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ORBA PRESIDENT TESTIFIES IN SACRAMENTO

On March 13, 2009 Fred Wiley, President of the Off-Road Business Association, submitted testimony before the Off-Highway Motor Vehicle Recreation Commission.

Wiley's testimony included information about the adverse affects the ban of youth-sized motorcycles and ATVs have had on business in California. A new law, "The Consumer Product Safety Act," was signed into law on August 14, 2008. Wiley also raised valid concerns about younger riders not being able to take required safety training. Another unintended consequence could be that youth would be forced to use inappropriately-sized equipment. Other comments included the financial affect on the off-road industry in California during the current economic crises.

Wiley asked this commission to use its bully pulpit and send a letter to the California elected officials in Washington DC requesting that this law be amended immediately. The Commission agreed to do so.

YOUTH OHV BAN

ORBA Vice President Jim McGarvie recently sent a letter to U.S. Congressman Duncan Hunter (R-CA) expressing his concern about the youth OHV ban, which is negatively impacting many ORBA members. Congressman Hunter—an off-roader himself—sent a letter to the Consumer Product Safety Commission asking them to expedite con-

sideration and grant the petitions for the exclusion submitted by the Motorcycle Industry Council (MIC), the Specialty Vehicle Institute of America (SVIA) and some of their member companies.

In the letter Congressman Hunter stated that is was not the intent of the Consumer Product Safety Improvement Act of 2008 (CPSIA of 2008) to create undue economic hardships on the OHV industry, especially during a time of already unprecedented economic conditions. The congressman goes on to state that if the requested exclusion was granted to the OHV industry that the CPSC would be engaging in a reasonable interpretation and implementation of the CPSIA of 2008.

ORBA, MIC and SVIA continue to closely monitor the implementation of the CPSIA of 2008 and to work for relief for the OHV industry. In addition to the pending exclusion petitions with CPSC, Senator Jon Tester (D-MT) and Congressman Denny Rehberg (R-MT) have introduced bills in Congress which would grant exemptions from the lead content provisions for youth ATVs and motorcycles. You can help by visiting the MIC's "Stop the Ban" website

(<http://www.mic.org/letters.cfm>) for several ways to contact your Congressional representatives and members of the CPSC oversight committees to urge them to support the pending bills.

MALCOLM SMITH PROTEST



In defiance of the Consumer Product Safety Improvement Act of 2008, which prohibits the sale of youth motorcycles and ATVs deemed unhealthy for children under 12 due to supposed high-levels of lead content, motorcycle dealer and ORBA member Malcolm Smith sold these

banned vehicles as a sign of protest.

As a sign of support, a group of small business people and high-profile motorcycle industry celebrities, including racers Jeff Ward and Jeremy McGrath, Glen Helen Raceway owner Bud Feldkamp, and motorsport design guru Troy Lee were all on hand to purchase banned units for use by their own children and grandchildren.

RENEWABLE ENERGY CONFERENCE

On March 18 and 19 ORBA staffer Meg Grossglass attended the California Biodiversity Council's Conference on California's Renewable Energy Future. The purpose of this conference was to raise awareness of the need and processes involved with implementing renewable energy generation facilities.

Currently the Bureau of Land Management (BLM) has 90 applications for wind energy facilities and 74 for solar. Of those applications, 61 of the wind applications and 72 of the solar applications are located within the California Desert District and, if approved, would cover over one million acres of public land. It is doubtful that even 10 percent of these applications will eventually be approved, but that does not mean that the OHV community should not be concerned with these projects. Almost all of the proposed projects are on limited use lands—lands where off-roaders are currently allowed to recreate as long as they stay on the designated trails. As of this time the BLM has successfully discouraged renewable energy companies from applying for projects in any of our open areas, or areas where we are not required to stay on designated trails and are free to travel cross-country.

This conference covered the permitting process and some of the consensus building efforts that the California Energy Commission (CEC), the Public Utilities Commission (PUC) and the State of California have put into place in an effort to reduce the amount of opposition these projects could face. While you

might think that the environmental community would embrace these projects, that does not seem to be the case. It recognizes the need to reduce greenhouse gas emissions but there seems to be large portion of the community that opposes the projects.

ORBA recognizes the fact that these types of renewable energy facilities are a priority for the new Obama administration as well as the Schwarzenegger administration. The Schwarzenegger administration supports these projects because they are needed for the utility companies to meet the Renewable Portfolio Standard (RPS), which states that all publicly owned utilities in California will get 20% of their power from renewable sources by 2010.

ORBA will look at each individual project before deciding on a position. It is quite possible that some of these projects can co-exist with OHV recreation. It is also possible that the impact upon recreation of some of the projects can be mitigated. It does not serve the OHV community well to automatically say "NO" to every proposed project. Instead it should look at each project on a case-by-case basis and work with the project applicant on mitigating any potential impacts to OHV recreation.

ORBA LOBBY DAY

This year's annual ORBA Sacramento lobby day will be in May, on a date to be determined.

ORBA will be shaking things up a little. It looks like a midweek assault. Details will be available on the ORBA Web site in the near future.

BILL SUMMARY 3/20/2009

Following are some proposed California bills which ORBA is watching closely because they may impact OHV recreation.

- AB 102 (Smyth) Santa Susana State Park.
- AB 134 (Blakeslee) Vehicles: off-highway motor vehicles.
- AB 444 (Caballero) Land use: natural resources: transfer of long-term management funds.
- AB 1104 (Monning) Vehicles: off-highway motor vehicle.
- AB 1114 (Gilmore) Department of Parks and Recreation.
- AB 1115 (Fuentes) Natural re-

- sources: outdoor recreation.
- AB 1302 (Monning) Parks: recreational activities.
- AB 1345 (Swanson) State park system: beaches.
- AB 1361 (Portantino) All-terrain vehicles.
- AB 1513 (Evans) State lands: wilderness areas.
- SB 4 (Oropeza) Public resources: state beaches and parks: smoking ban.
- SB 372 (Kehoe) State parks system: unit modification, adjustment, or removal.
- SB 435 (Pavley) Smog check program: motorcycles.
- SB 615 (Ashburn) Vehicles: off-highway motor vehicles.
- SB 679 (Wolk) State parks: acquired land: limits on disposition or use.

DESERT ADVISORY COUNCIL MEETING

On March 20 and 21 the Bureau of Land Management (BLM) held its Desert Advisory Council (DAC) meeting. The DAC held its first public meeting of the year in Barstow, California. The DAC was formed under the Federal Advisory Committee Act which was passed in 1972 in an effort to create an orderly procedure by which agencies, like the BLM, may seek advice and assistance from citizens and experts.

ORBA staff member Meg Grossglass was recently appointed to serve on the DAC. As is the tradition of this group there is usually some type of tour of a BLM area on Friday and then the actual business meeting is held on Saturday. At the March meeting the DAC toured the Johnson Valley OHV Area. Dave Cole, one of the promoters of the "King of The Hammers" race and the President of the Friends of Johnson Valley (FOJV), did an outstanding job of providing all of the DAC members with rides in extreme 4 wheel drive vehicles. He was asked to provide seats for twenty people and showed up with seats for forty.

Both Cole and Jerry Grabow, President of AMA D-37 Off-road, gave short presentations about how their respective organizations use the area. Cole and all of the volunteers did their sport a great service. The ride provided by the volunteers was probably the most extreme one

any of the DAC members or BLM staff had every gone on. The trails chosen highlighted the uniqueness of the Johnson Valley OHV Area.

At the Saturday business meeting a presentation was made to the DAC by the military as to why they need to expand their current training area. If you would like more information about the Marines' acquisition plans in Johnson Valley you can go to:

<http://www.29palms.usmc.mil/las/default.asp>.

Also on the agenda for the meeting were field office reports and an update on the renewable energy projects in the California Desert District. The El Centro field office gave a preview of the alternatives they might propose for the Imperial Sand Dunes Recreation Area Management Plan. If you would like to see the maps associated with these alternatives go to:

<http://www.blm.gov/ca/st/en/fo/elcentro/recreation/ohvs/isdra/dunesinfo/>

Grossglass introduced and won approval of a formal letter-writing procedure for the DAC. Previously this body did not have such a procedure and having one in place will help them make official recommendations to BLM and other entities that could affect land use within the California Desert District.

WESTERN CLIMATE PLAN WOULD COST JOBS

A new study finds that a carbon cap-and-trade plan in the western US could slow investment, cost the region hundreds of thousands of jobs, and cut personal income for millions of workers.

The analysis, conducted by economists at the Beacon Hill Institute, also found that the proposed Western Climate Initiative (WCI) would require western states to dramatically increase their number of government employees. The BHI study reconfirms many of the findings of a study released last month by the Western Business Roundtable (WBR). That study concluded that the WCI plan could seriously damage the West's economy if implemented in its present form.

The entire article may be viewed on the ORBA Web site.

No Trails = No Sales
The Voice of the Off-Road Industry