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Assembly California Legislature



BRIAN W. JONES
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ASSEMBLY LEGISLATIVE ETHICS

June 3, 2013

Major General Anthony L. Jackson (Ret)
Director, Department of Parks and Recreation
1416 9th Street, Room 1405
Sacramento, CA 95814

Dear Major General Jackson:

I have recently been made aware of a Writ of Mandate filed by Public Employees for Environmental Responsibility (PEER) and the Desert Protective Council (DPC) to stop open riding in the Ocotillo Wells State Vehicular Recreation Area (SVRA). This case has been brought against California State Parks and Recreation (DPR) and the Division of Off-Highway Motor Vehicle Recreation (OHMVR) and Christopher Conlin, in his official capacity. The writ alleges that California Department of State Parks (DPR) is not enforcing various Public Resources Codes with respect to trail maintenance and environmental protection. It has been brought to my attention that thus far, there has been no published legal opinion on PRC § 5090.35 in spite of concerns regarding the ambiguity thereof.

Many of my constituents enjoy recreating in the Ocotillo Wells SVRA, which is why this lawsuit is very troubling. This area has been used for OHV recreation for over 50 years and has always been designated as an open riding area, meaning that users in the park are not required to stay on designated trails.

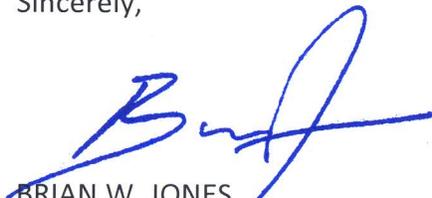
Because the Ocotillo Wells SVRA is currently managed as an open area, the vehicle-related impacts are dispersed, whereas trail systems tend to focus impacts repetitively on the same strips of ground, resulting in deeply scoured routes that become difficult to use and maintain. Thus, there is indeed legitimacy to maintaining the large open areas at the Ocotillo Wells SVRA. Continuation in this vein would certainly appear to be sound policy, and I therefore would strongly encourage the Department to carefully and scientifically investigate the veracity of allegations with respect to trail maintenance and environmental protection.

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I am certain you are aware that OHV riding is a very popular form of recreation; my family and I enjoy this sport, as do countless numbers of my constituents. My district is also home to businesses that depend on income from the recreational activity that occurs in the Ocotillo Wells SVRA.

It is my understanding that State Parks has thirty days to respond to the lawsuit which was filed on May 21, 2013. I strongly encourage the State Parks Department to defend its current management policy and require plaintiffs to scientifically substantiate their allegations. I appreciate your past support of OHV recreation and look forward to your continued understanding.

Sincerely,



BRIAN W. JONES
Assemblyman, 71st District

cc: Christopher Conlin, Deputy Director, Off Highway Motor Vehicle Recreation Division
Phil Jenkins, Division Chief, Off Highway Motor Vehicle Recreation Division
Garratt Aitchison, Supervisor, Ocotillo Wells State Vehicular Recreation Area