

April 3, 2009

Eldorado National Forest
100 Forni Road
Placerville, Ca 95667
Attn: Lester Lubetkin - Forest Recreation Officer

**RE: OHMVRD Grant Application Number GO9-02-23-L01
Law Enforcement USFS EDNF Patrol District**

District 36 Motorcycle Sports Committee, [D36} a 54 year old non-profit organization, submits its general support for this grant application.

Comments relating to this application:

Thousands of Northern California District 36 members and their families use this forest for quality, safe and family OHV recreation and participation in permitted special events going back over 30 years.

In review of historical documents relating to OHMVRD Grant Funding issued to this forest, USER FEE monies administered starting with Grant OR-2-E-01 back in 1980, this shows the cooperation between the forest and the user funded grants, known as "Green Sticker" fund, and has established a pattern of supplemental financial support during nearly 3 decades of OHV use in the area.

As you know, D36 has supported Law Enforcement Supplemental Grant Funding in our forests, including the Eldorado, for many decades - when it is utilized in an OHV educational, enforcement when needed and in a publicly responsive manner.

As a combined total budget of \$635,012.00 noted in this grant with the match as outlined in your application, this should be more than ample funds for the recreation type and areas covered within the annual calendar year, including closure periods required by law, or caused by the action of nature.

D36 does ask that Leo/FPO officer scheduling be set up to avoid any type of overtime expenses being paid, thus insuring this funding can be expanded in the most time efficient manner, and not waste valuable resources on unnecessary overtime expenses. Within your application under Project Description: you promise adequate staff for this grant with a spread of LEO & FPO manpower.

Additionally, within Section - Law Enforcement - Page 2 (4) you indicate that an applicant (you) does recover a portion of LE costs associated with a permitted OHV event, and answered YES to this question.

To D36 member families, this is a critical statement.

You cite Sound Testing and Enforcement of "other rules" at the FEW annual events. As you know, District 36 supports sound compliance within its rules, and assistance by Blue Ribbon Coalition and D36 at these permitted events have done sound testing and spark arrestor compliance by certified Sound Technicians specifically at these few permitted events.

The "other" as listed would be registration checking for the most part. I mention this because many of the D36 clubs that obtain annual recreation event permits, are the same clubs and organizations that are the "volunteer" base you discuss in Law Enforcement - Page 4 (10): We (EDNF) have also been working diligently with various clubs and groups to complete volunteer trail maintenance projects, as well as to provide public information and education."

We applaud these public outreach projects and cooperation.

With that, D36 would request that part of this huge LE budget be incorporated within the Permitted Motorized Special Events application and Cost Recovery line item for Special Events that are motorized to REMOVE this line item as a financial requirement from said permittee. The budget submitted lists under line 7, Administrative Costs, a gross total of \$55,920.00, of which \$5,000.00 is part of the overall Grant request. With LEO/FPO & Administration all being funded with user fee generated supplemental grant funds, the appearance, and application of "Double Dipping" seems to be prevalent.

This seems unfair to the motorized public, as the OHMVR users, required by law, have registration - and thus, the financial funding base of the grants program are issuing grant money to the forest to be used for law enforcement, of which, the same users are using public land on existing legal trails maintained in part with supplemental funds paid by these same users.

It is the same users, for the most part, using the same trails for recreational opportunity, which are used in a "permitted" event. This would apply to ALL motorized users that contribute to the fund via registration and other sources of income allowing the Grant Program to exist, and supply the millions of dollars this forest has received over the life of the OHMVRD Grant Program. This would include OSV users and 4WD vehicles for example. California SB 742, under 4970.12 has included a generous allocation of 30% of the entire LE Grant budget to the USFS for LE specific purposes.

D36 makes formal request that LE related costs/charges NOT be implemented via Cost Recovery Formulas and line item identification to motorized permitted events/applicants, as said permitted motorized events are users in this forest that have already contributed to LE costs to the forest by payment of this grant application if approved. Users may NOT legally operate an OHV in this forest

unless it is registered by law, and falls into the category of an MOU/MOI between the USFS & OHMVRD in force by grant funding acceptance.

D36 requests this action as a key fundamental right of fairness to the OHMVRD in process decision for awarding grants to the USFS as the OHMVRD Grants Program is funded by users of OHV, California based or otherwise.

D36 finds NO code/statute/law or regulation prohibiting this action from taking place, and makes request to the OHMVRD to protect the public from unfair "financial cost recovery" within a SRP when a land use agency is already receiving LE supplemental funds from the program for ALL forms legal OHV Recreation.

Again, D36 supports your request for LE Grant funding, but asks the Division for consideration in our request to Permitted Events and the USFS Imposed Cost Recovery Mandates as part of your "decision making" process, and clarification to the public on this issue.

Respectfully submitted,

Dave Pickett District 36 Motorcycle Sports Committee

Cc
EDNF