The IIT found that BLM policies and procedures were sound, but it also concluded that the agency did not follow standard procedures for permitting or monitoring the California 200 race on August 14, 2010.

The IIT addressed the following issues during its review:

- Adequacy of BLM programmatic and event-specific permit process;
- BLM capability to follow through with on-site compliance with the terms and stipulations of the permit;
- Adequacy of permit fees and other funding collected by the BLM in support of the event;

- Post-event review and actions to correct any health or safety deficiencies for future events;
- Communication with event promoters and participants to ensure that health and safety concerns are addressed;
- Review of pending permits in the CDD to ensure that future events proceed in a safe manner; and
- Development of recommendations to address any long-term programmatic concerns that could affect public health and/or safety.

The recommendations from the IIT form the basis for the actions identified in this report. A copy of the IIT report is attached. While many of the actions in this report are focused on the response to the incident at Johnson Valley and are largely specific to the management of OHV events within the CDD, the lessons learned will be applied to SRP program management on a statewide basis.

B. California Desert District's Action Plan

The CDD District Manager formed a Recreation Task Group composed of outdoor recreation planners (ORPs), field managers, and CDD management personnel to review upcoming events on a case-by-case basis to ensure all required steps were taken in processing SRPs. The group's immediate objectives were to identify and implement actions to ensure effective permit administration across the District, to develop guidance for BLM staffing levels for each type of event, and to communicate a consistent permit administration and compliance safety message to event promoters and the OHV community.

The District Manager also made it the District-wide priority to work together to promote effective and consistent permit administration and compliance. This goal was communicated internally as well as externally. Additional measures were immediately implemented, including more oversight by BLM managers in permit processing. Other actions taken are described below.

1. Permit Administration Requirements and Directives

- Only the Field Manager or District Manager (or Acting District Manager) may authorize an SRP. An application for an SRP may be denied if there is insufficient staff to administer or monitor the permit, if all Handbook requirements for permit administration cannot be met, or if all safety considerations cannot be satisfied. As an interim step, all competitive events must undergo a review by CDD staff and receive concurrence from the District Manager prior to approval. Once the Acting State Director issues the attached IM providing supplemental requirements for SRP administration, this responsibility will be delegated to both the District Managers and the Field Managers.
- Field managers must review each application for an SRP on a case-by-case basis. Before each event, staff will meet with the permittee to review the application packet, including

the operating, safety, and communications plans. Terms and stipulations of the permit also will be reviewed.

- To help managers determine appropriate staffing to monitor each permitted event, the CDD developed a Monitoring Assessment Matrix. Factors such as time and date of the event, type of event, location, conflicting uses, and anticipated participant and spectator numbers are included.
- A law enforcement officer (LEO) must review the Monitoring Assessment Matrix and develop a plan for adequate staffing.
- In addition to applying the standard stipulations found in the BLM Handbook (H-2930-1), field and district managers will determine whether additional stipulations are appropriate to address any potential health and safety concerns.
- The checklist from the BLM-California's SRP Information Booklet will always be used to ensure all components of permit administration are completed and all documentation is included in the SRP file.
- All SRPs will be reviewed by an interdisciplinary team, including personnel such as safety officers, biologists, botanists, and cultural resources specialists to ensure appropriate and current environmental analysis.
- BLM staff, including LEOs, ORPs, or other resource staff must monitor all permits for compliance with the terms and stipulations of the permit. Personnel from other offices may assist, if needed.
- A mandatory drivers' safety meeting must be held before every event. Drivers not in attendance will be disqualified from participating in the event.
- Spectator areas must be defined by the permittee on the ground using temporary fencing during all events. Spectator rules, code of conduct, and risk information must be posted on large signs at access roads during an event weekend. Spectators are not allowed in the pits. The pits are now clearly identified and buffers are provided for spectator safety.
- State and local law enforcement will always be advised of upcoming events. Permittees are required to submit communication and safety plans that include advising the local sheriff, fire, and emergency medical service of the event.
- BLM dispatch centers will always be provided copies of the permits within their affected areas two weeks prior to the event.
- Employee contact information will be updated on a quarterly basis and made available on the California BLM intranet. The list identifies the notification system, including the BLM permit lead, field manager, associate field manager, and additional personnel in priority order that should be contacted in the event of an emergency.

- The BLM must provide contact information to the permittee when it issues the SRP, and the permittee must provide the BLM with on-site emergency contact information for the day(s) of the event.
- The CDD will conduct a post-season assessment of all SRPs. The assessment will examine the completeness of permit administration and management. It also will evaluate a statistical representation of the entire permitting process, including staff effectiveness.

2. Other Actions

- BLM representatives attended a meeting with the Off Road Business Association (ORBA) on September 13, 2010. ORBA acknowledged that SRP administration and compliance would change and requested that it be allowed to participate in the process of developing solutions. The CDD District Manager asked for suggestions regarding pit safety; hazard mitigation; emergency fire, medical, and communications plans; and spectator control. BLM staff will continue to involve constituent groups in discussions about SRP program administration in order to review and improve safety standards and practices.
- The State Office will develop a coordinated process to review permit administration and to monitor policy conformance and program consistency.
- Since the incident at Johnson Valley, four permit applications have been denied in the CDD. The reasons for the denials included safety concerns with the types of activity requested, inadequate staffing available due to multiple events on a specific weekend, inadequate information provided in the application package, and insufficient time for BLM staff planning before the event. Also, five applications from MDR, the promoter of the California 200, are being held in abeyance pending completion of the California Highway Patrol's investigation.

C. State Director's Action Plan

Based on all the information gathered from the IIT, industry groups, and other entities, together with the actions already taken by the CDD District Manager, as well as input from staff and management within the BLM, the BLM-California Acting State Director has taken or will take the following additional actions.

- All new permits will be considered under cost recovery so that adequate resources are available to ensure public safety at all events. Consideration will be based on realistic timeframes for all associated activities, including permit review, compliance with the National Environmental Policy Act, pre-event meetings, event monitoring with adequate staff levels, and post-event reporting and monitoring. The Monitoring Assessment Matrix will be used to address the level of staff monitoring required.

- The site/date reservations system (SDRS), formerly known as the lottery, will be reviewed with consideration given to ensuring that applicants are aware of all permitting requirements and to timing the lottery to allow sufficient time to follow all of the BLM's procedures for issuing permits. Consideration to compete in the lottery will only be given to promoters providing complete permit applications.
- There will be a reassessment of the capacity of field offices to sustain the number of permits it currently administers each year and a determination of whether that number is appropriate.
- A statewide team will be formed to review the SRP Program. The team will include LEOs, ORPs, and other resource specialists. The team will develop products such as templates or guidelines for operating plans, event monitoring plans, standard stipulations for inclusion when granting a permit, and a monitoring assessment form to be used when assessing the level of monitoring (and cost recovery fees) that will be required.
- The California State Office will review and update the BLM-California's 2007 SRP Information Booklet if necessary.
- An assessment will be made as to whether or not area closures are needed for safety and crowd control purposes. If in consultation with the BLM Washington Office, closures are determined to be advisable, closure notices will be published in the Federal Register.
- Each office will develop a calendar of requested events to occur in 2011 in order to evaluate and assess on-site staffing needs to ensure permit compliance.
- The BLM-California State Safety Officer will develop and implement a Duty Officer system and instruct field personnel on the implementation of a modified Incident Command System (similar to that used during the Twin Peaks Wild Horse and Burro Gather in 2010) to handle large events or incidents.
- BLM managers will present updated information on BLM's action plan to advisory councils and constituent groups (such as the ORBA) during regularly scheduled meetings. BLM-California will engage the Desert Advisory Council to review aspects of the SRP program, focusing on the application process, including cost recovery and public safety and access during events.
- The BLM-California Acting State Director is issuing the attached BLM-California State Instruction Memorandum (IM) that emphasizes laws, regulations, policy, and handbooks regarding the SRP Program. The IM emphasizes accountability at the Field and District Office level for following SRP program administration.

- The State Office training staff will ensure that all SRP specialists take the required training within the first two years of appointment to their positions. Refresher training will be offered at various times and locations to keep specialists current regarding permit requirements. Training will also be offered to other field office staff that will be assisting with on-site monitoring (to include law enforcement staff). The State Office will coordinate with the BLM's National Training Center to ensure that this training is available at various locations throughout the state. This training will be offered at the CDD office in the spring of 2011.
- An SRP management responsibility session will be conducted during the State Management Team meeting in December 2010 to outline permit requirements and the expectations of the State Director. All BLM managers in California will be reminded that they are accountable for authorizing SRPs according to established procedures.
- The State Office lead recreation program specialist will develop and implement a process to improve coordination with field and state office staffs in Nevada and Arizona to ensure programmatic consistency, as many event promoters operate in multiple adjacent states.
- The State Office lead recreation program specialist will work with the State of California's OHV Recreation Division to ascertain if "Green/Red Sticker" funding can be obtained to help support SRP program administration.

III. Conclusion

It is evident that BLM-California cannot operate the SRP program in the same manner as it did prior to August 14. Based upon the findings of the IIT and the subsequent program-wide review of the SRP program in the CDD, significant changes need to be made to address public safety issues.

All of the BLM-California managers and staff involved in the SRP program are committed to providing the recreating public in the California Desert with a safer and higher quality recreation experience, as set forth in existing BLM policy and procedures.

To this end, higher standards of permit administration must be implemented and aggressively enforced. All managers understand that they are accountable for strict oversight of the SRP program and they must deny permit applications that do not meet the standards. This necessary change has already resulted in the denial of four SRP applications. Also, all five pending applications from the promoter of the California 200 are being held in abeyance until after the completion of the California Highway Patrol's investigation of the incident. More than a dozen SPR events, however, have been authorized in the CDD with appropriate oversight by BLM law enforcement and management as outlined in this report. The safety of OHV recreationists and their families must always be the BLM's first priority. The public we serve deserves no less.

AUG 20 2010

Delegation of Authority and Charter for Initial Inquiry Team for Johnson Valley OHV incident and BLM California permitted OHV event safety review.

This memorandum formalizes your authority to conduct an inquiry into the California Desert District (CDD) OHV permit program. The team should place special emphasis on reviewing the Johnson Valley OHV Area incident associated with Barstow Field Office SRP SR-10-49, and make short and long-term recommendations regarding BLM OHV permit administration to ensure public safety.

Members of the team are as follows:

Lori Armstrong	BLM Montrose, Colorado District Manager (Team Lead)
Rob Perrin	BLM Washington Office Trails and Travel Management Program Coordinator
Judi Zuckert	BLM Washington Office Special Recreation Permit Program Lead
Barry Oelrich	BLM Colorado State Office, Safety Manager
Tim Smith	BLM Bakersfield, California Field Manager
Ken Hood	BLM California State Office Fire Safety

The charter for this team is to focus on permit administration for OHV events, particularly as they relate to public safety, and not to conduct an accident investigation. The team may share information as appropriate with the accident investigation team for the Johnson Valley event (contact: Special Agent Patrick Chassie 951-597- 5332).

Specifically the team will review, document observations, and, where applicable, identify recommendations and action items related to:

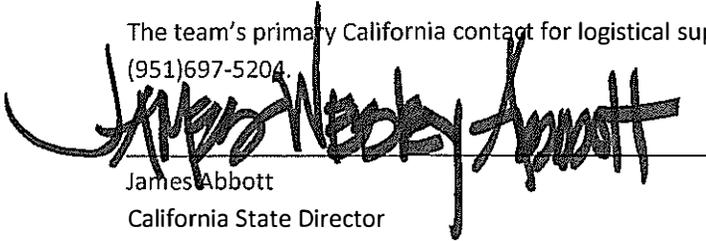
- SRP issuance, monitoring, compliance, and performance review for OHV events within the CDD and adherence to BLM permit/other applicable regulation and policy principally as it relates to public safety.
- The decision making process for issuing and administering SRP # SR-10-49 to MDR Productions including consideration of past SRP performance, permit holder's adherence to safety-related stipulations, and BLM compliance actions.
- A focus on the following aspects of OHV event permit administration:
 - Adequacy of BLM and CDD programmatic and event specific permit stipulations.
 - Capability of the BLM to follow-through with on-the-ground compliance with stipulations.
 - Adequacy of permit fees and other funding to support BLM's capability to administer permits.
 - Effectiveness of post-event review actions and associated followup with permittee to correct safety deficiencies for future events.
 - Communication efforts with the permittee, event participants and the public to ensure that safety stipulations are effectively implemented.
 - Increases of actual use vs. estimated use in the permit and implications for public safety.
- Review pending permits and evaluate safety risks to ensure that, if authorized, the events can proceed in a safe manner.
- Follow-up needs including convening of additional team(s) if necessary to look more specifically at long-term SRP program management related to competitive OHV events to ensure participant, spectator, and other public land user safety.

The team can request interim briefings as needed to discuss progress of the team, identify additional logistical and support needs etc. to accomplish objectives of the inquiry.

At all times, the team will perform the functions described in this charter under the protections of the attorney/client privilege. As such, the substance of the report being drafted by the team will be protected under this privilege. Questions regarding this protection should be referred to agency counsel assigned to this incident (contact: Assistant Regional Solicitor Kevin Mack at (916)978-5681).

A draft report covering the items described above should be completed and provided to the BLM State Director no later than Friday August 27.

The team's primary California contact for logistical support will be Teri Raml, California Desert District Manager (951)697-5204.


James Abbott
California State Director


Date



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SOUTHWEST DISTRICT OFFICE
2465 South Townsend
Montrose, CO 81401



In Reply Refer To:

August 30, 2010

Jim Abbott
California State Director

Jim

Enclosed are the report and recommendations from the Initial Inquiry Team (IIT) for the Johnson Valley OHV Incident and BLM California permitted OHV event safety review. All materials referenced during the review are available in the teams' administrative record. We appreciate the assistance of those in the California Desert District offices during our review.

As a result of our review, the IIT feels it would be beneficial to receive further clarification regarding what constitutes a "participant" for a Special Recreation Permit. As we discovered through our review, in some instances a participant could be one individual or it could be a competitor plus a support crew of varying size. Additionally, it could describe spectators. We recommend that a request be made of the RVSAT to consider what constitutes a participant and provide guidance for offices to consider in SRP administration.

We further recommend that all offices throughout the Bureau who administer SRPs review the report recommendations for items which may enhance their program.

Team members are available for further clarification or assistance if needed.

Lori Armstrong
Initial Inquiry Team Lead

Initial Inquiry Team Report

The Initial Inquiry Team (IIT) met August 24-26, 2010 in the California Desert District Office. Team members included:

Lori Armstrong, Team Lead, District Manager, Colorado SW District

Tim Smith, Field Manager, Bakersfield California

Ken Hood, Aviation Management, California State Office

Leo Drumm, State OHV Coordinator, Nevada State Office

Rob Perrin, Trails & Travel Management Program Coordinator, Washington Office

Judi Zuckert, Natural Resource Specialist, Washington Office

Barry Oelrich, State Safety Manager, Colorado State Office

Tom Sharkey, Special Agent, Office of Law Enforcement and Security

The team was assisted by Mike Ahrens, Recreation & Wilderness Branch Chief, Needles Field Office and other staff located in the Desert District Office.

The IIT was not to conduct an investigation of the accident but to focus on permit administration for OHV events, particularly as they relate to public safety. The Delegation of Authority and Charter for the IIT requested the team to make short and long-term recommendations regarding BLM OHV permit administration to ensure public safety.

The IIT reviewed materials relating to the motorized Special Recreation Permit program, specifically within the California Desert District (CDD) along with materials regarding the accident which occurred at Johnson Valley on August 14th. Additionally, the IIT interviewed staff from the Barstow, Ridgecrest and El Centro Field Offices, and CDD Ranger staff. The IIT chose not to go to Johnson Valley and instead utilize the time the trip would have taken for further review of the motorized SRP program. All information reviewed by the team and documentation of interviews is available in the administrative record.

The IIT also looked briefly at the response which occurred to the accident on August 14th. A few recommendations from that review are included.

Attachments:

1. Initial Inquiry Team Recommendations
2. Barstow Permit Administration Synopsis
3. Sample Operating Plan Items (non-inclusive)
4. IIT ranking for upcoming permitted motorized events

Initial Inquiry Team Recommendations

Special Recreation Permit (SRP) issuance, monitoring, compliance, and performance review for Off-Highway Vehicle (OHV) events within the California Desert District (CDD) and adherence to Bureau of Land Management (BLM) permit/other applicable regulation and policy principally as it relates to public safety.

- ✓ Motorized event SRP Permit applications need to have BLM Law Enforcement Officer (LEO) review as part of initial risk assessment
- ✓ Create a check list to ensure all parts of permit administration are completed and a second checklist to ensure all documentation is included in the SRP permit file (refer to Handbook H-2930-1 Appendix B-9, Permit Process Checklist).
- ✓ Require promoters to complete an SRP application, including an operating plan, prior to lottery – or at a minimum 180 days in advance of the event for events not included in the lottery (refer to Handbook H-2930-1 Appendix B-4, Timeline Flowchart for Processing Permits). Ensure consistency amongst CDD Field Offices for standard permit stipulations (refer to Handbook H-2930-1, General Terms, pages 40-41 and additional CA guidance)
- ✓ Include permit specific stipulations to adequately address individual event issues

The decision making process for issuing and administering SRP #SR-10-49 to Mohave Desert Racing (MDR) Productions, including consideration of past SRP performance, permit holder's adherence to safety-related stipulations, and BLM compliance actions.

- ✓ See attached SRP #SR-10-49 Administration Synopsis

A focus on the following aspects of OHV event permit administration:

Adequacy of BLM and CDD programmatic and event specific permit stipulations.

- ✓ The standard stipulations in the National Recreation Permit Administration Handbook (H-2930-1) and associated California Special Recreation Permit Information Booklet (App. 4) are solid and need to be included in all permits. Field Offices need to supplement the standard stipulation with additional event specific stipulations as necessary.

Capability of the BLM to follow through with on-the-ground compliance with stipulations.

- ✓ A specific stipulation requiring implementation of the approved operating plan needs to be included for administration and compliance purposes. Develop additional requirements which greater define capabilities for addressing risk for operating plans on high risk events
- ✓ Develop a pre, during and post monitoring plan for each event
- ✓ Permit administration and compliance capabilities
 - Sharing of staff to conduct permit administration and/or compliance/monitoring. If additional staff is hired through cost-recovery funding, such staff could be shared across office boundaries.
 - Determine if "Green Sticker" funding can be used to support permit administration

- Interim, hired temporary assistance, such as SCAs "Wild Corp", to assist with permit compliance and administration
- Contract hired permit compliance and administration

Adequacy of permit fees and other funding to support BLM's capability to administer permits.

- ✓ Conduct a survey of staff time used to administer permits using realistic time, including actual permit review, NEPA compliance, pre-event monitoring, event monitoring with adequate staff levels, post-event monitoring and any correspondence. Based upon review determine which permits truly fit cost recovery and implement.
- ✓ Consider cost recovery based upon a single promoter (to include multiple events) instead of event by event.
- ✓ Implement cost recovery for permits requiring 50+ hours to administer.

Effectiveness of post-event review actions and associated follow-up with permittee to correct safety deficiencies for future events.

- ✓ The National Recreation Permit Administration Handbook (H-2930-1) and associated California Special Recreation Permit Information Booklet provide guidance for post-event review and permittee follow-up. Such needs to be conducted and documented

Communication efforts with the permittee, event participants and the public to ensure that safety stipulations are effectively implemented.

- ✓ State and local law enforcement need to be formally advised of upcoming events via written communication
- ✓ Conduct a promoter meeting to advise regarding permit administration and requirements in the interim
- ✓ Hold a pre-season meeting with all permittees. Discuss lesson learned from previous years events and requirements for the up-coming season
- ✓ Require mandatory attendance at drivers meetings
- ✓ Once received from the BLM, Promoters should include BLM permit stipulations in participant material either via website or hard copy

Increases of actual use vs. estimated use in the permit and implications for public safety.

- ✓ Designate spectator areas and define areas on the ground using temporary fencing during events
- ✓ Use the Federal Register process to temporarily close courses on event days (one notice could be done for all events identified during a given year)

Review pending permits and evaluate safety risks to ensure that, if authorized, the events can proceed in a safe manner.

- ✓ Initial Inquiry Team reviewed permits pending through calendar year 2010 and into 2011. Permits were ranked based on permit information we provided to determine risks. A risk ranking of high, medium or low is provided for use by offices. High risks were based, in

part, upon night time event, car/buggy or rock-crawling, high anticipated spectator number and holiday weekend

Follow-up needs including convening of additional team(s) if necessary to look more specifically at long-term program management related to competitive OHV events to ensure participant, spectator and other public land user safety.

- ✓ Develop risk assessments utilizing BLM form 1112-5 for each type of race class as part of the process to evaluate permits by risk. Provide risk assessment training for CDD employees (commercial courses are available, DOI learn is an option)
- ✓ Schedule a training for CDD staff and managers involved with administration of SRPs. Training should include information regarding policy along with resolution of CDD permit issues to provide greater consistency and adherence to policy.
- ✓ Create an ID team to develop a review process to evaluate needs for high risk events. The ID team should always include a LEO and an ORP for events with high risk for health and safety. ID team would determine additional needs for operating plans and develop event monitoring plans.
- ✓ Develop a standard operating plan format for motorized events. (The team has provided a sample of items to be included in an operating plan. The list provided is not all inclusive, but could be used to begin developing a standard operating plan format).
- ✓ Check the California delegation of authority to make sure Field Managers are delegated authority for permit signature. Determine if appropriate to have others at the field level sign permits and if so, assure that such is done only with written delegation.
- ✓ Review, update, and revise California IM 2008-01 which expired 9/30/09
- ✓ Field Offices should reassess whether the capacity of the open areas can sustain the number of permits per year. Determine if a permit carrying capacity is appropriate throughout the CDD.
- ✓ Assess the capacity of each Field Office to properly administer current permit workload (assess role of recreation planners administering filming permits and funding used for such).
- ✓ Determine if SRP fees are being used to support permit administration (FBMS/1232 budget clarity)
- ✓ Develop a coordinated CDD permit administration capability in the District Office. Conduct oversight and SRP program coordination at District Office.
- ✓ Review and re-evaluate the lottery process. Consider timing of the lottery to allow sufficient time to issue permits. Promoters should provide permit applications that include draft operating plans prior to entering the lottery.
- ✓ Establish a working group of BLM and OHV Event Sponsors to create safety standards for mechanized and motorized classes that include the following items.
 - Pit Safety
 - Course Hazard Identification and Mitigation Measures
 - Emergency Medical Plan
 - Fire Plan
 - Communications Plan
 - Crowd/Spectator Control

- ✓ Consider developing an internal process to review special recreation permit administration in all California field offices to check for policy conformance and program consistency

Incident Response Review

- ✓ Establish a State Office, District and Field Office Duty Officer and Notification system.
- ✓ Update all employee phone lists on a quarterly or bi-annual basis and make list available electronically on the California Intranet. Identify Field Manager, Assoc. Manager and additional personnel in priority order that may be contacted in the event of an emergency and the Field or Assoc. Field Manager are not available.
- ✓ Provide all BLM Dispatch Centers within the affected area with copies of Special Recreation Permits of mechanized or motorized events two weeks prior to the event. Identify within the permit emergency contact numbers for onsite contacts during the event. GPS coordinates should be included for the location in the event medical or other types of aircraft are needed.
- ✓ Consider developing fire review incident command structure for response to large incidents/high risk SRPs

Special Recreation Permit # SR-10-49 Administration Synopsis

The Barstow Field Office administers approximately 127 special recreation permits (SRPs) per year, including approximately 11 truck/buggy races and 14 motorcycle races (RMIS 2009 Report 33a) Many standard operating procedures outlined in national guidance (H-2930-1 BLM Recreation Permit Administration Handbook) and California BLM permit policy (Special Recreation Permit Information Booklet, August 2007), are not routinely implemented during permit administration. There is a logical sequence in permit administration, including pre-application meetings, development of specific permit stipulations and detailed operating plans, race monitoring, post-event evaluations and other elements. Race monitoring, for example, is a critical component of SRP administration. Monitoring during the event provides the opportunity to observe hazards or problems that are occurring or may occur, in order to take action at that event and/or to use that information to better manage future events.

Specific problems identified for Barstow SRPs including SRP SR-10-49:

NEPA – An EA was completed for the 1992 Johnson Valley Activity Plan. No additional NEPA (DNA) was completed in association with issuance of the permit.

Pre-application consultation – There was no pre-race consultation with the permittee. (CA 2007, page 2, OHV event applicants are required to meet with a Field Office Recreation Planner prior to submitting an application...)

Special Recreation Application and Permit – An expired version of the permit form was used. The application was received two months prior to the event. Applications must be received no later than 180 days prior to the proposed use, unless waived by the authorized officer (CA 2007, page 3).

Fees – Total estimated fees are due in advance of any authorized use. (H-2930, page 28) Only the minimum fees (\$95) were collected prior to the MDR race.

Cost recovery – Cost recovery has not been implemented for any SRPs in the field office. (CA 2007, page 5, cost recovery is mandatory for all administrative work that involves 50 or more staff hours to complete). Over 50 hours of staff time may be necessary to properly conduct the pre-race, during event, and post race administration of large OHV races.

SRP Application – General terms required by national (2930-1 pages 40-41) or state policy were not included with the permit. Special stipulations related to spectator safety were non-specific and inadequate. For example, there were no specific requirements in the stipulations or the operating plan for spectator and spectator vehicle setbacks, for signs to be posted advising of safe spectator distance, for all race participants to attend the pre-event briefing, or for event staff to specifically manage crowds at known spectator viewing areas.

Operating plan – No operating plan was required of the permittee (CA 2007, page 3 and CA permit stipulations page 4). A detailed operating plan provides a mechanism for the agency to review exactly how a permittee proposes to manage and staff an event, provides an opportunity to work with the permittee to make modifications if the plan is not adequate, and provides a mechanism to establish race-specific operating and emergency procedures that can be tied to performance requirements and permit stipulations.

Pre-race course monitoring - Pre-race course monitoring - (2930-1, pages 46-47) A law enforcement ranger visited a portion of the race course prior to the event, as part of a routine patrol. There was no direct communication between recreation and law enforcement staff about the event. The law enforcement ranger did not conduct monitoring specific to the event or the permit stipulations or report back to the recreation staff with any observations. There is no record of the desert tortoise information sheet and protective measures as required by permit stipulations.

Event monitoring - (2930-1, pages 46-47) No recreation staff were present at the event. One law enforcement ranger was present at the race. The law enforcement ranger was not conducting monitoring related to race administration or permit stipulations.

Post-race monitoring – (2930-1, pages 46-47) Discussion with Barstow FO staff indicated that post-race monitoring was not a standard operating procedure after OHV events. Staff relied on law enforcement on routine patrol to notice if course flagging had not been pulled, or on reports from other race organizers if trash had not been collected.

Post-event Evaluation – Permit samples reviewed by the team indicate that completing post-event evaluations was not a standard procedure. (CA 2007, p 9, “A performance evaluation is required of all commercial and competitive permittees...”)

Sample Operating Plan Items (this is a non-inclusive working list)

(Information in parenthesis has been copied from various Race Promoter Operating Plans)

General

- Estimated number of participants
- Estimated number of spectators
- Type of event, layout, number of laps, start time, course location
- Location of start/finish/pits/fuels stops
- Equipment to do deal with fuel leaks/hazardous material
- Toilet, trash and other facility locations
- Location of signage and flagging
- Resource protection procedures
- Timing of course set up and take down
- Vehicle parking and camping locations

Course Hazard Identification and Mitigation Measures

- No one enters the race course without race promoter or designee granting permission. (This is not enforceable by the BLM unless a Federal Register Notice has been issued)
- Race promoter is in charge of maintaining control of the race course at all times. Race promoter will have adequate staff to ensure that all rules are followed.
- Flag Workers will be used at all road crossings
- Mandatory and documented drivers meeting where all drivers and/or co drivers will sign in. If a driver/co driver is not signed in, they will not race.
- Agenda for drivers meeting
- Set speed limit through Start / Finish and Pit areas. *(between 40 and 50 mph)*
- Set speed limit of at all road crossing, starting at road crossing marking to past crossing. *(40 mph)*
- At any time, before, during and after the race, the speed limit within XX feet of a person shall be XX. (may consider spectator control instead of speed limit on racers) *(within 50 feet of a person shall be 15 mph)*

Communications Plan / Emergency Medical Plan

- The promoter will designate a point of contact for the BLM to communicate with regarding the event and method of communication
- The promoter will provide the BLM with a medical plan to address response to and transportation of any injured participants or spectators. This plan will include number of emergency response staff, level of training of staff, type of medical equipment on site (ambulance/air ambulance).
(Safety Network Personnel - The Safety Network is comprised of fire and EMS first

responders. They are versed in the vehicle type per class, its safety construction, and driver history. A Safety Crew member, may be trained in race car shut down procedures, extrication, firefighting, EMS, high speed impact medicals, rapid trauma assessments, wild land fire fighting, driver safety restraints, hazardous materials, ICS systems, and methanol fuel fires.)

- XX days prior to the event XX dispatch center will be notified of the upcoming event. (14 days prior to the event XX dispatch center will be notified of the upcoming event.)

(On Scene Incident Commander – The on-scene incident commander is designated prior to the start of the event. The OSIC is in control of the incident until it is cleared or is relieved by a higher authority.

Pit Safety Plan

- Set maximum speed limit on all pit access roads and in all pit areas for all vehicles. (15 mph)
- Designated Pit Captains to maintain safety, monitor participant speed. Pre-determine the pitting locations and distances from track edge. (All pit supplies must be at least 50 feet from the edge of the racecourse to the racetrack side of race vehicle. No pit may be in the first 50 feet leading into and the first 100 feet leading out of a turn.)
- All pits must have the equivalent of a UL approved two (2) 10-lb. ABC fire extinguisher at all times; the extinguisher(s) must be manned during all pit stops. This capability may be accomplished using fire extinguishers of any combination (minimum 5-lb. extinguisher) that equals 20 lbs. (i.e. two 10 lb., four 5 lb.). If 5 LB extinguishers are to be utilized, then the pit crew must man two fire extinguishers and be at the ready. All pit fire extinguishers must have current (less than one year old) seal in place, and be fully charged.

Fire Plan

- Fire extinguishers are required in all race vehicles
- Welding and use of open flames needs to be monitored and confined to open areas to prevent the ignition of the vegetation in the surrounding areas.
- All spectators will be advised of current conditions, fire restrictions and regulations in effect. Special emphasis should be placed on any prohibition of smoking and campfires using solid fuels (wood, charcoal, etc).

Crowd/Spectator Control

- Spectator locations: Distances from track. These areas may be identified by (the use of snow fence or ropes, road delineators, setbacks and personnel to monitor said areas). Spectator viewing areas will be identified on attached map. Plans will be required to control spectators. (Do not stand within 100 feet of the course. The speed limit around the pits and in all camping areas is 15 MPH).

OHV Events sorted by Date, August 20, 2010. update #5

Date of Event	Sponsor of Event	Name of Event	Type of Event - & Class of Vehicle	Location of Event	BLM Office	Night Event	# of Spect	Comp	Emergency Response Accessibility	# Of Part..	Past Perf	FO Risk H/M/L	Team Risk Asses. If different from FO
August 21-22, 2010	District 37 Invaders MC - Ken Meester	Bomb Practice/ Scrambles	motorcycles < 100 riders, < 200 spectators	Johnson Valley - Anderson Dry Lake - Course B	Barstow	no	300	yes	on site	200	good	M	
September 4, 2010	MDR (has been cancelled)	RETURN TO THE DESERT (NIGHT RACE)	cars	Plaster City West	El Centro	yes	300 to 600	yes	Good	20 to 50	Good	m	
September 11, 2010	MORE Racing	Chili Cook-off 200	car/truck race	Johnson Valley	Barstow	no	1000	yes	30 1 on site	80-100	good	M	H - # of Spectators, Event type
September 11, 2010	Semper Fi		motorcycle	Superstition	El Centro	Not Active							
September 11-12, 2010	Lost Coyotes M/C	Motorcycle Race	motorcycles	Spangler Hills	Ridgecrest	N	100	Y	Good	400	Good	L	M - # of Spectators/Bomb Start?
September 18, 2010	Chaparrals Motorcycle Club		dual sport - Motorcycle Race 45 participants	Keyesville	Bakersfield Peter DeWitt 661-391-6120								
September 18, 2010	Drive Racing	WCT Townsel Memorial	cars	Plaster City West	El Centro	No	2000	Yes	Good	500	Good	m	H - # of Spectators, Event type
September 19, 2010	Roadrunner Off Road	Rattle Snake Chase	motorcycles	Superstition Dip	El Centro	No	300	Yes	Good	300	Good	m	
September 19, 2010	Desert Daises MC	MC Rally	motorcycles	Johnson Valley - Anderson Dry Lake	Barstow	no	200	yes	30-1 on site	200	good	M	

Date of Event	Sponsor of Event	Name of Event	Type of Event - & Class of Vehicle	Location of Event	BLM Office	Night Event	# of Spect	Comp	Emergency Response Accessibility	# Of Part..	Past Perf	FO Risk H/M/L	Team Risk Asses. If different from FO
September 23-27, 2010	Victor Valley Four Wheelers	Jeep Rock Climb	jeeps - technical	Johnson Valley - Means Dry Lake	Barstow								H - Event type
September 25-26, 2010	US Desert Racing	Motorcycle Race	motorcycles	Spangler Hills	Ridgecrest	No	150	Yes	Good	200	F	L	M - # of Spectators/Bomb Start?
October 1-4, 2010	Countdown Dual Sport	Dual Sport Tour	motorcycles - tour	Panamint Valley	Ridgecrest	N	0	No	P	<50	F	L	
October 2, 2010			motorcycle - Enduro 200 riders	Chappie-Shasta	Redding FO - Sky Zaffarano 503-224-2116								
October 3, 2010	Chicken Bones Racing	Chicken Trax	motorcycles	Plaster City West	El Centro	Yes	?	Yes	Good	?	Good	m	
October 8-9, 2010	MORE Racing	5th Annual Powder Puff	car/truck race	Johnson Valley	Barstow	No	2000	yes	15Min-2 mon site	250	Good	M	H - # of Spectators, Event type
October 9, 2010	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	devil's canyon	El Centro	No	None	No	Poor	15 max	none	m	L - low #
October 9, 2010	Semper Fi		motorcycle	Plaster City East	El Centro	Not Active							
October 16, 2010	MDR (permit suspended)	SUPERSTITION 250-SPRINT 2 THE DASH	cars	Plaster City West	El Centro	No	?	Yes	Good	?	Good	m	H - # of Spectators, Event type

Date of Event	Sponsor of Event	Name of Event	Type of Event - & Class of Vehicle	Location of Event	BLM Office	Night Event	# of Spect	Comp	Emergency Response Accessibility	# Of Part..	Past Perf	FO Risk H/M/L	Team Risk Asses. If different from FO
October 16, 2010	CORVA	OHV Play	non-speed/time d	Johnson Valley - Means Dry Lake	Barstow	no	120	NO	30-40 min	120	Good 4th year	L	
October 17, 2010	Over The Belt Racing	Pumpkin Dash	motorcycle s	Superstition Pole Line	El Centro	No	?	Yes	Good	?	Good	m	
October 17, 2010	Training Wheels M/C	Motorcycle Race	motorcycle s	Spangler Hills	Ridgecrest	N	100	Y	Good	200	Good	L	M - # of Spectators/Bomb Start?
October 24, 2010	So Cal Trials Assoc.	Trials MC Event	motorcycle s	Spangler Hills	Ridgecrest	N	25	Y	Good	<50	Good	L	
October 30, 2010	IV Racing		motorcycle	Plaster City West	El Centro	No	?	Yes	Good	?	Good	m	
October 31, 2010	I-8 Desert Racers	TBA	motorcycle s	Plaster City East	El Centro	No	?	Yes	Good	?	Good	m	
November 6, 2010	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	devil's canyon	El Centro	No	None	No	Poor	15 max	Good	L	
November 6, 2010	Semper Fi	Not Active	motorcycle	Plaster City West	El Centro								
November 6-7, 2010	Countdown Dual Sport	Dual Sport Tour	motorcycle s - tour	Ridgecrest to Lone Pine	Ridgecrest	N	0	No	P	<50	F	L	
November 12, 2010	SLAPPY RACING		quads	ISDRA	El Centro	no	100 to 200	no	Good	30 to 40	Good	L	
November 12-14, 2010	CA Assoc. of 4WD Clubs, Inc.	Panamint Valley days	4x4 technical	Panamint Valley	Ridgecrest	N	0	No	P	230	Good	L	
November 13, 2010	Full Throttle	Desert Cross	motorcycle s	Plaster City West	El Centro	No	?	Yes	Good	?	Good	m	
November 13, 2010	US Desert Racing	Motorcycle Race	motorcycle s	Spangler Hills	Ridgecrest	N	150	Y	Good	200	F	L	M - # of Spectators/Bomb Start?

Date of Event	Sponsor of Event	Name of Event	Type of Event - & Class of Vehicle	Location of Event	BLM Office	Night Event	# of Spect	Comp	Emergency Response Accessibility	# Of Part..	Past Perf	FO Risk H/M/L	Team Risk Asses. If different from FO
November 25-28, 2010		Chemehuevi Poker Run	motorcycles	Chemehuevi Wash	Needles	No	NA	No	Good	<500	Good	L	
November 25-28, 2010		LA-B to V - Historic Tour	dual sport		Needles	No	NA	No	Fair	<250	Good	L	
November 27, 2010	Drive Racing	ORW Grand Prix	cars	Plaster City West	El Centro	No	?	Yes	Good	?	Good	m	H - # of Spectators, Event type
November 28, 2010	IV Racing		motorcycle	Plaster City East	El Centro								M - # of Spectators/Bomb Start?
December 4, 2010	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	devil's canyon	El Centro	No	None	No	poor	15 max	Good	L	
December 11-12, 2010	MORE Racing	Toys for Tots Fun Run	Poker run	Stoddard Valley	Barstow	No	1000	No	15 Min	500	Good		M - # of Spectators/Bomb Start?
December 12, 2010	Roadrunner Off Road	Christmas Classic	motorcycles	Superstition Pole Line	El Centro	No	?	Yes	Good	?	Good	m	
December 12, 2010	lost Coyotes M/C	Dash to Ballarat Dual Sport Tour	motorcycle - tour	Searles Valley	Ridgecrest	N	0	No	P	<50	Good	L	
December 31, 2010	MDR (permit suspended)	THE DASH 200	cars	Plaster City West	El Centro	No	?						H - # of Spectators, Event type
January 8, 2011	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	Devil's canyon	El Centro	No	100 to 200	No	Poor	15 max	Good	L	

Date of Event	Sponsor of Event	Name of Event	Type of Event - & Class of Vehicle	Location of Event	BLM Office	Night Event	# of Spect	Comp	Emergency Response Accessibility	# Of Part..	Past Perf	FO Risk H/M/L	Team Risk Asses. If different from FO
January 15, 2011	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	Superstition Open area	El Centro	No	None	No	Good	150	Good	L	
January 16, 2011	So. CA Trials Assoc.	Vote Romoland	TEC-Cycles SoCalTrials Champ Series	Lakeview Mtn. near Hemet/Romoland, CA	Palm Springs								L - low #
January 28, 2011	SLAPPY RACING		quads	ISDRA	El Centro	No	100 to 200	Yes	Good	30 to 40	Good	m	L - low #
January 29-30, 2011	Countdown Dual Sport	Highdesert 250 Dual Sport Tour	motorcycle - tour	El Paso Mountains	Ridgecrest	N	0	No	P	150	F	L	
February 5, 2011	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	devil's canyon	El Centro	No	None	No	Poor	15 max	Good	L	
March 12, 2011	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	devil's canyon	El Centro	No	None	No	Poor	15 max	Good	L	
March 18, 2011	SLAPPY RACING		quads	ISDRA	El Centro	No	100 to 200	Yes	Good	30 to 40	Good	m	L - low #
April 9, 2011	San Diego 4 wheelers	Non competitive trail riding	4x4 technical	devil's canyon	El Centro	No	None	No	Poor	15 max	Good	L	
May 6, 2011	SLAPPY RACING		quads	ISDRA	El Centro	No	100 to 200	Yes	Good	30 to 40	Good	m	L - low #



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W1623
Sacramento, CA 95825
www.ca.blm.gov

In Reply Refer To:
2930 (930) P

EMS TRANSMISSION:
Instruction Memorandum No. 2010
Expires: 09/30/2011

To: All California District Managers and Field Office Managers

From: State Director

Subject: Special Recreation Permit Administration Supplemental Requirements

Program Area: Recreation and Visitor Services – Special Recreation Permits (SRP)

Purpose: The purpose of this Instruction Memorandum (IM) is to provide direction for Field and District Managers in the administration of the SRP program in California.

Policy/Action: Field and District Managers are responsible for compliance with H-2930-1 Recreation Permit Administration Handbook and the California Special Recreation Permit Information Booklet (August 2007). The following additional directives are provided:

- Field and District Managers will be held fully accountable for following policy, without exception, in order to ensure public health and safety. The Manager signing the permit shall be fully involved in the management oversight and quality control of each SRP granted.
- Field and District Managers will be held accountable for ensuring that permits are monitored for compliance with stipulations, terms and conditions. Permits for commercial, competitive, and large group events typically require pre-event monitoring, compliance monitoring during the event, and post-event monitoring. If the field office cannot complete all the necessary steps to administer a permit, no permit shall be issued.
- Field and District Managers shall ensure that staff (Outdoor Recreation Planners and Law Enforcement personnel at a minimum) shall have adequate training to ensure appropriate application of law, regulation, and policy. Staff shall be made aware of their responsibility to ensure the program is administered correctly and consistently.

- Field and District Managers shall coordinate outreach with project applicants and user groups to ensure that they are aware of all requirements of the Bureau of Land Management Special Recreation Permit Program. They shall also be made aware of their responsibilities in program administration, on-site monitoring, and compliance to ensure public health and safety.

Future implementation strategy will be discussed at the December 2010 State Management Team meeting.

Timeframe: Effective Immediately.

Budget Impact: This policy has no impact on budget.

Background: The BLM is responsible for policy, direction, and guidance for managing recreation fees and issuing and administering special recreation permits for commercial, competitive use, and organized group activities and events as a means of authorizing uses on public lands and related waters. Under the authority of the Federal Lands Recreation Enhancement Act, the BLM uses the recreation permitting system to satisfy recreational demand within allowable use levels in an equitable, safe, and enjoyable manner while minimizing adverse resource impacts and user conflicts. The use of public lands and/or related waters is a privilege subject to the terms and conditions of the permits.

Manual/Handbook Sections Affected: The BLM Recreation Permit Administration Manual M-2930, Handbook H-2930-1, and California Special Recreation Permit Information Booklet.

Contact: If you have questions concerning this IM, please contact Michael Ayers, Recreation Program Lead, at 916-978-4644.

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**MDR PRODUCTIONS
OFF-ROAD RACING SERIES**

1853 Parkway Drive - South El Monte, CA 91733
Phone: 626 442-9320 Fax: 626 579-6051
E-mail: info@mdrracing.com web address: www.mdrracing.com

2010 CALIFORNIA CHAMPIONSHIP SERIES

FEB. 6, 2010	WILD WASH 250	ARSTOW - "A"
APRIL 3, 2010	MOJAVE 250	BARSTOW "B"
MAY 15, 2010	RIDGECREST 200	DGECREST, CA
JUNE 26, 2010	MDR BILEK 400	LUCERNE VLY (DOUBLE PTS) "A"
AUG. 14, 2010	CALIFORNIA 200	NIGHT RACE - LUCERNE VLY
SEPT. 25, 2010	LUCERNE 250	LUCERNE VALLEY "B"
NOV. 6, 2010	STODDARD 250	BARSTOW "B" (DOUBLE PTS)

2010 SUPERSTITION CHAMPIONSHIP SERIES

LOCATION - PLASTER CITY - WEST / EAST

FEB. 20, 2010	THE FUD 200
APR. 24, 2010	KING OF THE DESERT 250
JUNE 12, 2010	COYOTE WASH 200 - NIGHT RACE
SEPT. 4, 2010	RETURN 2 THE DESERT 200 - NIGHT RACE
OCT. 16, 2010	SUPERSTITION 250 - SPRINT 2 THE DASH
DEC. 31, 2010	THE DASH 200

FAX COVER SHEET

ATTENTION: LARRY BLAIN FAX: 760-252-6099
 PHONE: 760-252-6000

CHECK IN MAIL

PATRICIA WILLIAMS
PHONE: 626 442-9320
FAX: 626 579-6051

TOTAL NUMBER OF PAGES 8 INCLUDING THIS COVER SHEET

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DEC. 31, 2010	THE DASH 200

FAX COVER SHEET

ST MARY'S HOSPITAL - REBECCA \ MARY LOU 760-946-8817
 ATTENTION: _____ FAX: _____
 PHONE: 760-946-8734

RE: NOTIFICATION OF 2010 OFF-ROAD RACING EVENTS

M.D.R. WILL HOLD AN OFF-ROAD RACE IN THE JOHNSON VALLEY OHV AREA ON AUGUST 14, 2010. THE START FINISH AREA WILL BE LOCATED OFF BESSEMER MINE ROAD. MDR HAS CONTRACTED FOR AN AMBULANCE WITH THE JAWS OF LIFE TO BE ON SITE DURING THE RACE.

THE EVENT STARTS AT 7:00 PM AND IS 200 MILES THE TIME LIMIT IS 8 HOURS. THE EVENT IS FOR 4 WHEEL VEHICLES ONLY. WE ESTIMATE 50 TO 80 ENTRIES. IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE DON'T HESITATE TO CONTACT ME.

Patricia Williams
 PATRICIA WILLIAMS
 PHONE: 626 442-9320
 FAX: 626 579-6051

TOTAL NUMBER OF PAGES: _____ (INCLUDING THIS PAGE)
PLEASE CALL 626-442-9320 IF YOU DID NOT RECEIVE ALL PAGES)

Receipt

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United States Department of the Interior
Bureau of Land Management
 BARSTOW FIELD OFFICE
 2601 BARSTOW ROAD
 BARSTOW, CA 92311
 Phone: (760) 252-6000

Receipt

No: 2174818

Transaction #: 2244330	
Date of Transaction: 07/21/2010	
CUSTOMER:	MOJAVE DESERT RACING INC 1853 PARKWAY DR S EL MONTE, CA 91733-4123 US

LINE #	QTY	DESCRIPTION	REMARKS	UNIT PRICE	TOTAL
1	1.00	RECREATION - SRPS / BARSTOW FO CF03 / COMPETITIVE PROJECT: LVRDCF030000	AUGUST 14, 2010 EVENT AT JOHNSON VALLEY	- n/a -	95.00
TOTAL:					\$95.00

PAYMENT INFORMATION					
1	AMOUNT:	95.00	POSTMARKED:	N/A	
	TYPE:	CHECK	RECEIVED:	07/21/2010	
	CHECK NO:	5685			
	NAME:	MOJAVE DESERT RACING INC 1853 PARKWAY DR S EL MONTE CA 91733-4123 US			

REMARKS

This receipt was generated by the automated BLM Collections and Billing System and is a paper representation of a portion of the official electronic record contained therein.

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Form 2930-1
(March 2004)
(Formerly 8370-1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0119
Expires: June 30, 2007

SPECIAL RECREATION APPLICATION AND PERMIT
(43 U.S.C. 1201; 43 U.S.C. 1701; 16 U.S.C. 460 L-6(a); and 43 CFR. Group 2930)

Permit No. **SR10-49**

Instructions: Complete Items 1 through 18, and return to appropriate BLM Office. (Use additional sheets, if necessary.)

Type or Print Plainly in Ink

WHEN SIGNED BY AUTHORIZED BLM OFFICIAL, THIS PERMIT AUTHORIZES

1. New Application Renewal of Existing Permit 2. Name of Business or Organization **MDR**

3. Your Name **PATRICIA WILLIAMS** 4. E-mail address (optional) **info@mdrracing.com**

5. Social Security Number or Taxpayer Identification Number **95-4607237**

6. Address (include zip code)
**1853 PARKWAY DRIVE
SOUTH EL MONTE, CA 91733**

7. Phone No. (include area code)
626-442-9320

8. Fax No. (include area code)
626-579-6051

9. Applicant is: Sole Proprietor Partnership Corporation Individual
(If corporation, attach copy of Articles of Incorporation and Certificate unless already on file.) **ARTICLES OF INCORPORATION ARE ON FILE**

10. Name(s) and phone number(s) (include area code(s)) of person(s) authorized to conduct business with BLM concerning the permit.
PATRICIA WILLIAMS 626-442-9230

11. Application is for (check all that apply): Commercial Competitive Event Organized Groups Vending Individual

12. To use the following public lands/related waters (provide name, legal description and/or attach map).
MAP - APPROVED BY BLM FOR JOHNSON VALLEY CHA W/LL BE USED - ONE EVENT

13. For the following purpose (provide full description of activity or event including number of anticipated participants and spectators).
OFF-ROAD RACE - 4 WHEEL VEHICLES - APPROX 60 - 80 PARTICIPANTS AND 200-300 SPECTATORS

14. Dates of proposed use: Beginning Date: **AUGUST 14, 2010** Ending Date: **AUGUST 15, 2010**
OR Leave the above dates blank if applying for renewal of multi-year permit.

15. Describe facilities including water and sanitation facilities you intend to provide, attach operations plans, location maps, and insurance certificate prepayment. (Include your name on each document.) **TOILETS AT START/FINISH - BLM COURSE - INSURANCE MAILED**

16. Attach the following documents: Operations Plan, Maps, Certificate of Insurance, Prepayment of Fees, and other documents requested by BLM. (Include your name on each document): **SEE ATTACHED - SYMONS AMBULANCE ON SITE**

17. Do you have a permit with BLM/USFS? Yes No If so, where? **BARSTOW AND EL CENTRO OFFICES**

17a. Have you had a permit previously? Yes No If so, where?

17b. Have you ever been denied or had a permit revoked? Yes No If so, where?

17c. Have you forfeited a bond or other security? Yes No If so, where?

17d. Are there any pending investigations against you? Yes No If so, where?

17e. Have you been convicted of violations regarding natural resources, cultural resources or any activity related to your proposed permit?
 Yes No If so, where?

(Continued on page 2)

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18. Certification of Information: I CERTIFY the information in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith. I acknowledge that I (we) am (are) required to comply with any conditions or stipulations that are required by the BLM when the permit is issued.

Patricia Williams 6-15-10
(Signature of Applicant) (Date)

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

FOR BLM USE ONLY

Special Recreation Permit No. _____ is: Commercial Competitive Event Organized Groups Vending Individual
This application is hereby approved subject to the conditions and special stipulations on reverse and any attachments.

Mickey Paulman 8-4-2010
(Signature of BLM) (Date)

PERMITTEE MUST HAVE THIS PERMIT (OR LEGIBLE COPY) IN POSSESSION DURING USE IN PERMITTED AREAS.

(Form 2930-1, page 3)

APPLICATION REQUIREMENTS

(The conditions and stipulations required by the Bureau of Land Management (BLM) are checked below)

The following must be submitted before an application is approved and a permit issued. This information must be submitted within days after the date of application:

- a. A topographic map, showing area of proposed use with routes, parking, staging areas, proposed improvements, and other points of intensive use specifically identified. U.S. Geological Survey (USGS) topographic quadrangle maps are available from USGS offices and from numerous private concerns. *Planning unit maps* are also available at most BLM District Offices to help determine land ownership patterns.
- b. Applicant must inform other pertinent private landowners and/or public agencies (*law enforcement, highway, fish and game, etc.*). Bureau of Land Management will contact other authorized users of public lands, etc.

- c. A certificate from an insurer that comprehensive insurance has been obtained for this use or event in the amount specified by the BLM. The certificate must name the U.S. Government as additional insured, and give the BLM 30 days notice of cancellation or modification of such insurance.
- d. An acceptable bond, surety, cash deposit, or other acceptable guarantee of payment in amount of \$ _____ to secure payment of the special recreation use fee and/or mitigation of damages.

PERMITS SUBJECT TO THE FOLLOWING CONDITIONS:

(The conditions and stipulations required by the BLM are checked below.)

- 1. This permit is issued for the period specified. It is revocable for any breach of conditions or at the discretion of the Bureau of Land Management, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
- 2. This permit is subject to all applicable provisions of the regulations (43 CFR Group 2930).
- 3. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
- 4. This permit may not be reassigned or transferred by permittee.
- 5. Permittee must pay the sum of estimated user fees in advance of permit issuance. Adjustments to use fee charges will be based on actual use reported on the Post Use Report.
- 6. Permittee must observe all Federal, State, and local laws and regulations applicable to the premises; to creation or maintenance of signs or advertising displays including the regulations for the protection of game birds and animals, and must keep the premises in a neat, orderly manner, and sanitary condition.
- 7. Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires, and to prevent polluting of waters on or in vicinity of the public lands.
- 8. Permittee must not enclose roads or trails commonly in public use.

- 9. Permittee must pay the United States for any damage to its property resulting from this use.
- 10. Permittee must notify the BLM of address change immediately.
- 11. Permittee must not cut any timber on the public lands without prior written permission from the BLM.
- 12. Permittee must indemnify, defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the permittee's use and occupancy of the public lands described in this permit or with the event authorized under this permit.
- 13. Authorized representatives of the Department of the Interior, other Federal agencies, and game wardens must at all times have the right to enter the premises on official business.
- 14. Permittee must abide by all special stipulations attached.
- 15. Permittee must not disturb archeological and historical values, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts.
- 16. Permittee must leave in place any hidden cultural values uncovered through authorized operations.

NOTICES

The Privacy Act of 1974 and the language at 43 CFR 2.48(d) provide that you be furnished the following information.

AUTHORITY: 43 U.S.C. 1201; 43 CFR Group 2930.

PRINCIPAL PURPOSE: BLM will use the information you provide to determine whether or not to issue you a Special Recreation Permit. BLM will use some of the information will determine your qualifications for the permit and the other information to determine the merits of your proposal.

The Paperwork Reduction Act of 1995 requires us to inform you that BLM will use the information to determine whether or not to issue you a Special Recreation Permit. Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

ROUTINE USES: BLM will disclose the information according to the release information contained in the regulations at 43 CFR 2.56(d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosing the information is necessary to receive a benefit. Not disclosing the information may result in BLM's rejecting your application.

BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average 30 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management, (1004-0119), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, NW, Mail Stop 401 LS, Washington, D.C. 20240.

(Continued on page 3)

(Form 2930-1, page 2)

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ADDITIONAL INSURED

Date (MM/DD/YY)
12/3/2009

AGENCY	PHONE (A/C No. Ext): 800-745-2409	APPLICANT (First Named Insured)	Phone (A/C No. Ext):
	FAX (A/C No.): 633-885-7294	MDR Productions 1851 Parkway Drive South El Monte, CA 91733	
FRANCIS L. DEAN & ASSOCIATES, INC. 1776 S. NAPERVILLE RD., BLDG. B P.O. BOX 4200 WHEATON, IL 60187		EFFECTIVE DATE: 1/3/2010	EXPIRATION DATE: 1/3/2011
CODE:	SUBCODE:	POLICY NUMBER: S2GL-100000-02	
AGENCY CUSTOMER ID:		ACCOUNT NUMBER:	

INTEREST	RANK	NAME AND ADDRESS	REFERENCE #:	CERTIFICATE REQUIRED	INTEREST IN ITEM NUMBER
<input checked="" type="checkbox"/>	ADDITIONAL INSURED	Bureau of Land Management 300 South Richmond Drive Ridgecrest, CA 93555-4435			LOCATION: BUILDING: VEHICLE: BOAT: SCHEDULED ITEM NUMBER: OTHER:
<input type="checkbox"/>	LOSS PAYEE	ITEM DESCRIPTION:			
<input type="checkbox"/>	MORTGAGE				
<input type="checkbox"/>	LIENHOLDER				
<input type="checkbox"/>	EMPLOYEE AS LESSOR				
<input checked="" type="checkbox"/>	ADDITIONAL INSURED	Bureau of Land Management (BLM) ATTN: Dallas Moeke 1861 South 4th Street El Centro, CA 92243-000			LOCATION: BUILDING: VEHICLE: BOAT: SCHEDULED ITEM NUMBER: OTHER:
<input type="checkbox"/>	LOSS PAYEE	ITEM DESCRIPTION:			
<input type="checkbox"/>	MORTGAGE				
<input type="checkbox"/>	LIENHOLDER				
<input type="checkbox"/>	EMPLOYEE AS LESSOR				
<input checked="" type="checkbox"/>	ADDITIONAL INSURED	Bureau of Land Management (BLM) ATTN: Larry Blaine 2801 Barstow Road Barstow, CA 92311-0000			LOCATION: BUILDING: VEHICLE: BOAT: SCHEDULED ITEM NUMBER: OTHER:
<input type="checkbox"/>	LOSS PAYEE	ITEM DESCRIPTION:			
<input type="checkbox"/>	MORTGAGE				
<input type="checkbox"/>	LIENHOLDER				
<input type="checkbox"/>	EMPLOYEE AS LESSOR				
<input checked="" type="checkbox"/>	ADDITIONAL INSURED	The Corky McMillin Companies ATTN: Bob Bagle 4210 Boonita Road Bonita, CA 91902-0000			LOCATION: BUILDING: VEHICLE: BOAT: SCHEDULED ITEM NUMBER: OTHER:
<input type="checkbox"/>	LOSS PAYEE	ITEM DESCRIPTION:			
<input type="checkbox"/>	MORTGAGE				
<input type="checkbox"/>	LIENHOLDER				
<input type="checkbox"/>	EMPLOYEE AS LESSOR				
<input checked="" type="checkbox"/>	ADDITIONAL INSURED				LOCATION: BUILDING: VEHICLE: BOAT: SCHEDULED ITEM NUMBER: OTHER:
<input type="checkbox"/>	LOSS PAYEE	ITEM DESCRIPTION:			
<input type="checkbox"/>	MORTGAGE				
<input type="checkbox"/>	LIENHOLDER				
<input type="checkbox"/>	EMPLOYEE AS LESSOR				
<input checked="" type="checkbox"/>	ADDITIONAL INSURED				LOCATION: BUILDING: VEHICLE: BOAT: SCHEDULED ITEM NUMBER: OTHER:
<input type="checkbox"/>	LOSS PAYEE	ITEM DESCRIPTION:			
<input type="checkbox"/>	MORTGAGE				
<input type="checkbox"/>	LIENHOLDER				
<input type="checkbox"/>	EMPLOYEE AS LESSOR				

California 200

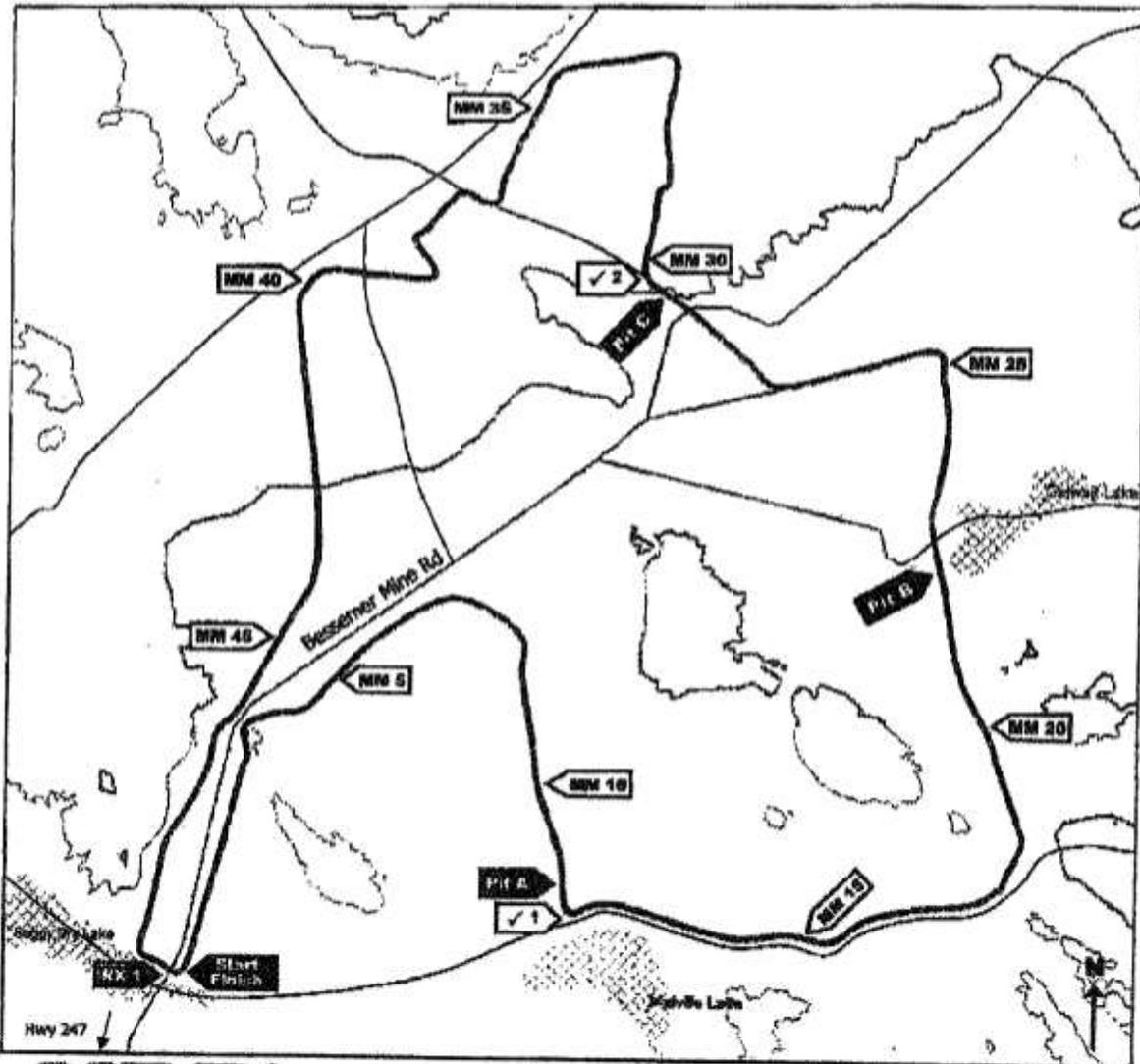


August 14, 2010 - Lucerne Valley, CA - Night Race

Start/Finish off Bessemer Mine Road at Soggy Dry Lake - Course A - Race Start Time 7:30 PM

Contingency/Registration: August 14 from 1:30 PM to 5:30 PM at Start/Finish - Awards: August 15 at 10:00 AM at Start/Finish

4 - 50 Mile Laps | 3 Laps for Classes 300, 900, 1200, 12-unlimited, 1300, 1450, 1700, and 3700 | 2 Laps for Classes 1100 and 1800



MDR Productions, 1853 Parkway Drive, South El Monte, CA 91733
Phone: (626)442-9320 Fax: (626)579-6051 www.mdracing.com

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M D R PRODUCTIONS

1853 Parkway Drive
South El Monte, CA 91733

Phone: 626 442-9320 Fax: 626 579-6051

e-mail: info@mdrracing.com

Web site: www.mdrracing.com

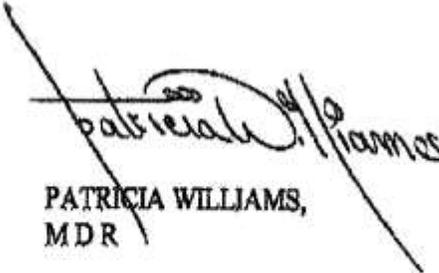
LARRY BLAINE
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE
2601 BARSTOW ROAD
BARSTOW, CA 92311

RE: OFF-ROAD RACE

THE ATTACHED IS A COPY OF THE NOTIFICATION M.D.R. FORWARDS TO THE
BARSTOW COMMUNITY HOSPITAL REGARDING THE OFF-ROAD EVENT.

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE DO NOT HESITATE TO
CONTACT ME.

THANK YOU,


PATRICIA WILLIAMS,
MDR

M D R PRODUCTIONS

1853 Parkway Drive
South El Monte, CA 91733

Phone: 626 442-9320 Fax: 626 579-6051
e-mail: info@mdrracing.com
Web site: www.mdrracing.com

LARRY BLAINE
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE
2601 BARSTOW ROAD
BARSTOW, CA 92311

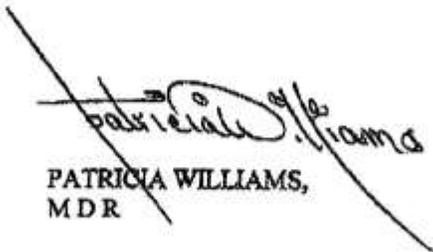
RE: OFF-ROAD RACE

THE FOLLOWING INDIVIDUAL IS THE CONTACT REPRESENTATIVE FOR M.D.R.
RESPONSIBLE FOR OVERSEEING COMPLIANCE WITH CLEAN-UP AT THE M.D.R.
EVENT.

JIM WILLIAMS
1853 PARKWAY DR
SOUTH EL MONTE, CA 91733
PHONE: 626 442-1803

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE DO NOT HESITATE TO
CONTACT ME.

THANK YOU,



PATRICIA WILLIAMS,
MDR

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LAW OFFICE

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M D R PRODUCTIONS

1853 Parkway Drive
South El Monte, CA 91733

Phone: 626 442-9320 Fax: 626 579-6051
e-mail: info@mdrracing.com
Web site: www.mdrracing.com

LARRY BLAINE
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE
2601 BARSTOW ROAD
BARSTOW, CA 92311

RE: OFF-ROAD RACE

THE FOLLOWING VOLUNTEERS WOULD BE AVAILABLE TO ASSIST THE BUREAU
WITH A PRE-RACE TORTOISE SWEEP.

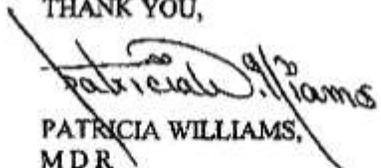
DAVE HATCHER
301 W. WALNUT AVE
ARCADIA, CA
PHONE: 626 447-5646

JIM WILLIAMS
1853 PARKWAY DR
SOUTH EL MONTE, CA 91733
PHONE: 626 442-1803

LISA WILLIAMS
1853 PARKWAY DR
SOUTH EL MONTE, CA 91733
PHONE: 626 442-1803

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE DO NOT HESITATE TO
CONTACT ME.

THANK YOU,


PATRICIA WILLIAMS,
MDR

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LAW OFFICE

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M D R PRODUCTIONS

1853 Parkway Drive
South El Monte, CA 91733

Phone: 626 442-9320 Fax: 626 579-6051
e-mail: info@mdrracing.com
Web site: www.mdrracing.com

LARRY BLAINE
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE
2601 BARSTOW ROAD
BARSTOW, CA 92311

RE: OFF-ROAD RACING

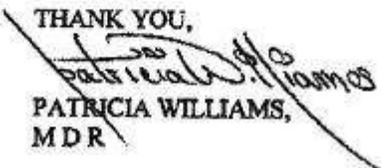
THE FOLLOWING INDIVIDUALS ARE THE CONTACT REPRESENTATIVE FOR M.D.R. RESPONSIBLE FOR OVERSEEING COMPLIANCE WITH PROTECTIVE STIPULATIONS FOR THE DESERT TORTOISE AT THE M.D.R. EVENT.

JIM WILLIAMS
1853 PARKWAY DRIVE
SOUTH EL MONTE, CA 91733
626-442-1803

THE ATTACHED INFORMATION SHEET ON THE DESERT TORTOISE IS INCLUDED WITH THE RACE PACKET THAT IS MAILED TO ALL PEOPLE ON THE M.D.R.'s MAILING LIST. IT IS ALSO INSERTED IN THE DRIVER PACKET THAT IS GIVEN TO ALL TEAMS THAT REGISTER AT EACH RACE. ADDITIONALLY IT IS ALSO AVAILABLE ON THE M.D.R. WEBSITE. THE INFORMATION SHEET IS AVAILABLE TO THE PUBLIC AT THE START/FINISH AREA ON RACE DAY.

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE DO NOT HESITATE TO CONTACT ME.

THANK YOU,


PATRICIA WILLIAMS,
M D R

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LAW OFFICE

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M D R PRODUCTIONS

1853 Parkway Drive
South El Monte, CA 91733

Phone: 626 442-9320 Fax: 626 579-6051
e-mail: info@mdrracing.com
Web site: www.mdrracing.com

LARRY BLAINE
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE
2601 BARSTOW ROAD
BARSTOW, CA 92311

RE: OFF-ROAD RACE

THE FOLLOWING INDIVIDUAL IS THE CONTACT REPRESENTATIVE FOR M.D.R.
RESPONSIBLE FOR COORDINATING A MEDICAL EMERGENCY AT THE RACE.

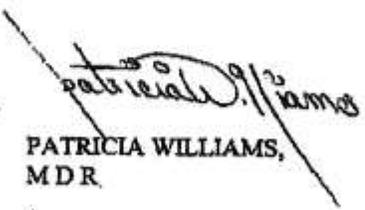
JIM WILLIAMS
1853 PARKWAY DR
SOUTH EL MONTE, CA 91733
PHONE: 626 442-1803

DAVE HATCHER
301 W. WALNUT AVE
ARCADIA, CA
PHONE: 626 447-5646

ALSO NOTE THAT M.D.R. OPERATES ON THE "WEATHERMAN" RADIO FREQUENCY
RELAY 151.625 TO COORDINATE ALL MEDICAL EMERGENCIES AND REQUESTS FOR
ASSISTANCE.

IF YOU REQUIRE ADDITIONAL INFORMATION PLEASE DO NOT HESITATE TO
CONTACT ME.

THANK YOU,


PATRICIA WILLIAMS,
M D R

SPECIAL STIPULATIONS FOR ALL EVENTS

Effective October 1, 2009

Pre-event Stipulations

Participants who violate any of the following stipulations will be disqualified from the event.

Permittee (the person to whom the Special Recreation Permit has been issued) is to observe, and is responsible for ensuring that all event participants observe, all federal, state, and local laws applicable to the event.

Permittee is to designate an individual as a Desert Tortoise Contact Representative, responsible for overseeing compliance with protective stipulations for the desert tortoise.

Permittee is to inform all participants and spectators in the event of the occurrence of the desert tortoise in the area, the status of the species, and methods being employed as a part of the event to protect the species and its habitat.

Permittee is responsible to acquire and distribute informational materials about the desert tortoise, its protected status, and laws regarding it.

Permittee is to hold a pre-event briefing at the site, which may include the distribution of written instructions, to inform participants of rules, regulations, safety procedures, and other necessary directives.

Vehicles used in permitted closed circuit event are not to be operated on public land within the OHV area unless the vehicle meets all state vehicle code and federal regulations e.g. has assigned vehicle identification number stamped on frame or permanently affixed metal plate; is registered in home state or has California non-resident OHV permit attached; has approved spark arrester and muffler that adheres to noise limits; has lights for night operation; has attached whip antenna and safety flag.

Vehicles that do not meet the above requirements are only to be hauled, trailered, or towed from camping area of mesa to closed circuit event area and vice versa.

Participants of the event should be readily identifiable as such by wearing event issued wristband, special tag, etc.

Individuals entering Dumont Dunes OHV area are responsible for purchasing use permit for each primary vehicle. Receipt or hangtag must be visible at all times.

The authorized officer (the BLM Field Manager) may require permittee to supply a copy of any written handouts, or other materials; and the location of the briefing site, to the BLM office issuing the permit.

Permittee is to contact the hospital and ambulance service closest to the event location and alert

them of the event, including type of event, number of participants and spectators expected, location of the start/finish, and other pertinent information. Permittee is to provide a copy of this notification to the BLM issuing office.

Permittee is to designate a First Aid Coordinator and to inform the BLM office issuing the permit who this person is.

The First Aid Coordinator is to be at the entire event, to direct emergency procedures. This person is to organize and provide certified first aid personnel (First Responder minimum) who are equipped with first aid and communications equipment, capable of accessing patients at any location on the event course, providing Basic Life Support (BLS), and transporting or arranging transport of patient to a location readily accessible by local commercial medical transport services.

First aid personnel are to be located around the identified course where they have the ability to quickly respond to an injured person on any part of it.

The First Aid Coordinator must have the ability to communicate with all first aid personnel.

A cash bond in the amount of \$2,500.00 (two thousand, five hundred dollars), or higher may be required to assure the payment of permit fees and cleanup after an event.

Permittee is required to pay the total of all anticipated fees prior to the event.

If the permittee does not personally attend the event, the Authorized Officer must be notified of the substitute permittee's name and the planned headquarters for the event. If requested by the BLM, the permittee, or a representative of the permittee, is to accompany a BLM official at inspections before, during, or after the event, or any combination of these.

Permittee is to notify all participants that using pallets for firewood is strictly prohibited. Firewood containing nails, screws, or other metal is prohibited in all OHV areas (43 CFR 8365.1-6). It is appropriate for permittee to convey this information through the use of handouts, oral briefings, and organizational web pages.

Fireworks are illegal on the public lands and are strictly prohibited.

Event Stipulations

Permittee is responsible for the safety of participants and spectators at the event with respect to the race/event course.

Any hazardous conditions are to be corrected immediately.

No change of the event route is allowed without BLM approval.

Permittee is responsible for confining participating vehicles to the marked event course and for

describing how vehicles will be confined to the course. 9

Permittee agrees that for all crossings of maintained vehicle routes within OHV areas, danger 9 markings will be provided and flaggers will wave all oncoming vehicles to a stop until all event 9 participants have passed and passage is deemed to be safe. 9

The event route must be single file wide and cross at a 90-degree angle to the direction of any 9 road. 9

All crossings will be lighted during nighttime hours. 9

Permittee agrees to place flaggers, or other means of warning, at all crossings and other potential 9 safety hazards along the event route. 9

Permittee agrees that all officials and flaggers for the event will wear bright/fluorescent, easily-9 identifiable clothing. 9

Proper registration or out-of-state permit is required on all vehicles. 9

All persons involved in, and all spectators of, this event are to travel 15 MPH, or less, when 9 passing within 50 feet of any social group, picnic area, or camping area. Permittee may 9 disqualify anyone violating this stipulation and may ask BLM officials to remove such a person 9 from the event. 9

Permittee is responsible for repairing any road or route of travel which has been affected by the 9 event. 9

If any death occurs in connection with this event, including that of spectator(s), participant(s), or 9 bystander(s), permittee is to notify the BLM and other appropriate authorities immediately and is 9 to confirm that a death (or deaths) has (or have) occurred by completing a death or fatal injury 9 report. 9

Additionally, in the case of serious injuries, such as loss of limb or eye, fractured back or skull, 9 or prolonged hospitalization, permittee is to submit any and all serious injury reports to the BLM 9 within 10 calendar days after the event, describing said injuries. 9

Camping, spectator, and participant concentration areas are to be located in previously-disturbed 9 areas. 9

Trash containers used for all events shall be raven-proof. 9

The discharging of tanks (any waste water) from an RV onto the ground is not permitted. 9

Permittee is to notify all participants of current fire restrictions and fire prevention orders. 9

Burning trash on-site is not permitted as a means of disposal. 9

All fires must be completely extinguished prior to leaving the area. 9

Permittee is required to provide a portable toilet for every 75 persons attending this event. 9

All portable toilets must be maintained and properly emptied during the event. 9

Permittee will inform all event participants that BLM encourages the use of a propylene glycol-9 based antifreeze/coolant (any coolant which is ethylene glycol-free) in all vehicles, for the 9 prevention of the accidental poisoning of desert wildlife. 9

Post-event Stipulations

All litter, trash and food items will be promptly contained and will be immediately removed from 9 the area upon completion of event activities (no later than the day following the event) to 9 discourage attracting ravens and other desert tortoise predators. 9

Permittee will submit the name and telephone number of person(s) responsible for cleanup to the 9 BLM permitting officer. 9 Permittee agrees to remove course markings –from the entire event–9 within 7 calendar days of the event. 9 If any part of this stipulation is neglected by the permittee, 9 area will be cleaned up at permittee's expense. 9 The cost of cleanup will recover BLM's 9 expenses. 9 The authorized officer may require a cash bond to assure compliance with this 9 stipulation. 9 If a bond is required, it will be posted 30 calendar days prior to the event, and will 9 be returned, in full or adjusted, once applicable permit stipulations have been met. 9

Any difference in the advance fees paid and the final, actual fees must be reconciled by the 9 permittee and the U.S. Department of the Interior, Bureau of Land Management (USDI/BLM), 9 after the Post Use Report is submitted by the permittee and analyzed by the BLM. 9

No later than two calendar days after an event, BLM personnel (together with specified 9 volunteers, if needed, as noted above) will examine the course to look for tortoises which have 9 been killed or injured as a result of the event. 9 Locations of any dead or injured tortoises will be 9 recorded for the notification of the U.S. Fish and Wildlife Service. 9 Carcasses may be marked to 9 indicate recordation. 9

Permittee is to send the completed Post Use Report to the Barstow Field Office no more than 30 9 calendar days after the event; it is suggested that this form be sent along with money owed BLM. 9

Permittee (competitive events) must pay the United States (payable to [USDI/BLM]) a fee of 9 \$5.00 (Five dollars) per participant/per day or three percent of gross receipts (money collected in 9 connection with the event before deducting costs such as insurance, prizes, taxes, etc.), or the 9 annual, non-refundable, minimum \$95.00 fee, whichever is the greater amount of these three. 9

Permittee (commercial events) must pay the United States (payable to [USDI/BLM]) three 9 percent of gross receipts (money collected in connection with the event before deducting costs 9 such as insurance, prizes, taxes, etc.), or the annual, non-refundable, minimum \$95.00 fee, 9 whichever is the greater amount. 9

Permittee (organized group events) must pay the United States (payable to [USDI/BLM]) a fee of \$5.00 (Five dollars) per participant/per day, or the annual, non-refundable, minimum \$95.00 fee, whichever is the greater amount. 9

Signature Patricia Williams
Print Name PATRICIA WILLIAMS Date 9-29-09