

**CALIFORNIA OFF-HIGHWAY MOTOR VEHICLE RECREATION
COMMISSION**

MEETING MINUTES
ROOM 4203
CALIFORNIA STATE CAPITOL
SACRAMENTO, CALIFORNIA 95814

SEPTEMBER 30, 2005

MINUTES APPROVED DECEMBER 8, 2005 AS CORRECTED.

COMMISSIONERS PRESENT

Paul J. Spittler, Chair
Michael F. Prizmich
Harold M. Thomas
Edward H. Waldheim

COMMISSIONERS ABSENT

Robert F. Chavez, Vice-Chair
Judith A. Anderson
John E. Brissenden

DIVISION STAFF PRESENT

Tim La Franchi, Legal Counsel, DPR
Daphne C. Greene, Deputy Director, OHMVR Division
Philip B. Jenkins, Chief, OHMVR Division
Rick LeFlore, Superintendent IV, OHMVR Division
Jess Cooper, Superintendent III, OHMVR Division
Kathleen E. Mick, Deputy Director's Assistant-Special Projects, OHMVR Division
Julie D. Hom, Staff Park and Recreation Specialist, OHMVR Division
Barbara Greenwood, Associate Park and Recreation Specialist, OHMVR Division
Larry Bellucci, Associate Park and Recreation Specialist, OHMVR Division
David Quijada, Associate Park and Recreation Specialist, OHMVR Division
Patrick Rodriguez, Associate Park and Recreation Specialist, OHMVR Division
Jennifer Buckingham, Associate Park & Recreation Specialist, OHMVR Division
Karen Feldheim, Associate Resource Ecologist, OHMVR Division
John Pelonio, Supervising Ranger, OHMVR Division
John Horn, Superintendent, Hollister Hills District, CA State Parks

Martha O. Stallcop, Office Technician, OHMVR Division
Sandra J. Elder, Commission Assistant, OHMVR Division

OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT

Kenneth J. Pogue, Deputy Attorney General
Billy Jenkins, Deputy Attorney General

REGISTERED VISITORS

Mike C Burman, Mendocino NF
Jeff Applegate, Mendocino NF
Doug Ridley, Lake Tahoe Basin Management Unit, USFS
Harold Soens, San Diego Off-Road Club
Matthew Piper, Mendocino NF
Laura Bates, Mendocino NF
John Schuyler, Redding, CA
Lester Lubetkin, Eldorado NF
Sylvia Milligan, California/Nevada Snowmobile Assoc. & Recreation Outdoor
Coalition
Don Amador, Blue Ribbon Coalition
Nick Haris, American Motorcycle Association
Bonnie Plank, El Dorado Equine Trail Foundation
George Barnes, Sierra Club, California
Rich Williams, BLM Bishop Field Office
Rick Hollenbeck, City of Tulare Cycle Park
Craig Miller, City of Tulare
Jim Keeler, BLM California State Office
Brian White, BLM Hollister Field Office
Jon Jue, Eldorado NF, Georgetown Ranger District
John Stewart, California Four Wheel Drive Club, Inc.
Fred Wiley, California/Nevada Snowmobile Association
Ed Moore, Tahoe NF
Alan Rudolph, Friends of Metcalf Motorcycle Park
Alex Seyedi, Friends of Metcalf Motorcycle Park
Jason Munday, Friends of Metcalf Motorcycle Park
Scott Brown, Mono County Sheriff's Office
Elizabeth Norton, Lassen NF
Don Klusman, California Four Wheel Drive Clubs, Inc.
Cole Hampton, Mono County Sheriff's Office
Tim Dabney, Tahoe NF
Diana Craig, USFS Regional Office, Vallejo
Jim Weigand, BLM California State Office
Ron Gartland, BLM California Dessert District

Pete Jimenez, Humboldt County Sheriff's Office
Jay Dobler, California/Nevada Snowmobile Association
Greg Humann, Fresno County Sheriff's Office
Tony Gragin, Fresno County Sheriff's Office
Bob Miller, Fresno County Sheriff's Office
Bruce Cann, BLM Arcata Field Office
Kevin Bassett, Office of Senator Dave Cox
Eric Lang, Calaveras County Sheriff's Office
Michael Walker, Calaveras County Sheriff's Office
Bonnie Mathews, Calaveras County Sheriff's Office
H. C. "Skin" Veatch, Alpine County Board of Supervisors
Jim Macedo, Calaveras County Sheriff's Office
Robert Levy, Alpine County Sheriff's Office
Jim McGarvie, Off-Road Business Associates
Bruce Brazil, California Enduro Riders Association
Traci Verardo, California state Parks Foundation, Sacramento
Karen Schambach, Public Employees for Environmental Responsibility and
Center for Sierra Nevada Conservation
Todd Johns, Plumas County Sheriff's Office
Ryan Henson, California Wilderness Coalition
Dave Panchesson, Butte County Sheriff's Office
Susan Tiffany, Butte County Sheriff's Office
Sky Zaffarano, BLM Redding Field Office
Bill Kuntz, BLM Redding Field Office
Marcus Libkind, Snowlands Network
T. McHale, Aaron Reid and Associates
Jane LaBoon, Eldorado NF
Terry Woodson, Alpine County Board of Supervisors
Gary Barnett, Lake Tahoe Basin Management Unit, Tahoe NF
Judith Spencer, Commitment to Our Recreational Environment
Pete Conaty, Pete Conaty & Associates
Kieth Huff, Seal Beach, California
Dan Peterson, Commitment to Our Recreational Environment
Christine Schneider, Thomas Reid and Associates
Jeff Wiley, Tahoe NF
Deb Schoeuberg, Plumas NF
Bob Spencer, Arnold, California
Philip M. Klasky, Alliance for Responsible Recreation
Marilyn Lewis, Alpine Sportsman
R. Brian Koreu(?), US Forest Service
Jan Cargill, US Forest Service, Groveland, CA
Doug Lamalfa, Assemblyman, 2nd District
Gary Schiff, Humboldt-Toiyabe NF
Dave Pickett, American Motorcycle Association, District 36

Brian Kermeen, Stanislaus NF
James Williams, San Bernardino County Sheriff's Office
Jack Horner, Forest Recreation Officer, Mendocino NF
David Michael, Tahoe NF
Laurie Taylor, Operations Division, California State Parks
Cheryl L. Kyle, Kyle Reporting, Inc., Sacramento

CALL TO ORDER

Chair Spitler called the meeting to order at 8:40 a.m. in Room 4103, California State Capitol, Sacramento, California.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

PUBLIC HEARING

FRIDAY, SEPTEMBER 30, 2005

8:40 a.m. TO 6:02 p.m.

HELD AT

CALIFORNIA STATE CAPITOL

ROOM 4203

SACRAMENTO, CALIFORNIA

Reported by CHERYL L. KYLE, CSR No. 7014

SCRIBE REPORTING
Certified Shorthand Reporters
2315 Capitol Avenue, Suite 1010
Sacramento, CA 95816

916-492-1010 866-457-1010 FAX 916-492-1222

1 CHAIR SPITLER: Welcome, everyone, to the
2 Northern California Subcommittee Grants Meeting. We'll
3 start with the Pledge of Allegiance.

4 (Pledged the Flag.)

5 CHAIR SPITLER: Thank you. If we can have a
6 roll call.

7 MS. ELDER: Judith Anderson, John Brissenden,
8 Robert Chavez, Paul Spitler.

9 CHAIR SPITLER: Here.

10 MS. ELDER: Harold Thomas.

11 COMMISSIONER THOMAS: Here.

12 MS. ELDER: Michael Prizmich.

13 COMMISSIONER PRIZMICH: Here.

14 MS. ELDER: Ed Waldheim.

15 COMMISSIONER WALDHEIM: Here.

16 CHAIR SPITLER: Thank you.

17 So this is the subcommittee meeting of the
18 Off-Highway Motor Vehicle Commission. The purpose of
19 today's meeting is to take public comments on the staff
20 recommendations for the Northern California grants.

21 How I'd like to run this meeting is we will call
22 the grants up in order. If there's anyone representing
23 the applicant who would like to say a few words, you'll
24 have the first shot. Then members of the public
25 wishing to comment on the grants and staff

2

1 recommendations will speak next. The Commission will
2 not be taking action on these grants today, other than
3 to establish items for a Consent Calendar for our final
4 allocation meeting, which comes on November 18th and
5 19th.

6 So we'll just be looking at what staff has
7 recommended. If there is agreement on the Commission
8 with those numbers, we will go ahead and put those
9 items on the Consent Calendar for November. If there's
10 not agreement on those items, I think we'll just have a
11 limited discussion but agree to just pull the item from
12 consent and go ahead and discuss it further in
13 November. So this isn't the time we'll be getting into
14 long discussions on what an appropriate funding level
15 should be.

16 With that said, are there any other comments or
17 questions from Commissioners before we get started?

18 COMMISSIONER WALDHEIM: Yes, Mr. Chairman, I
19 would like to add to your comments that I will be
20 providing numbers to the public to let them know where
21 I, as Ed Waldheim, is going with the grant, so they
22 have something to work off of. And then it behooves
23 the public to get back to ourselves or whatever, any
24 Commissioner to say, well, I disagree with it, I think
25 it should be this, I think it should be that. That way

3

1 at least you have some numbers to work off of so you're
2 not totally in the dark.

3 Mr. Chairman, I'd also like to -- Mr. Chairman,
4 when you get to the approval of the agenda, I'd like to
5 make an amendment on that when you're ready for that.

6 CHAIR SPITLER: Okay.

7 COMMISSIONER PRIZMICH: Mr. Chairman, one
8 comment if I might.

9 For those who know me, I shaved my head for a
10 cancer fund raiser. So I'm not sick in the disease
11 sense of the word, but I'm doing fine. So we're now
12 growing our hair back, all of us in the county, after
13 raising a lot of money.

14 COMMISSIONER THOMAS: Mr. Chairman.

15 CHAIR SPITLER: Mr. Thomas.

16 COMMISSIONER THOMAS: I don't fully understand
17 the context of some of these numbers in the sense that
18 I generally approach -- we will let the Chairman finish
19 his consultation. Thank you, Mr. Chairman.

20 I generally try to make decisions in the context
21 of a policy envelope so that you can make allocations
22 between competing needs. And I don't fully understand
23 the policy envelope we're operating under. So the
24 decision to put things on the Consent Calendar implies
25 somebody made a decision, that it fits within the

4

1 policy framework that we've adopted.

2 I don't know if the Chairman intends to
3 entertain a discussion about a policy framework today
4 or at the 18th meeting, but I would appreciate some
5 guidance from the Chair as to how we can make those
6 policies determinations.

7 CHAIR SPITLER: I think those are -- I think
8 that's probably a good question to have a more complete
9 discussion on in November, but maybe I can at least ask
10 staff to explain how they went through the grants and
11 made their recommendations this time, since it is
12 significantly different from the prior years.

13 DEPUTY DIRECTOR GREENE: Thank you, Chairman
14 Spitler, members of the Commission. A lot has happened
15 since the last time we met in April. I think as we
16 knew going back just a little under a year ago, we had
17 a number of inconsistencies that existed within the
18 regulation and the application manual. And so to try
19 and address those concerns, as well as concerns which
20 were raised by the auditors, we began the process of
21 adopting emergency regs working with the members of the
22 public, stakeholders. And many of the commissioners
23 will remember two meetings in January and
24 February where we worked and developed a criteria by
25 which we submitted to the Office of Administrative Law,

5

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 which was adopted earlier this spring.

2 The intent was to design a truly competitive
3 process based on criteria in a process which was
4 developed to be transparent. That entire process is
5 outlined in the regulations as well as chapters one,
6 two, and three.

7 As we looked at that process, it was to really
8 identify -- we had a five-member panel who looked at
9 each one of the application projects. And I know today
10 that I have -- the Commission is going to look at those
11 projects, I gather not independently. But just so you
12 know, the five-member panel scored each one of those
13 projects within the project categories. So all trail
14 maintenance we scored against all other trail
15 maintenance; all restoration against all other
16 restoration projects. And it is with that in mind that
17 I would suggest that maybe this might be the best way
18 for the Commission to look at those grants today. But
19 surely that is your decision.

20 Again, with the aim towards transparency, we
21 worked on the consistent application of those
22 standards. There's no doubt we saw a few bumps along
23 the way, and I know that our outreach has not been
24 perhaps what I would certainly like; however, that was
25 really because we were back and the five-member panel

6

1 was busy identifying, storing and making funding
2 determinations on each one of those projects.

3 So as you see today on your spreadsheet, you'll
4 see a score that was attached using that criteria which
5 was developed as again by the Commission, by the
6 numbers of the public, and by stakeholders, that
7 criteria was scored, and then funding determinations
8 based upon the application that is clearly stated in
9 the regulations. So that standard was clear. The
10 applicants knew it going in that it was a competitive
11 process.

12 COMMISSIONER THOMAS: Perhaps I can cut to the
13 chase.

14 Do we have a budget for each category that I can
15 use to evaluate the grant?

16 DEPUTY DIRECTOR GREENE: Those categories,
17 Commissioner Thomas, would be based on those funding
18 targets identified by the Commission in the
19 January meeting, 1.4 million in conservation, three
20 million in law enforcement, 7.3 million identified in
21 restoration, 6.3 --

22 COMMISSIONER THOMAS: Are those numbers in the
23 staff report anywhere?

24 DIRECTOR GREENE: Not today.

25 COMMISSIONER THOMAS: Go slow, I'll write them

7

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 into your spreadsheet so I know what the budget is.
2 It's logical to start from budget and work down to try
3 to balance expenditures against the budget. Go ahead.

4 DEPUTY DIRECTOR GREENE: Absolutely. Those
5 numbers are identified as \$1.4 million in conservation;
6 \$3 million in law enforcement; \$7.3 million in
7 restoration, and \$6.3 million in non-CESA for a total
8 of \$18 million.

9 And Commissioner Thomas, my apologies. It is on
10 the last page of this spreadsheet that you'll see
11 highlighted in yellow as commission funding targets.

12 CHAIR SPITLER: I think there is also further
13 clarification within those categories.

14 COMMISSION THOMAS: And that's the first time
15 we've seen this stuff. This is the first time we've
16 seen this with these grants. I was looking all week
17 for stuff like this just to --

18 DEPUTY DIRECTOR GREENE: No, that was posted on
19 the website a number of weeks ago, not this particular
20 one, but the actual spreadsheet that you do have in
21 front of you.

22 CHAIR SPITLER: Can I have a clarification? I
23 have so many spreadsheets now, and the numbers seem to
24 be magically changing between all of them. Can you
25 please tell me which is a correct version?

8

1 COMMISSIONER THOMAS: I have five.

2 DEPUTY DIRECTOR GREENE: Absolutely. Actually,
3 if I may just finish my comments, I think that will
4 help address --

5 COMMISSIONER THOMAS: I was just trying to find
6 out where it was; that's all.

7 DEPUTY DIRECTOR GREENE: As we look at this,
8 because the Division had scored and made funding
9 determinations based on the projects, we felt it was
10 important to make sure that members of the public were
11 able to look at those funding determinations by project
12 so they could see the specific scoring that their
13 application received when it was competing with another
14 project of the same type.

15 We also recognize that Members of the Commission
16 had indicated that perhaps they might like to look at
17 the projects more in an agency packet. And so in an
18 attempt to try and meet the needs of Commission Members
19 and the public, we did put out a number of spreadsheets
20 that would identify those final determinations.

21 Also, the Division -- in this process, there
22 were some human errors that were made in the actual
23 entering of those numbers onto those spreadsheets. So
24 we needed to make some revisions. So we made sure --
25 and to the Chairman's point -- as we look at this

9

1 process, we know that the process is solid. We also
2 know that some of the cosmetics need some improvement.
3 So I just want to recognize that.

4 If I may, one of the sticking points that we
5 continue to have with the applicants is the project
6 cost deliverable sheets, and you will see that in your
7 errata book today. Our hope is by next year that we
8 will have the project cost of this whole sheet in an
9 electronic form. When you go onto the website and
10 order clothing, it won't let you move through that
11 process unless you've completed everything because,
12 quite honestly, it is still somewhat disappointing at
13 some of the mathematical calculations that are made on
14 these spreadsheets. It takes an inordinate amount of
15 time to review each one of those spreadsheets.

16 That being said, again, I believe that this
17 process today that you're looking at -- and
18 Commissioner Thomas to your point, it was working with
19 trying to identify and work with a competitive process.

20 COMMISSIONER THOMAS: My only point was to just
21 ask about the budget.

22 DEPUTY DIRECTOR GREENE: Absolutely, I just
23 needed to make a few comments. And we recognize as we
24 move forward now in the identification of permanent
25 regs, that we will be reaching out to the grant

10

1 applicants and members of the public, as well as
2 Commissioners to get your input to continue to improve
3 this process as we go forth.

4 COMMISSIONER THOMAS: Can I ask you a couple of
5 more questions?

6 DEPUTY DIRECTOR GREENE: Sure.

7 COMMISSIONER THOMAS: You sent a form to us
8 called incomplete list. I didn't understand. Was the
9 list itself incomplete or was the applicant on the form
10 incomplete, or how does it fit with the rest of the
11 world? I don't understand this one.

12 DEPUTY DIRECTOR GREENE: Not a problem at all.
13 We did that really as a courtesy to the Commissioners
14 and public and grant applicants who had submitted
15 applications to the Division for review.
16 Unfortunately, those items listed in the incomplete did
17 not make it through the process. The initial phase
18 where they were required to have all of the elements
19 identified to make it through that first phase, those
20 were not there.

21 COMMISSIONER THOMAS: These are applications you
22 rejected as staff?

23 DEPUTY DIRECTOR GREENE: Initially, yes.

24 COMMISSIONER THOMAS: Next time you do that,
25 tell us. Because I didn't understand what it was.

11

1 DEPUTY DIRECTOR GREENE: I'm sorry.

2 COMMISSIONER THOMAS: I went looking through the
3 box trying to find the numbers, and I didn't -- and the
4 numbers on the side don't match up to the numbers in
5 the box.

6 DEPUTY DIRECTOR GREENE: Next time we will
7 identify that according to the regulation as well, so
8 you can reflect back.

9 COMMISSIONER THOMAS: Whatever they are, they're
10 are confusing.

11 DEPUTY DIRECTOR GREENE: And,
12 Commissioner Thomas, I absolutely agree. That's where
13 I say in some of the cosmetics, we certainly know that
14 we can make those improvements.

15 COMMISSIONER THOMAS: I was trying to understand
16 what I had. Thank you.

17 And which of the spreadsheets should we be
18 using? That's what I need to know. If some of these
19 are no longer useful, I'll just get them off the mental
20 rack.

21 DEPUTY DIRECTOR GREENE: As it currently stands,
22 the spreadsheet that you have in front of you, without
23 the line of colors, so without the --

24 COMMISSIONER THOMAS: How about a date, a date
25 on the side would be very helpful.

12

1 DEPUTY DIRECTOR GREENE: Yes, it's 9/27.

2 COMMISSIONER THOMAS: Okay.

3 DEPUTY DIRECTOR GREENE: The 9/27 is not the one
4 to look at. The 9/29 currently is the one to look at.

5 COMMISSIONER THOMAS: I thought we were
6 operating off of 9/27.

7 CHAIR SPITLER: What does that mean 9/29
8 currently is the one to look at?

9 DEPUTY DIRECTOR GREENE: I'm going to defer to
10 Commissioner Waldheim on this.

11 CHAIR SPITLER: I'm asking you.

12 DEPUTY DIRECTOR GREENE: Commissioner Waldheim
13 indicated yesterday, Chair Spitler, that he would
14 like -- perhaps and was going to motion that the
15 Commission look at the applications in a different
16 order than what was posted on the website. In respect
17 to that request, but because we legally cannot move
18 forward with that until a motion is made, we did not
19 want to -- we wanted to make sure that they had it in
20 case you did vote to support that motion. However, we
21 cannot move forward with that legally. We have to work
22 with the ones that are -- the one you currently have.

23 COMMISSIONER WALDHEIM: Mr. Chairman.

24 CHAIR SPITLER: I guess I'm just having a hard
25 time understanding here. We're asking the staff to

13

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 give comments on -- excuse me, the public to give
2 comments on the staff recommendations, and even the
3 Commissioners themselves can't figure out what the
4 staff recommendations are because they seem to have
5 changed so much in the last several days.

6 DEPUTY DIRECTOR GREENE: Chairman Spitler, I
7 recognize that. And I think, as I identified a minute
8 ago, that is done because there were some human errors
9 that were made in the entry on that spreadsheet. I
10 apologize for that inconvenience; however, I thought it
11 was best that we make those changes to the spreadsheet
12 prior to this Commission meeting to make sure that
13 everybody was working off the clearest information as
14 possible.

15 COMMISSIONER THOMAS: Okay. Let's get --
16 Mr. Chairman.

17 CHAIR SPITLER: I'm still not clear on which
18 spreadsheet I'm supposed to be using here, the one
19 entitled -- oh, thank you, revised 9/29/2005. That
20 lists all of the restoration at the end?

21 COMMISSIONER THOMAS: Post Waldheim motion, if
22 it were to pass, we would be working with 9/27 north
23 spreadsheet with a \$48,000 number at Alpine County,
24 which is the corrective number -- corrected enforcement
25 application number; is that right?

14

1 COMMISSIONER WALDHEIM: And starting with Alpine
2 and beginning with A and moving forward alphabetically;
3 isn't that nice?

4 DEPUTY DIRECTOR GREENE: That would be if the
5 motion was made or approved.

6 COMMISSIONER WALDHEIM: I second that motion.

7 COMMISSIONER THOMAS: Let's figure out where we
8 are.

9 CHAIR SPITLER: Hold on. I have two different
10 spreadsheets dated 9/27, one of which recommended zero
11 for the first grant, one of which recommended 48,950
12 for the first grant.

13 CHIEF JENKINS: The Alpine County, the first one
14 listed there, that one was -- there is an asterisk by
15 it, you can see down at the bottom, based on the advice
16 of counsel.

17 CHAIR SPITLER: On that same grant --

18 CHIEF JENKINS: That's zero on one spreadsheet.
19 The formula broke last night when you added it. If you
20 look, it says that there is \$89,000 that was requested;
21 received a score of 65 for 55 percent eligibility. So
22 that enforcement shows zero on the first line for
23 Alpine County sheriff, should show 49,950.

24 CHAIR SPITLER: My question is, are there other
25 changes between the two spreadsheets dated 9/27?

15

1 CHIEF JENKINS: The two sheets, as far as we
2 could make sure last night, should be identical.

3 CHAIR SPITLER: All right.

4 COMMISSIONER THOMAS: So I can go with the
5 colored version, which is easy on the eye.

6 CHAIR SPITLER: It's easier on the eye, but
7 it's --

8 COMMISSIONER THOMAS: It's wrong.

9 CHAIR SPITLER: It's wrong.

10 DEPUTY DIRECTOR GREENE: Only the first one.

11 COMMISSIONER WALDHEIM: Just the first line?

12 DEPUTY DIRECTOR GREENE: Just the first line.

13 COMMISSIONER THOMAS: Very good. Can I get rid
14 of some of these others?

15 COMMISSIONER WALDHEIM: Mr. Chairman, can I make
16 a motion?

17 CHAIR SPITLER: We're not quite there yet.
18 We'll get there. Hang onto that color version, 9/27.

19 COMMISSIONER WALDHEIM: Mr. Chairman.

20 CHAIR SPITLER: Mr. Waldheim.

21 COMMISSIONER WALDHEIM: For the public's
22 edification, when we're talking about a colored sheet,
23 it's exactly the same as your black and white. Your
24 black and white is correct. The ones that you have in
25 your hands is correct. It shows up in the top Alpine.

16

1 It starts off with 48,950. That is the correct sheet.
2 We have a colored one, but it was expensive to do the
3 colored, so the commissioners got a copy of the colored
4 one. So that's the only difference. So you all have
5 the correct sheet that starts with Alpine and have
6 blank lines under each grant. That's the sheet.

7 CHAIR SPITLER: Now that we got that resolved --

8 COMMISSIONER THOMAS: So now I can toss the 10/3
9 spreadsheet sheet.

10 CHAIR SPITLER: Yes, sir.

11 COMMISSIONER THOMAS: And there's nothing on
12 there that's needed in the analysis that's not on the
13 9/27 spreadsheet.

14 CHAIR SPITLER: Right.

15 COMMISSIONER THOMAS: That's easy. And then on
16 the 9/29, that's the pending, which will be supplanted
17 by the Waldheim document.

18 CHAIR SPITLER: That's correct.

19 COMMISSIONER THOMAS: And is the back-up
20 material that we were reviewing, is that consistent
21 with the spreadsheet so that I can go to my books to
22 follow -- or the public can go to the book, as well?
23 So, for instance, is Alpine County, number one, going
24 to be consistent with the book where it says number
25 one?

17

1 DEPUTY DIRECTOR GREENE: We will make sure,
2 Commissioner Thomas, that we walk through page --

3 COMMISSIONER THOMAS: Here is the book. Volume
4 one, so one is one.

5 DEPUTY DIRECTOR GREENE: One is one. And we
6 will make sure when they walk through here we'll make
7 it very clear which page, which score sheet, so that
8 the public as well as the Commissioners have the
9 opportunity.

10 Again, my apologies for some of the way that the
11 books don't work, as well as we will make sure that
12 that is clarified by the November and the
13 October meetings.

14 COMMISSIONER WALDHEIM: Mr. Chairman, for the
15 public's edification again, the reason we are going
16 down starting with Alpine is because they follow the
17 book. If you have the book, you start with book one
18 and go to the next grant, to the next grant, so it's
19 totally logical. The sheet matches the book, so we
20 don't have to be guessing where in the world we are.
21 So they all follow the books.

22 And I would like to also add that the sheet is
23 still in the same order that was sent to you
24 originally. When you got the books, you got a
25 spreadsheet, that order has not changed. That sheet

18

1 has been in your hands from day one. So we're not
2 changing the sheet whatsoever, the same thing. The
3 numbers have changed a little bit, but the order is
4 still exactly the same it was when you all received
5 your books. So the public has had plenty of
6 opportunity to see the order of the way these grants
7 are, and the same will be for our October meeting.

8 COMMISSIONER THOMAS: I've got a couple of more
9 questions and then I'm done.

10 CHAIR SPITLER: Okay, Mr. Thomas.

11 COMMISSIONER THOMAS: In looking at the books,
12 it appears that some applications have PAR reports and
13 some applications don't have PAR reports. Is there
14 some consistency of law enforcement information that I
15 can refer to? Why is it that I can find it on some
16 counties and not on others? Isn't that a requirement?

17 DEPUTY DIRECTOR GREENE: You're correct. Every
18 book should have a PAR report for every law enforcement
19 application or project, and you should have that in the
20 book. Where it was either not yet received or was
21 omitted because of copying errors -- and again my
22 apologies -- that was provided to you in the errata
23 books, which we have extra copies here today, as well.

24 COMMISSIONER THOMAS: So, for instance, you
25 didn't put them on the incomplete list if they didn't

19

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 have a PAR report?

2 DEPUTY DIRECTOR GREENE: If they did not submit
3 a PAR report, then they were absolutely -- then they
4 did not -- they did not make it through that process.
5 If they had a PAR report which needed clarification,
6 which they were advised of that and had a 24-hour time
7 period in which to submit a corrective PAR report.

8 COMMISSIONER THOMAS: Well, okay. For example,
9 just to pick one, Colusa County, I didn't find a PAR
10 report. I looked in the book. Maybe it was missing.
11 Is it in the errata sheet then? I don't have the
12 errata book then.

13 DEPUTY DIRECTOR GREENE: Commissioner Thomas,
14 Colusa County you'll find on page 165 of 206. That
15 would be in book one.

16 COMMISSIONER THOMAS: Okay. 165 is a cost
17 deliverable form, not a PAR report.

18 DEPUTY DIRECTOR GREENE: I'm sorry, you're
19 correct. On that one that we did have, that one would
20 be found in the errata. My apologies.

21 COMMISSIONER THOMAS: I didn't bring the errata.
22 I didn't have enough muscles to carry it all.

23 CHAIR SPITLER: Just as clarification --

24 COMMISSIONER THOMAS: I want to use that.
25 That's why I'm asking.

20

1 DEPUTY DIRECTOR GREENE: We will make sure we
2 will get that to you.

3 CHAIR SPITLER: Just for clarification, if an
4 applicant was incomplete when it was submitted, an
5 applicant wouldn't have an opportunity to add to that
6 application after the deadline?

7 DEPUTY DIRECTOR GREENE: As adopted by -- in our
8 emergency regs, that is correct. The documentation had
9 to be in the application. If it needed clarification,
10 it therefore did not -- did not move through that first
11 phase.

12 COMMISSIONER THOMAS: Now, I don't see Colusa in
13 the errata sheets. So does that mean they're
14 incomplete and should be on the incomplete list?

15 DEPUTY DIRECTOR GREENE: Commissioner Thomas, we
16 will find out for you and get right back to you. No,
17 Colusa did move through.

18 COMMISSIONER THOMAS: I know it's on your
19 paperwork, but I don't see the PAR report; that's all.
20 Okay. I was running a test here to see what was inside
21 the system.

22 COMMISSIONER PRIZMICH: Mr. Chairman.

23 CHAIR SPITLER: Commissioner Prizmich.

24 COMMISSIONER PRIZMICH: If I might, Ms. Greene,
25 can I ask you a couple of questions?

21

1 DEPUTY DIRECTOR GREENE: Sure.

2 COMMISSIONER THOMAS: The five-member panel, can
3 you give us some background on who they were? You
4 don't need to name names necessarily. What the
5 background was and how they were selected and what
6 process they went through.

7 DEPUTY DIRECTOR GREENE: That five member --
8 that five-member panel who reviewed the grants was made
9 up of a variety of individuals, biologists, law
10 enforcement individuals, particularly when it came to
11 the law enforcement grants. At minimum we had three
12 law enforcement officers present for those -- for the
13 review, and the scoring, and the funding determination
14 of those particular project types.

15 We also on the restoration grants had a team. I
16 think many of you will remember Lisa McClung, who has
17 been with us for a long time, has subsequently left the
18 Division. So we had our Division staff, as well, which
19 was made up of resource ecologists, biologists, as well
20 as law enforcement officials. So we made sure that we
21 kept those same individuals. The same individuals
22 looked at each of the project type, so we were always
23 consistent with this team that was there and reviewing
24 and scoring and making those funding determinations.

25 COMMISSIONER PRIZMICH: So the members of the

22

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 five-member panel were members of the Division.

2 DEPUTY DIRECTOR GREENE: Correct, they were
3 members of the Division staff. If you remember back in
4 the February meeting, there was lots of discussion with
5 the Commission as to whether or not Commission Members
6 were going to serve on that panel, as well. And the
7 final vote in that by that Commission was no. So we
8 moved forward with that five-member panel made up of
9 Division staff.

10 COMMISSIONER THOMAS: No, I think the final vote
11 was the Commission chose not to adopt the regulations.
12 I don't remember that the separate question was pulled
13 out. Just for the record, the record should be clear,
14 that the vote was to not adopt the regulations. No
15 further discussion.

16 DEPUTY DIRECTOR GREENE: There was a great deal
17 of discussion, however, Commissioner Thomas, with a lot
18 of the -- I think commissioner Chavez who was here and
19 I believe I thought that there was actually a vote
20 before the final vote. Let me just clarify.

21 CHAIR SPITLER: There was a vote. For
22 clarification, there was a four/two vote in favor of
23 including Commissioners on the evaluation panel.

24 DEPUTY DIRECTOR GREENE: Okay. Just for
25 clarification purposes, Commissioner Thomas, Colusa

23

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 County had no grant last year and therefore no PAR was
2 required.

3 COMMISSIONER THOMAS: Okay. So that explained
4 what happened to it.

5 COMMISSIONER PRIZMICH: Can I get back to my
6 question?

7 I'm not sure I heard this correctly from you or
8 not. But were there advisory members on this
9 five-member panel, as well, depending on what was being
10 reviewed? Did I hear that there were law enforcement
11 members on the panel in addition to the five-member
12 panel that would advise the panel?

13 DEPUTY DIRECTOR GREENE: No. When the panel was
14 together reviewing the law enforcement projects, that's
15 law enforcement officers that serve as Division staff,
16 as well.

17 COMMISSIONER PRIZMICH: But all five members
18 voted on how to --

19 DEPUTY DIRECTOR GREENE: Correct. Each time
20 five members would vote. The high and the low scores
21 were thrown out, the three numbers were then totalled
22 and averaged, and that was the final score.

23 Just for clarification purposes, Commissioner
24 Prizmich, yes, it was a different five-member panel for
25 the law enforcement grants than it was, let's say, for

24

1 the FO&M or the trail maintenance. Does that help
2 clarify?

3 COMMISSIONER PRIZMICH: I'm just trying to
4 determine what expertise the five-member panel had when
5 it came to certain areas.

6 DEPUTY DIRECTOR GREENE: For instance, as an
7 example, with the law enforcement -- with the law
8 enforcement officers that served on that five-member
9 panel, they regularly do, as required, site visits
10 throughout the state of those areas the applications
11 that -- those applicants who applied for funding, so
12 they're familiar with those areas. They're familiar
13 with our state park systems, as well. So there is a
14 great deal of knowledge within those three individuals
15 as it pertains to law enforcement issues out on the
16 ground.

17 COMMISSIONER PRIZMICH: Is there any means or
18 method in place where if there is a contest -- if they
19 assess a score on any given grant, is there any way to
20 contest that score? Is there any process that you have
21 in place?

22 DEPUTY DIRECTOR GREENE: This year there is not;
23 however, that does not mean as we go into the
24 identification of permanent regs -- again, as I think I
25 mentioned -- we would welcome that feedback. And

25

1 actually that feedback would become part of the
2 rule-making process on a yearly basis where we would be
3 able to, for instance, change the criteria if members
4 of the public, stakeholders, and Commissioners
5 identified that that was a priority. As certainly
6 things change on the ground, that we would be able to
7 make those adjustments at the yearly meeting that the
8 Commission has in January, that that would also be
9 partly a rule-making meeting, as well. And we'd have
10 an opportunity then to fine tune the program on a
11 yearly basis.

12 COMMISSIONER PRIZMICH: What concerns me, as my
13 colleague, Hal Thomas and I have long differed in terms
14 of just the numbers of citations, for example, that one
15 gives out as a representative example of whether a
16 program is a good program or not. I've been opposed to
17 that as an indicator of it being a good program, number
18 of citations. For example, Hal Thomas feels that's an
19 indicator.

20 So my question or my concern is that if some of
21 the assessments on any given grant are made based upon
22 items like citations, for example, just how is it that
23 they can address that -- oh, I came on. How is it that
24 the applicant can address that decision relative to how
25 they made that decision? Do you see what I'm getting

26

1 at?

2 COMMISSIONER THOMAS: I do, and let me help you.
3 The question is are there objective indicators verse
4 subjective indicators?

5 COMMISSIONER PRIZMICH: Yes.

6 COMMISSIONER THOMAS: And I have the same
7 question. Even though we disagree about the validity
8 of a particular indicator, I have the question of
9 staff. What are the indicators, other than these? I
10 have the factors in front of us, which is on page ten
11 of the criteria. But are there any objective
12 indicators in those factors? In other words, how do
13 you make the decision without an objective indicator if
14 there are none? And if there are some, what are they
15 and can we see them?

16 DEPUTY DIRECTOR GREENE: You would make the
17 decision based upon the needs description, as well as
18 the criteria for the law enforcement project that is
19 there.

20 COMMISSIONER THOMAS: The question is how do you
21 make the decision to rate these things? That is what I
22 was asking.

23 DEPUTY DIRECTOR GREENE: Well, the rating is
24 identified in the regulations. So when you have a
25 score, then you automatically have a funding

27

1 determination. This forum here today would certainly
2 be the opportunity for the public and for those
3 particular grant applicants to voice their concern and
4 share with the Commissioners their desire to change
5 that funding.

6 COMMISSIONER PRIZMICH: The only problem with
7 that is that those that were not funded don't have an
8 opportunity to address us.

9 COMMISSIONER THOMAS: Right.

10 DEPUTY DIRECTOR GREENE: That's correct. And as
11 identified, those applicants had to address a specific
12 number of items, and the failure to do so meant that
13 they, therefore, didn't move through the process.

14 COMMISSIONER THOMAS: And my question is, do you
15 have any objective indicators that you could point to
16 that I can tell Colusa County, oh, you did or didn't
17 meet some criteria?

18 DEPUTY DIRECTOR GREENE: I think as we go
19 through here today, we'll be able to try and identify
20 it for you. But when you're talking about those
21 applicants who are incomplete -- is that --
22 Commissioner Prizmich, those applicants that are
23 incomplete, yes, that they were returned to the
24 applicant with the identification of why they were
25 returned.

28

1 CHAIR SPITLER: If I could just jump in.

2 Is the question about applications that received
3 a staff recommendation of zero funding or those that
4 were thrown out and not forwarded to the Commission at
5 all?

6 COMMISSIONER PRIZMICH: My question is on both.

7 COMMISSIONER THOMAS: Mine is on both, as well.
8 But particularly on those that are rated, what are the
9 objective criteria used to rate them.

10 CHAIR SPITLER: You can find those.

11 COMMISSIONER THOMAS: I have them here in the
12 book, but there is just a list. There's no -- and the
13 question is are there any objective criteria? Is there
14 a number? Is there something you can say staffing 3.2
15 PY, that's what county A has. County B as five PY.

16 DEPUTY DIRECTOR GREENE: That would be in the
17 application, itself.

18 CHAIR SPITLER: I'm not sure that is an answer
19 to that question by: The criteria are listed.

20 COMMISSIONER THOMAS: The answer needs to be how
21 do we, the Division and the Commission reviewing the
22 Division, make the decision to rate something? Is
23 there an objective indicator that's used?

24 If the answer is no, no objective indicators,
25 that's okay. You can say, yes, there are subjective

29

1 indicators, and we made them on the basis of subjective
2 indicators.

3 COUNSEL LaFRANCHI: Let me see if I can address
4 that. Competitive processes legally don't require
5 objective criteria in all cases. I think as you work
6 through the criteria, the criteria spell out the
7 general conditions or general situations that the
8 evaluatees look at. So, no, there would not be an
9 objective criteria to have five staff people for that
10 kind of activity that would be evaluated. That would
11 be not a general practice in this process.

12 COMMISSIONER THOMAS: So the answer was, no,
13 there was no objective criteria used in evaluating the
14 law enforcement program?

15 COUNSEL LaFRANCHI: I wouldn't say there was no
16 objective criteria. I think the team members, as I
17 understand it, would have looked at the criteria for a
18 given item, for example, efficiency. And then they
19 would have evaluated -- in coming up with their scores,
20 they would have evaluated that criteria back against
21 the application to look at five people per acre or X
22 number of miles maintained per dollar, or whatever. So
23 there would have been that ability to look at the
24 efficiency of an application in terms of the evidence
25 that was in the application itself.

30

1 COMMISSIONER THOMAS: They could have, but did
2 you have any recognized criteria that the public can
3 access so that they can say, oh gosh, my application
4 failed because I failed an objective criteria.

5 COUNSEL LaFRANCHI: The criteria is spelled out.
6 The criteria you see in the evaluation sheet, is the
7 criteria that was used.

8 COMMISSIONER THOMAS: But my question is: Are
9 they objective or subjective?

10 COUNSEL LaFRANCHI: You make your own
11 determination. They could be either.

12 COMMISSIONER THOMAS: That's not the way the
13 world works.

14 CHAIR SPITLER: So the answer is --

15 COUNSEL LaFRANCHI: No.

16 CHAIR SPITLER: The answer is no, these criteria
17 are objective but within -- determining scores within
18 those, that's subjective.

19 COUNSEL LaFRANCHI: That is correct.

20 COMMISSIONER THOMAS: That's fine if that's the
21 answer. I just want to be able to go back to people
22 that ask me, gosh, how come my application got treated
23 this way. And I'm going to have to say, well, I don't
24 know what the objective criteria are, but the
25 subjective criteria are printed here, go talk to staff

31

1 because we don't have anything to evaluate against.

2 COMMISSIONER PRIZMICH: I do have one more
3 question.

4 CHAIR SPITLER: Commissioner Prizmich.

5 COMMISSIONER PRIZMICH: On the targeting
6 funding, Deputy Director Greene, the targeting funding
7 we had decided I think in January or February how it
8 was that we were going to split the PAR up, if you
9 will. I think it was \$3 million for law enforcement.
10 Do the northern grants reflect that, and is that -- is
11 the allocation for northern grants, does that reflect
12 about that percentage as a whole?

13 DEPUTY DIRECTOR GREENE: No, I think that is a
14 good question, Commissioner Prizmich. I think this is
15 where you look at it. They were done by project by
16 project. So when all of the law enforcement projects
17 are looked at and they were scored and funded, they
18 didn't take into consideration north/south split. And
19 so that is why we had originally suggested that we --
20 in this meeting, that we look at it by project by
21 project. It is difficult as you look at north/south,
22 and that is why we also have the number of spreadsheets
23 on the web to be able to provide the public the
24 opportunity to see where the funding determinations
25 were made, based upon your funding target.

32

1 The target that you would identify as the
2 \$3 million, that doesn't separate, and we could
3 separate that out, as I said, north/south. But today,
4 as you look through here, again, it would be an
5 additional piece of paper separating out. If you look
6 on the -- depending on which spreadsheet we ultimately
7 end up using, but you will see in the north the final
8 recommendation under the law enforcement is
9 approximately 1.19 million. So do you see that that's
10 in the north?

11 COMMISSIONER PRIZMICH: Yes. I'm not advocating
12 any more paperwork, believe me.

13 DEPUTY DIRECTOR GREENE: I would agree.

14 COMMISSIONER THOMAS: Mr. Chairman, does that
15 mean if you take the enforcement line and total it, it
16 reads -- it gets to 2.5 million requested monies off
17 the spreadsheet? I mean I'm trying to read the
18 spreadsheet. No, I thought that was at the bottom.

19 CHAIR SPITLER: I think the answer is we
20 allocated in January -- we allocated three million for
21 law enforcement. So at the end of the day after
22 hearing north and south, we should end up at that three
23 million. But that doesn't mean that north gets X
24 percentage of that. We don't know what that split is.
25 So whatever, you know, we end up for north, the rest

33

1 will come in the south, and we'll get to that three
2 million.

3 COMMISSIONER THOMAS: I'm just trying to be
4 equitable. And in doing that, I see -- if I'm reading
5 this sheet properly -- there's \$2.5 million requested
6 in the north; is that right?

7 COMMISSIONER WALDHEIM: That is correct.

8 Mr. Chairman, again, for the public's
9 edification, turn to the last page on the sheet that
10 you have, and that's what we're talking about.

11 The north has asked for 2.5 million in law
12 enforcement. The south has asked for \$4.273 million.
13 Total grants that came in is \$6.578 million. And then
14 staff at this point has recommended \$1.198 million for
15 the north at this point. And staff has also gone to
16 the south already for 2.379 million. So staff is
17 allocating their recommendation \$3.578 million. The
18 Commission voted for \$3 million. So that's something
19 that we'll have to deal with in November and try to
20 figure out how to do.

21 So you can see where staff is on an overall
22 basis north and south versus what the Commission has
23 voted. And all of that is in the last page of your
24 sheet that's starts with the Alpine.

25 COMMISSIONER THOMAS: So, Ed, to understand

34

1 this, that means that the staff is recommending that we
2 spend 3.5 million, but we voted for three million?

3 COMMISSIONER WALDHEIM: That's the staff --
4 remember, staff makes a recommendation. It is the
5 Commission's responsibility to weed this out and figure
6 out what they're going to do, so that is our job to do.

7 COMMISSIONER THOMAS: Just so I'm clear, we
8 adopted these targets, and now the staff is saying, oh,
9 ignore the targets?

10 COMMISSIONER WALDHEIM: Staff is not --
11 Mr. Thomas, staff is not saying ignore the targets.
12 What staff has done, they know in the background we
13 have set limits on different categories. They have
14 gone through each individual's grant and evaluated on
15 its merit and that's how it fell through. That's how
16 it fell out.

17 When we get through with the south meeting, then
18 we have to see where we really are. That's when the
19 fine tuning is going to start. In November we're going
20 to have to start paring down to meet our target. This
21 is not the time to pare down. We're ahead of
22 ourselves.

23 COMMISSIONER THOMAS: Let's run this through.
24 If the staff recommendation is 3.5, and we want to keep
25 to the 3.0 policy decision that we made, that would

35

1 mean each grant would have to take a prorated cut
2 totalling \$500,000 over the life of it.

3 COMMISSIONER WALDHEIM: If that's the way we
4 want to go, but we may want to identify and surgically
5 go and remove the money from one or two or three grants
6 and be done with it. The Commission will have to make
7 that decision in November.

8 COMMISSIONER THOMAS: And to follow the same
9 line of thinking, then the Division recommends in the
10 restoration grants \$700,000 of funding in the north and
11 the amount requested was, what?

12 COMMISSIONER WALDHEIM: The amount requested was
13 6.8 million. Total recommend is \$2.5 million, and
14 we've allocated 7.3. So we're going to have to go and
15 change those grants.

16 DEPUTY DIRECTOR GREENE: May I interrupt for one
17 quick second? There is a continuing I think --

18 COMMISSIONER THOMAS: I'm trying to understand
19 this.

20 DEPUTY DIRECTOR GREENE: I think part of this is
21 an issue of language because you're looking at staff
22 recommendations. These are funding determinations
23 based on a score, based on the formula identified in
24 the regulations. So it is very clear, every applicant
25 knew that when they scored a certain number, they would

36

1 receive a certain percentage of that funding. So these
2 are no longer Division recommendations as you know them
3 from years past. The competitive program, these are
4 funding determinations made off an identified score.

5 COMMISSIONER THOMAS: But you're still
6 recommending a total of 2.5 million in restoration over
7 the entire state, yet we have a Commission established
8 number of 7.3 million; is that correct?

9 DEPUTY DIRECTOR GREENE: And,
10 Commissioner Thomas, if we --

11 COMMISSIONER THOMAS: Is that right?

12 DEPUTY DIRECTOR GREENE: That is correct because
13 based on the effect of those funding determinations
14 made on those particular projects.

15 COMMISSIONER THOMAS: I'm just asking you to
16 explain the facts. I'm not asking for --

17 DEPUTY DIRECTOR GREENE: The facts are what we
18 received in the project that were submitted.

19 COMMISSIONER THOMAS: No, I mean the facts on
20 the sheet here. I'm not talking about the larger
21 policies. These are applications stuffed --

22 COUNSEL LaFRANCHI: Yes, Commissioner Thomas,
23 the way to look at that are the numbers on the sheet
24 are the numbers that qualified pursuant to following
25 the regs for funding at those levels in accordance with

37

1 the rules, so.

2 COMMISSIONER THOMAS: I understand, now, what
3 this sheet -- how these sheets operate.

4 CHAIR SPITLER: I have a follow-up question.

5 What did the staff do with the -- in January the
6 Commission allocated 7.3 million for restoration. What
7 did the staff do with that number?

8 DEPUTY DIRECTOR GREENE: I'm sorry, what do you
9 mean what did the staff do with that number?

10 CHAIR SPITLER: Well, I mean by my
11 understanding, if we received X million in grants, and
12 the Commission said we're going to spend \$7.3 million
13 for restoration, I don't understand -- I don't
14 understand how that came into the Division
15 calculations. It appears that if we had said we're
16 going to spend 2.5 million or 7.3 million, staff
17 recommendation would be have been the same. I'm
18 wondering did the Division pay attention to that number
19 at all or just disregard it and go on with --

20 DEPUTY DIRECTOR GREENE: It certainly wouldn't
21 disregard it, Chair Spitler. I think at the same time,
22 that might be a question you have to ask of the grant
23 applicants because those were the applications that
24 were submitted. It certainly -- yes, you know in an
25 ideal world, had those applications been scored at a

38

1 higher level, then certainly we would have made every
2 effort and continued the process to try and identify
3 that 7.3 million.

4 CHAIR SPITLER: I guess the question is, why
5 didn't the Division establish a scoring system that
6 starts with the targeted funding level and work from
7 there?

8 CHIEF JENKINS: If I might, I think I can
9 clarify for you. The teams that were scoring these,
10 that were going through the evaluation, by person
11 evaluation teams, they were scoring and assigning a
12 score. They would calculate out what the determination
13 was based on solely the application and the criteria.
14 They did not have like a number on the wall that said,
15 well, if we give this much to this one, we'll have to
16 change that to that one.

17 CHAIR SPITLER: They did have a number on the
18 wall. The number on the wall was \$7.3 million.

19 CHIEF JENKINS: If I can finish, it will be
20 clear. The way the regulations were designed, it would
21 be that the assumption is you would have more qualified
22 grant than you have money to spend on. And so in the
23 ideal world, you would grade all of these, you would
24 come out with your scoring, and you might have like
25 \$8 million where you have 7.3 determined.

1 Under the way the regulations work, we would
2 then go down and once you hit -- so you score the 90 --
3 that's on one of the spreadsheets that we provided to
4 you showed -- not the ones provided today by the way --
5 showed a count down starting with the highest score to
6 the lowest score. The way the regulations were
7 designed, you would start funding with the highest
8 score and work down. When you ran out of money, you
9 would stop. Even though those grants might qualify and
10 have a funding determination, if they fell below that
11 cut line of what monies were available, that's where
12 you would stop funding them. That's the system that
13 was designed in the regulations.

14 CHAIR SPITLER: I understand what you're saying.
15 This is not an issue in regards to regulations. This
16 is an issue in regards to the scoring criteria system
17 that the Division recommended.

18 And as I see it, the Division recommended --
19 developed a scoring criteria system that doesn't allow
20 the Division the flexibility to meet the Commission
21 allocations. Because your system says across the
22 board, if a grant gets a score of X, it's getting a
23 funding level of X percent. That doesn't allow you the
24 flexibility to say, for restoration we have 7.3 million
25 to allocate, and that's what the Commission has

40

1 suggested, and yet we're only recommending two million
2 out of a number of qualified applicants.

3 CHIEF JENKINS: That's correct, and that's
4 because we designed it as a competitive process and
5 built on assumption that you will have more grants
6 applying with more scores popping out the back end due
7 to a high-quality application than you have to give
8 out.

9 When you're in this situation, where we did not
10 anticipate that we would not have enough high-scoring
11 grants to come up to the level that the Commission
12 determined, then as I understand the system --
13 realizing that I'm still trying to interpret these
14 regulations as best I can, but as I understand the
15 system, that funding would then roll over and become
16 available in the future years for that same category.

17 CHAIR SPITLER: I think that's an important
18 point. I think we should spend a moment or two
19 discussing this.

20 So this year, the Commission has allocated
21 \$7.3 million for restoration. That's money we're
22 statutorily required to spend on restoration. And I'm
23 sure some of the public here and the Commission and
24 Division are certainly well aware that we haven't been
25 meeting our required spending levels for restoration in

41

1 past years. And we're looking at not meeting those
2 levels this year.

3 So maybe the staff -- could you just kind of
4 walk us through what happens this year if the
5 Commission can't meet our required spending levels for
6 restoration?

7 DEPUTY DIRECTOR GREENE: Sure. As identified in
8 the audit as well, the restoration accounts are
9 sole-obligated monies. Those monies are identified
10 solely for restoration. And while the audit may have
11 questioned that percentage, that is what currently
12 exists in the statute.

13 And so at this point in time, those remaining
14 dollars, unless -- depending at the end of the
15 November meeting and the decisions that are made by the
16 Commissioners as it pertains to the scoring and final
17 determinations -- those monies will remain in that
18 restoration account.

19 CHAIR SPITLER: So are you saying that we're not
20 going to allocate 18 million in grants this year?

21 DEPUTY DIRECTOR GREENE: What I'm saying is that
22 in the restoration account, we cannot move those funds.
23 So if at the end of the day, allocation of \$18 million
24 is not made based on the fact that the restoration
25 needs -- that the restoration category is not met at

42

1 that 7.3; that is correct. And I think at that point
2 in time those monies will stay within that restoration
3 account; that is true.

4 CHAIR SPITLER: I just want to clarify because I
5 think this is a pretty important point here.

6 COMMISSIONER THOMAS: This is a big deal.

7 CHAIR SPITLER: The Commission has allocated
8 \$7.3 million for restoration. And based on the staff
9 recommendations and based on the applications before
10 us, we're not going to be able to meet that funding
11 level. So what I hear you saying -- and this is the
12 approach that I think is the right one -- any amount
13 under the \$7.3 million in applications for restoration,
14 will not be spent this year in the grant cycle.

15 COUNSEL LaFRANCHI: That would be correct;
16 Chairman Spitler.

17 COMMISSIONER THOMAS: Mr. Chairman, did I hear
18 staff just tell us that if we were to exceed the staff
19 recommendation of 77,369 in the restoration account,
20 that you would not execute contracts for that purpose?
21 Are you saying that you're not going to appropriate
22 money if we decide to take -- well, let's see, there's
23 \$2.2 million requested. If we just vote to say give
24 everybody what they asked for in the restoration
25 account because we're in deficit, are you then going to

43

1 act as the Division to implement the Commission's
2 advice?

3 COUNSEL LaFRANCHI: I think the answer would be
4 yes, it depends on -- if the Commissioners were to go
5 through in their review of the grant proposals as
6 scored, using the criteria and the applications, and
7 say we don't agree with the scores the staff and the
8 Division came up with for these grants, and we're to
9 rescore some of the grant applications, and in that
10 exercise that resulted in more grants getting more
11 funding, and, let's say -- so let's take the next step,
12 which is going to your question, and let's say that
13 resulted in restoration grants being 7.5 million, we
14 would then be obligated to fund those -- that whole
15 \$7.5 million, if there was enough money. The
16 Commission would be able to adjust the scores based on
17 using the application information that's here, public
18 testimony, make those adjustments according to the
19 rules. And if the numbers for conservation came out a
20 few hundred thousand higher and it all balanced out at
21 18 million at the end, then, yes, the Division would be
22 obligated to fund those as approved.

23 COMMISSIONER THOMAS: I feel somewhat better.
24 You're saying you will, if we change the underlying
25 scoring -- sorry. If we change the dollar amounts

44

1 within these categories, the Division is actually going
2 to implement those grants in a considered fashion and
3 the applicants will get the money.

4 COUNSEL LaFRANCHI: Absolutely, if the
5 Commission changes are done in accordance with the
6 rules.

7 COMMISSIONER THOMAS: Now, let's go to that.
8 Now you've raised the issue.

9 Those regulations are your regulations, and are
10 you saying that the Commission then has to rescore
11 under the Division's rules?

12 COUNSEL LaFRANCHI: Yes.

13 COMMISSIONER THOMAS: Whoa. Have you told the
14 applicants that? Have you told the applicants they
15 have to go back and rescore to the Division's rules?

16 CHAIR SPITLER: Mr. Thomas, I'm going to
17 interject. This is a long discussion we're not
18 prepared to have at this time. We're still working
19 through how this is going to work. I'll take my
20 prerogative and head this off and move forward with the
21 agenda.

22 COMMISSIONER THOMAS: That's fine.

23 COMMISSIONER WALDHEIM: Mr. Chairman.

24 CHAIR SPITLER: Commissioner Waldheim.

25 COMMISSIONER WALDHEIM: We have another issue to

1 deal with, and that is on the grants, as I went
2 through, the snow program has been taken and put under
3 the support budget. When I got back on the Commission,
4 I was shocked to see that snow was not part of the
5 Commission's purview anymore. We used to do that. We
6 used to give about \$2 million a year.

7 Now, that it is under the Division under the
8 support budget, I am kind of concerned and wondering
9 why in the earth are we dealing with any snow grants.
10 A lot of the grants may have 50 percent for snow, 50
11 percent for OHV, or a grant, for example, could be all
12 snow. Why are we dealing with anything to do with
13 snow? Because, one, snow has not provided any budgets
14 on what they've spent. What is the snow program
15 costing us in the State of California? I have not been
16 able to get a handle on that. Nobody will give me the
17 information. Neither the agencies nor the user groups
18 are giving me one cent of information. What is the
19 off-highway vehicle -- what is the snow program costing
20 the State of California? We have no clue.

21 Therefore, I'm trying to wonder why is it even
22 in here because the support budget is supposed to be
23 taking care of that. We are -- it almost feels like
24 they're coming to us for additional handouts, yet we
25 have no say whatsoever in any of the decisions of snow

46

1 programs because that's in-house. It's a special,
2 separate committee. This Commission is not part of
3 that whatsoever.

4 DEPUTY DIRECTOR GREENE: Commissioner Waldheim,
5 I know I have never received a request. And if that
6 has, in fact, been the case, my apologies for not being
7 able to provide you with that information. You will
8 receive that information, of course. We have no
9 problem sharing that with you.

10 I think that -- I don't know that at this point
11 in time, we're prepared to do an overview of the snow
12 program right here and now. Suffice it to say, that
13 when we -- when we moved forward with that change last
14 year, we also identified that within that, that law
15 enforcement would still be an area that would be
16 addressed by the Commission, recognizing the importance
17 of law enforcement, particular to Commissioner Thomas
18 and Commissioner Prizmich, who have always expressed an
19 opinion. So the Commission still has purview over the
20 law enforcement as it pertains to the snow program.

21 COMMISSIONER PRIZMICH: Can I ask one more
22 question? I don't want to start anything to offset.

23 Tim, with regard to how -- you mentioned that we
24 could move the monies around within the submitted
25 grants at the Commission meetings under the guidelines

47

1 that the Division has set up, as I understand. But
2 that only applies to applicants who made it to us.
3 Those that did not -- those who were cut off before
4 ever getting here, we would not have any opportunity to
5 provide money to.

6 COUNSEL LaFRANCHI: That is correct.

7 COMMISSIONER PRIZMICH: I just want to clarify
8 that.

9 CHAIR SPITLER: Okay. I have just one more
10 question in regards to the regulations.

11 I'm hoping that staff could kind of walk the
12 Commission through how they view the regulations
13 process, where we're at in the process now, and how the
14 process will move forward, and opportunities for
15 Commission involvement in the regulations at that
16 point.

17 DEPUTY DIRECTOR GREENE: Absolutely. At this
18 point in time, we are beginning to open up actually,
19 within -- want to send out an announcement at the
20 beginning of next week asking -- identifying two public
21 meetings, as well as then smaller meetings at the
22 Division for interested parties who would like to have
23 the opportunity to provide their input on the
24 regulations process.

25 As we are well aware, it was a first-year

48

1 process, and we're not going to come out of the shoot
2 making everybody happy, but we also recognize that it
3 is a solid program, and that we also have the
4 opportunity to do some fine tuning.

5 And so we would encourage any and all
6 Commissioners to be involved with that process. We are
7 more than happy at whatever point in time to meet one
8 on one to gain more understanding or as a group to
9 identify a special meeting. We'll also have people in
10 attendance at any of the public meetings that we have.

11 CHAIR SPITLER: Could you walk through the
12 approval process for the regulations?

13 DEPUTY DIRECTOR GREENE: The approval process in
14 terms of when we would open up that time period, and
15 then the 45-day review? I'm not sure the amount of
16 detail that you want.

17 CHAIR SPITLER: As much as you can provide.

18 DEPUTY DIRECTOR GREENE: I don't know if we have
19 that -- I don't have that calendar right in front of me
20 now to be able to walk through that process with you,
21 Chairman Spitler. We can try and get there for you
22 after lunch.

23 CHAIR SPITLER: If we could maybe hold that and
24 discuss that right after lunch, that would be great.

25 DEPUTY DIRECTOR GREENE: Sure, not a problem at

49

1 all.

2 CHAIR SPITLER: All right. Could you tell us
3 where are we now with the emergency regulations, and
4 how long do those stay in effect for?

5 DEPUTY DIRECTOR GREENE: Julie, can you come up
6 front, please?

7 MS. HOM: We just recently --

8 CHAIR SPITLER: I'm sorry, Julie, we all know
9 you, but our stenographer does not.

10 THE WITNESS: I'm sorry, Julie Hom, and I'm the
11 Grants and Winter Recreation Manager for the Division.

12 When we put -- before the original emergency
13 regulations, they went in April, and then they expired
14 at 120 days back in August, and then we put in for
15 readoption of emergency regs, the same set of regs and
16 the same set of chapters one, two and three in August.
17 And they will expire in December, December 3rd.

18 CHAIR SPITLER: Thanks.

19 COMMISSIONER THOMAS: Now, what about the
20 schedule, schedule of the option for the permit?

21 DEPUTY DIRECTOR GREENE: I think, Commissioner
22 Thomas, if we can provide that to you so that we have
23 it after lunch, that would be helpful.

24 COMMISSIONER THOMAS: I just want to know how it
25 interfaces with the temporary regulations. Can you

50

1 provide that information?

2 MS. HOM: Basically we're moving forward and
3 trying to adopt the emergency regs permanently, and it
4 all depends on when we move forward to open the record.
5 And what we need to do is get a final set of
6 regulations, and chapters one, two, and three, and
7 prepare a statement of reason, and to do the comparison
8 of the old regulations to the current regulations we
9 have in place.

10 Once we open the record, and if we, say, open
11 the record the end of October, that will start the
12 45-day comment period for the public and commissioners
13 and anybody who wants to comment on the regulations can
14 do so. And then within that 45-day comment period, we
15 will hold public hearings. I believe it's one public
16 hearing. We have an obligation to hold one public
17 hearing within that time frame. And then also to --
18 with that public hearing, people can come testify and
19 that type of thing.

20 Then we take all of those comments, and we
21 respond to those, and then either make changes or not
22 to the regulations that have been commented on. If we
23 make changes to what is currently out there, then
24 there's an additional 15-day comment period. So if in
25 this scenario we open the record, say, end of

51

1 October and with the 45-day comment period, and with
2 some additional 15-day comment period, we can
3 conceivably have probably regulations in place sometime
4 in March of 2006.

5 So what that would mean would be -- for the
6 emergency regs, we would have to readopt again when
7 they expire in December so that they would then go on
8 for another 120 days. And then that expiration date
9 comes about the first of April. So that's kind of like
10 running parallel.

11 COMMISSIONER THOMAS: I understand. Do you plan
12 to present the regulations during the record period to
13 the Commission for comment?

14 MS. HOM: Well, when we open the record, they're
15 out there on the website, and they're available at
16 anybody's request.

17 COMMISSIONER THOMAS: I understand that. I
18 asked you a very specific question.

19 Do you intend to ask the Commission in a meeting
20 for comment during the record period?

21 DEPUTY DIRECTOR GREENE: Of course, we would,
22 Commissioner Thomas.

23 COMMISSIONER THOMAS: So you're going to
24 schedule this for a meeting and we'll have a comment
25 period within the 45 days within the record?

1 DEPUTY DIRECTOR GREENE: Okay.

2 COMMISSIONER THOMAS: You didn't do it for this
3 emergency regulations, right?

4 DEPUTY DIRECTOR GREENE: For the emergency
5 regulations, we actually had that at the
6 February meeting. We weren't scheduled for that
7 February meeting.

8 COMMISSIONER THOMAS: We did not. There was no
9 record. You did not take comments from the Commission
10 as to the proposed emergency regulations in the
11 February meeting.

12 DEPUTY DIRECTOR GREENE: Yes, we did. We have
13 the comments. And the Commissioners participated in
14 the development of the criteria.

15 COMMISSIONER THOMAS: That was a proposal for
16 the -- I'll leave it. Thank you very much.

17 MS. HOM: Okay.

18 CHAIR SPITLER: Okay. Are there any other
19 comments or can we move forward on the agenda?

20 COMMISSIONER WALDHEIM: Move approval of the
21 agenda.

22 CHAIR SPITLER: We're so close to your motion.
23 Okay.

24 MEMBER OF THE PUBLIC: Excuse me, Commissioner.

25 CHAIR SPITLER: I'm sorry, it's not public

53

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 comment time at this point. We'll --

2 MEMBER OF THE PUBLIC: It's on the agenda item,
3 for it should be open to public comment.

4 CHAIR SPITLER: Thank you.

5 Any personal organization wishing to speak on an
6 issue of the agenda or an item not on the agenda should
7 fill out colored forms. If you want to speak on an
8 item that's on the agenda, if you could, fill out a
9 green form. If you want to speak on an item not on the
10 agenda, you can fill out a blue form. We'll take
11 comments on items not on the agenda at eleven o'clock.
12 And if you could when addressing the Commission
13 identify yourself and your organization, that would be
14 great.

15 Okay. Approval of the agenda. Are there any
16 changes to today's agenda?

17 COMMISSIONER WALDHEIM: Yes, Mr. Chairman. I
18 would like to make an amendment to the agenda, to
19 approve the agenda that we adopt the sheet that was
20 updated with 9/27, which is the original grant sheet
21 that went out to all of the applicants with the books.
22 I move that we adopt this north sheet, white sheet for
23 the purpose of going through the grants today.

24 CHAIR SPITLER: Give the date.

25 COMMISSIONER WALDHEIM: Of the date 9/27/05.

54

1 9/27/05, the public has this in their hands right now.
2 It just has a space in between the original sheet that
3 the public received when they got the books. It's the
4 same sheet, only some numbers were changed inside, but
5 it's the same form.

6 CHAIR SPITLER: Is there a second?

7 COMMISSIONER THOMAS: I'll second. Is this
8 necessary? Is this necessary for -- counsel says it's
9 necessary, I guess it's necessary.

10 Second.

11 CHAIR SPITLER: Is there any public comments on
12 this item?

13 BRUCE BRAZIL: On the agenda?

14 CHAIR SPITLER: Yes, step forward. Please state
15 your name and your organization for the record. If you
16 could fill out a green card, that would be great.

17 BRUCE BRAZIL: There should be one of them in
18 front of you. I already did one of those. Thank you.

19 My name is Bruce Brazil, California Enduro
20 Riders Association. This meeting, I've heard
21 repeatedly, is for public input to the grants request.
22 I'd like to say that the public has not had adequate
23 access to the detailed information of the grants. I've
24 tried for over a week to get detailed information of
25 the grants to no avail, other than this morning when I

55

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 finally got a CD from Mardi Stallcop.

2 I've tried e-mailing. I've tried a couple of
3 phone calls, even out at the Carnegie SVRA, when I
4 called out there, the staff out there was unaware of
5 the large paperwork volumes that they were supposed to
6 have. I finally contacted the supervisor of the
7 Carnegie SVRA. He was unaware of it. He was tenacious
8 enough to go digging and found finally -- this is
9 Thursday afternoon, late -- a box in their office which
10 was off-site that was addressed to an individual who is
11 not normally out at Carnegie; therefore, the staff and
12 such were unaware. So I was unable to have access to
13 the details of the grants, and I'd like to be an
14 informed member of the public in order to make informed
15 comments.

16 And with all that in mind, I would like to
17 request this meeting be rescheduled until such time
18 that the public has had adequate access to that
19 information. Thank you.

20 CHAIR SPITLER: Thank you. I foresee actually
21 numerous comments similar to this prior to this
22 meeting, so maybe, staff, could you just kind of walk
23 us through the public notification and involvement
24 process preceding this meeting?

25 CHIEF JENKINS: We did send out those volumes,

56

1 the ones they apparently had trouble locating for you
2 out at the park, roughly four weeks ago. Somebody can
3 check the date on it for that. We sent that out either
4 three or four weeks ago. At the same time we posted
5 the identical information on the website. We did have
6 that information come off the website Sunday night, and
7 we were just -- it was up there up until Sunday night.

8 BRUCE BRAZIL: Excuse me. The information that
9 was on the website --

10 CHAIR SPITLER: Excuse me, sir.

11 BRUCE BRAZIL: Okay.

12 CHIEF JENKINS: And we were able to get it
13 reposted back to the website I believe that was
14 Tuesday. I can double check for dates.

15 The books were sent out to all of the SVRAs
16 around the state, as well as we had copies at the
17 Division office that were available to be noticed.
18 Also, there were a number of individuals who had
19 specifically requested copies of the volumes. Those
20 were made available. A number of people originally had
21 wanted CDs of the volumes. Just the process of
22 creating those CDs was very problematic given the
23 number of different grants and number of different
24 formats coming in, so we made a decision to provide
25 that public notice through those published written

57

1 documents.

2 DEPUTY DIRECTOR GREENE: However, at this point
3 in time, at about the beginning of this week, we
4 actually did have those CDs available. As was
5 requested last year, in trying to make this process
6 more efficient, we have tried -- and actually I think I
7 heard a comment earlier, the number of pages has been
8 significantly reduced from the 13,000 that
9 Commissioners will remember the last year, the nine
10 binders that they had to carry around. In an idea
11 world, by next year everything will, on the website, be
12 able to be accessible. The difficulty we have is the
13 shear volume of those grant applications.

14 So, therefore, on the site we made it very clear
15 that if anybody wanted additional information, they
16 could go to a specific individual applicant, because
17 often the public is not interested in getting all 166
18 projects. They're just interested in a certain one.

19 One of the areas that we are looking to
20 exploring now is a possible order form, as it were, so
21 you can go in and check those applicants that you were
22 interested in. And now we can provide that next year
23 in a CD form. Recognizing, as well, that we
24 specifically have a list of people who have always
25 expressed their interest in receiving documentation.

58

1 We called all of those individuals this year, asked
2 them if they wanted it in hard copy or CD. As the
3 Chief just alluded, we did have problems with those
4 CDs, and, therefore, we did turn around and then sent
5 out in a hard copy.

6 So as we fine tune the process, one of the
7 problems that we have is really trunk space available
8 to our website. That is something that we're working
9 on. That is a large dollar contract. That is
10 something that we need to look at specifically as it
11 pertains to the audit.

12 So we're balancing a couple of issues here, and
13 my apologies to Mr. Brazil. I know that I personally
14 e-mailed you and phoned you. So my apologies for that.

15 So hopefully -- you know, it is never -- our
16 intention is always to try to have the public involved
17 in whatever shape we can. And, as Commissioner Thomas
18 just alluded, to also be able to have an opportunity to
19 comment on the permanent regulations.

20 So apologies to any members of the public who
21 weren't informed and didn't have the ability to gain
22 the documents they needed.

23 CHAIR SPITLER: Safe to say the process is still
24 being worked out.

25 COMMISSIONER PRIZMICH: Mr. Chairman, you know,

59

1 that you're going to get on the mike here, I saw you
2 moving toward it, but I do have a question for you.

3 With regard to this question -- and we've heard
4 these kinds of questions come up before relative to,
5 you know, providing enough or adequate information
6 prior to the meeting -- what obligation does the
7 Division have with regard to -- because things change,
8 these are huge documents. What obligation does the
9 Commission have with regard to getting accurate
10 information to the public prior to a meeting?

11 COUNSEL LaFRANCHI: Well, certainly under the
12 Public Records Act, any public agency is required to
13 make documents available, public documents available.
14 And if there were some glitches in the distribution
15 process, you know, a lot of times that can't be helped.

16 But, yes, there is an obligation. And I was at
17 the office last night about eight o'clock, and there
18 were boxes of these documents there, and I know over
19 the last two weeks as I've been there, people were
20 calling, and the Division was sending out copies. So
21 they can make these things available. So if Mr. Brazil
22 just didn't get to the right person, that's unfortunate
23 but it sometimes happens.

24 I would also say that the process, the
25 Commission's process is a bit -- and this is not the

60

1 last opportunity that the public has, and we understood
2 that, and that's one of the reasons with the statutes
3 and the regs have -- the opportunity or ability of the
4 Commission to have these subcommittee meetings, which
5 is kind of a preview, if you will.

6 So the public has an opportunity here, and the
7 Commission has an opportunity to do just what you're
8 doing today, begin to understand just a little bit more
9 deeply how the process works. And as questions come
10 up, there is another opportunity at the staff meeting,
11 and then in November a final meeting where the public
12 can comment. So it's not as if this is the last
13 opportunity anybody from the public will have to get
14 these documents and really comment.

15 This is really a long process for the
16 commissions and boards that I've been involved with in
17 my 30 year experience. This Commission has, and this
18 Division has really provided more of an opportunity for
19 the public to participate than I've seen in a lot of
20 different situations. So this is not the end of the
21 day, is all the point I want to make.

22 CHAIR SPITLER: Okay. We have a motion and a
23 second to change the agenda. Any more discussion from
24 the Commission on it?

25 All those in favor?

61

1 (Simultaneously voting.)

2 CHAIR SPITLER: Opposed?

3 (Simultaneously voting.)

4 CHAIR SPITLER: Okay. And with that said, we
5 have 92 grants before us and a full day's agenda, so
6 let's go ahead and start with OR 725 and OR 726, the
7 Alpine County Sheriff's grant.

8 Is there anyone from Alpine County who wishes to
9 comment on these grants? If we could start with
10 someone from the sheriff's office, we'll take both of
11 your requests at the same time. If you could just go
12 ahead and address those.

13 DEPUTY DIRECTOR GREENE: For members of the
14 public, it can be found in book one, page three, and
15 the score is in the scoring sheets, page one.

16 ROBERT LEVY: Mr. Chairman, Robert Levy,
17 Undersheriff, Alpine County Sheriff's office.

18 With regards to OR 725, we ask that you place
19 that on the consent agenda in support of the funding
20 for our law enforcement program. We are the only
21 funded off-highway vehicle law enforcement program in
22 Alpine County. The three forests that operate in
23 Alpine County were either not funded or were funded for
24 other areas. So we would strongly urge the Commission
25 to place that on consent.

62

1 With regards to OR 726, the equipment, we would
2 ask the Commission to take that off consent and
3 consider additional funding as we are in desperate need
4 for some equipment. The sheriff is no longer able to
5 fund the equipment out of his own budget as he has done
6 so in the past.

7 CHAIR SPITLER: Thank you.

8 COMMISSIONER WALDHEIM: Mr. Chairman, can I ask
9 a question?

10 CHAIR SPITLER: Let's go through our public
11 comments first.

12 COMMISSIONER WALDHEIM: From the person?

13 CHAIR SPITLER: I'd rather just get through our
14 public comments, then we can call him back up.

15 Okay. Terry Woodrow, followed by Skip Veatch.

16 TERRY WOODROW: Hello, I'm Terry Woodrow with
17 the Alpine County Board of Supervisors, and I represent
18 the Bear Valley and Kirkwood areas. And I just want to
19 impress upon you again how important the OHV law
20 enforcement dollars are to Alpine County since we are a
21 tourism-based economy. We have 95 percent public land.
22 We have heavy usage by tourists and visitors, and we
23 are in a very rural and remote area, and so it is
24 imperative that we protect the wilderness incursions,
25 private property trespassing and resource damage.

63

1 And during the winter in our snow parks and Lake
2 Alpine groom trails, we are typically patrolled
3 cooperatively with the Forest Service in Alpine County,
4 and the dollars have been cut for the Forest Service
5 area. And so it shows you how important it is for us
6 to have that component of law enforcement for our area,
7 and especially with the concerns in the county with
8 Blue Lakes area, with the past history of concerns
9 there, and also with our winter cooperative program
10 that is being led by the U.S. Forest Service Stanislaus
11 National Forest right now. In regards to Bear Valley,
12 we are working on that diligently right now, and it's
13 really imperative that we have those dollars for law
14 enforcement in order to show that, you know, we're
15 working on it hard.

16 So I just want to say again that it's important
17 to -- that in all of our OHV areas, without law
18 enforcement, in our remote areas that the EMS needs
19 would also greatly suffer. So thank you very much for
20 your support, and I hope you can consider us. Thank
21 you.

22 CHAIR SPITLER: Thank you. Skip Veatch.

23 COMMISSIONER THOMAS: Mr. Chairman, staff has
24 this grant on the incomplete list.

25 CHAIR SPITLER: You have to look at your new

64

1 9/27/2005.

2 COMMISSIONER THOMAS: I have that. So is this
3 incomplete list no longer accurate?

4 DEPUTY DIRECTOR GREENE: No,
5 Commissioner Thomas. Upon further last minute legal
6 review of all of the projects, each and every one, we
7 have a few items, some areas that -- some applications
8 that will move forward for consideration and some of
9 those that will not.

10 So as we come to each one of those, I'd like to
11 bring them to your attention for review at that point
12 in time.

13 COMMISSIONER THOMAS: That doesn't answer the
14 question.

15 Is the incomplete list then now modified.

16 DEPUTY DIRECTOR GREENE: No, the incomplete
17 list, it would be modified to the extent that Alpine
18 County law enforcement has been removed; that's
19 correct.

20 COMMISSIONER THOMAS: Are there any others as we
21 go down the list?

22 DEPUTY DIRECTOR GREENE: I can highlight them
23 now.

24 COMMISSIONER THOMAS: Sure. Just check them
25 off, so as I go down the list. I don't have to write

65

1 it.

2 DEPUTY DIRECTOR GREENE: The only ones that are
3 on the list at this point in time is Alpine County
4 Sheriff Law Enforcement. However, there are four other
5 additional applications that have been deemed
6 incomplete at this point in time that will be needed to
7 be removed from the agenda today.

8 COMMISSIONER THOMAS: Which are those?

9 CHAIR SPITLER: I'm sorry, we have an individual
10 waiting for a comment. Can we get through these two
11 grants. I wish this would have been brought up before
12 we started. Let's go through this grant, and then
13 let's address this. We need to know this information.
14 Mr. Beach.

15 SKIP VEATCH: Okay. Skip Veatch, Supervisor,
16 Alpine County, and I want to thank the staff for
17 finally coming to agreement with Alpine County staff
18 and making the recommendation on the law enforcement
19 grant. The program in Alpine County is two pronged.
20 The law enforcement is extremely important, but without
21 equipment, it's difficult for the patrol people to
22 patrol on snow shoes and skis in the snowmobile areas.

23 So I guess my pitch mainly is to please try to
24 reconsider the equipment portion of the grant. We
25 receive almost no money from the federal government

66

1 when it comes to law enforcement. We're 95 percent
2 public land, and we receive a very, very small amount
3 of money for law enforcement from the federal and state
4 government in other areas. So both parts of this are
5 equally important, and the equipment needs -- if we
6 don't have equipment, we have no way to patrol the
7 areas. Our -- both the OHV and the snow projects, the
8 numbers are increasing tremendously. The uses in
9 particularly in the Blue Lakes area and the Bear Valley
10 area are increasing by very, very large percentages
11 every year, and unfortunately I don't have that
12 percentages for you. But the summer program, the OHV
13 use, I actually went out with a patrolman a couple of
14 summers ago, and there is a tremendous number of people
15 on all of the road areas. So the equipment to do the
16 patrol is as important as the money to perform the
17 patrol. Thank you.

18 CHAIR SPITLER: Thank you.

19 COMMISSIONER THOMAS: Mr. Chairman, where is the
20 equipment grant in our --

21 CHAIR SPITLER: OR 726.

22 COMMISSIONER THOMAS: That's the requested
23 amount. I thought it was 219 from the application.

24 CHAIR SPITLER: Okay.

25 COMMISSIONER THOMAS: And 726 is -- okay. I got

67

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 it. Thank you.

2 CHAIR SPITLER: Marcus Libkind, followed by Nick
3 Haris, and Dave Pickett.

4 MARCUS LIBKIND: Marcus Libkind, I'm chairman of
5 Snowlands Network. We represent back country skiers,
6 snow shoers, snow players, basically muscle-powered
7 winter sports. I mainly want to address that part of
8 the grant for law enforcement on the Highway 88
9 corridor. I know many of the people involved in the
10 county that work on that. In the past years they've
11 done excellent work, and I hope you can fund them to
12 the maximum, you know, that's possible given the
13 budget. Thank you.

14 COMMISSIONER PRIZMICH: Would it be appropriate
15 to ask a question at this point again or do you want to
16 wait?

17 CHAIR SPITLER: Is this a specific question for
18 Mr. Libkind?

19 COMMISSIONER PRIZMICH: Yes, it would be
20 specific.

21 Mr. Libkind, part of the grant is funded, part
22 of it isn't, that is, the equipment grant is not
23 funded. How would your assessment be of providing
24 monies for equipment?

25 MARCUS LIBKIND: The terrain -- the main area

68

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 where they're working is the Hope Valley Forest, Dale
2 Creek area, and I'm not a snowmobiler, but I've read
3 and people have told me, that the terrain there is
4 fairly difficult. If their snowmobiles really are
5 inadequate, then they really do need snowmobiles to get
6 through the heavy powder. I should say the powder.
7 They get quite a bit of snow there. It's a fairly high
8 elevation. So I think they're going to need it to do
9 their job. Thank you.

10 CHAIR SPITLER: Thank you. Nick Haris, followed
11 by Dave Pickett.

12 NICK HARIS: Pass.

13 DAVE PICKETT: Pass.

14 CHAIR SPITLER: Don Klusman followed by Don
15 Amador.

16 DON KLUSMAN: Pass.

17 DON AMADOR: I'm Don Amador, Blue Ribbon
18 Coalition. We support the staff recommendation of
19 almost \$49,000 for law enforcement. I want to make a
20 comment I made before on the sheriff's grant. That
21 would help the public and I believe the Commission if
22 we saw the in lieu funds that were going to each
23 county. So we maybe we look at that in the next couple
24 of months to make a better decision.

25 And regarding the equipment grant, while I'm up

69

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 here, I think they have some fairly new equipment as
2 far as snowmobiles in '01, '03, and '99. So I'm not
3 sure that they're that beat up. So at this point,
4 we're not supporting that equipment grant. Thank you.

5 CHAIR SPITLER: Thank you. Karen Schambach.

6 Any other members of the public wish to comment
7 on Alpine County?

8 JANE MALOUGH: Thank you. I'm Jane Malough,
9 District Ranger of the Amador Ranger District of the
10 El Dorado National Forest. We have an excellent
11 working relationship with Alpine County Sheriff's
12 Department, as well as the Carson Ranger District of
13 the Toiyabi National Forest point last year. We all
14 worked together in dealing with wilderness incursions
15 in the Mokelumne wilderness adjacent to the Blue Lakes
16 area, the border ruffian area. And I would really be
17 concerned about any inability of them to not work with
18 us due to funding. I think we have an excellent
19 program going, and it's a very difficult situation.
20 And these are great folks, and I just want to say that
21 we'd appreciate any support that the Commission can
22 give them.

23 CHAIR SPITLER: Are there questions from the
24 Commissioners?

25 COMMISSIONER THOMAS: I notice that there are no

70

1 citations issued, except for registration; is that
2 right?

3 ROBERT LEVY: That is not correct.

4 COMMISSIONER THOMAS: I'm operating off of page
5 23 of 206.

6 ROBERT LEVY: I actually got our grant
7 application in front of me. Robert Levy, L-E-V-Y.

8 There is a PAR in here, if you give me a moment
9 while I find it.

10 COMMISSIONER THOMAS: I think it's 23 of 206.

11 ROBERT LEVY: Mine is not quite numbered that
12 way. Looks like I have the PAR now in front of me.

13 COMMISSIONER THOMAS: Maybe a request for the
14 staff while you're looking, what does cold reports
15 mean? That's a new term in our 23 of 206. What does
16 the term mean, cold reports. The criteria, the
17 objective criteria you're using, law enforcement
18 warning citation, cold reports, and RS. What are cold
19 reports?

20 CHIEF JENKINS: I'm sorry, I was reading
21 something when you asked that the first time.

22 Cold reports are the reports that come in. They
23 aren't active. Somebody comes in and says, for
24 instance: Somebody broke into my car. I was gone over
25 the weekend. I came back and it was broken into.

71

1 That's a cold report.

2 COMMISSIONER THOMAS: Complaints, basically?

3 CHIEF JENKINS: Yes.

4 DEPUTY DIRECTOR GREENE: We can make that change
5 for the permanent regs.

6 COMMISSIONER THOMAS: Oh, we'll make lots of
7 changes.

8 CHAIR SPITLER: Mr. Levy, are you ready?

9 ROBERT LEVY: Yes. I have the September 30th,
10 2004 PAR that was submitted with the grant application.

11 Upon reviewing it, it shows a total of 14
12 citations. The OSV one shows six, is actually in
13 error. It's more along the lines of 13 because I wrote
14 at least six or seven wilderness citations during the
15 previous year.

16 COMMISSIONER THOMAS: My question is: How many
17 non-registration citations did you issue?

18 ROBERT LEVY: It says fourteen, eight and six.

19 COMMISSIONER THOMAS: So perhaps staff would
20 want to reevaluate your criteria, because it seems like
21 we have a report that says there is zero.

22 CHIEF JENKINS: If you're asking about any
23 individual criteria on there, there are a number of
24 things that we look at, so.

25 COMMISSIONER THOMAS: I'm saying if you based

72

1 your analysis on zero citations, isn't it logical that
2 you want to reevaluate that in the time between today
3 and the next meeting?

4 CHIEF JENKINS: You know, we have. John, why
5 don't you respond to that.

6 RANGER PELONIO: The number of citations issued
7 was not one of the criteria that was considered
8 specifically as rating criteria. It was just part of
9 the overall review of their program based on the
10 criteria that you have for each project type. There is
11 no score specifically based on number of citations
12 issued.

13 COMMISSIONER THOMAS: But you have criteria
14 based upon harm to public health and safety, harm to
15 natural resources. How do you evaluate the law
16 enforcement program if you don't take into account what
17 the contacts, warnings, citations, or cold reports are?

18 RANGER PELONIO: It's based on how they
19 articulate it, how well they articulate it in their
20 application.

21 COMMISSIONER THOMAS: So they're subjective
22 criteria. You don't use this objective criteria.

23 RANGER PELONIO: We use the criteria as listed
24 in the regulations, as they articulate it in their
25 application.

1 COMMISSIONER THOMAS: Which did not include
2 number of citations issued?

3 RANGER PELONIO: We did look at the PAR for the
4 law enforcement grants, but the specific number of
5 citations was not one of the criteria.

6 COMMISSIONER THOMAS: Thank you.

7 CHAIR SPITLER: Are there more questions for
8 Mr. Levy?

9 COMMISSIONER PRIZMICH: Yes.

10 CHAIR SPITLER: Commissioner Prizmich.

11 COMMISSIONER PRIZMICH: Rob, could you describe
12 the equipment that you have at use right now for you
13 and what deficiencies there are or are not.

14 ROBERT LEVY: Yes, the equipment list that was
15 included in the grant has one extra snowmobile on it.
16 It was actually purchased by the sheriff with his own
17 funds. The two Ski-Doo and the other 1999 Artic Cat
18 are still serviceable OHV sleds. The issue that we
19 have right now with regards to like the 1998 Artic Cat
20 or the older style Ski-Doos, is that the folks that are
21 involved in wilderness incursion, high-speed and
22 dangerous riding are new people new to the sport that
23 are riding new hybrid snowmobiles. The discussion the
24 sheriff and I had two days ago regarding this equipment
25 request was that the new hybrid snowmobiles are so well

74

1 built that a beginner rider can literally ride into
2 terrain that would have taken us a couple of years to
3 learn in the old-style sleds.

4 COMMISSIONER THOMAS: Those hybrids are like
5 Capris?

6 ROBERT LEVY: No. The hybrid sleds have a
7 higher center of gravity. It's a forward seated and
8 higher center of gravity rider. It has a narrower ski
9 stance. They have -- many of them are now fuel
10 injected. The 1998 sled is not fuel injected. So at
11 high attitudes, we lose power. The areas that I know
12 that the public and the Commission expect us to patrol
13 and enforce are areas that are running around 8500
14 to 9500 feet of elevation. So we're to the point that
15 we need to be running off fuel-injected sleds so that
16 our officers can pursue.

17 Mr. Libkind mentioned Forest Hill Road and so
18 that area, we ride this area as a part of our patrol
19 and many of those areas are considered advanced-riding
20 ability. Our officers are training hard, but we've got
21 to have that hybrid equipment so that we can move into
22 those areas and be effective.

23 COMMISSIONER PRIZMICH: And how many of these
24 sleds do you think that you need to adequately patrol
25 that?

75

1 ROBERT LEVY: We need a minimum of four
2 additional sleds this year. We have been riding search
3 and rescue sleds. And as a practice that is
4 discouraged by the sheriff because what happens if we
5 have a rescue, we are wearing out equipment that was
6 purchased for our volunteers. So we really need to
7 make this purchase.

8 Additionally, with our summer program, we have
9 areas such as Deer Valley Trail, the roads -- Snyder,
10 El Campo Road that runs between Alpine County and
11 Strawberry, we've identified areas of significant
12 environmental damage. We have people that are doing
13 user created routes that maybe decide the road is too
14 rough in one spot, so they cut through forest where
15 it's a little smoother. And we do not have the
16 appropriate equipment.

17 Again, the quads are riding -- we're off for
18 search and rescue. They're not independent axle quads
19 to be able to do rock crawls and move into the advanced
20 area where we have the four-wheeler activity. And same
21 thing with deep requests. What happens when we arrest
22 a deuce or DUI individual, and we're 25 miles off the
23 paved road. I can't justify taking a \$45,000
24 Expedition down a goat trail and damaging it. And we
25 are in a quandary because we do not want to tie Highway

76

1 Patrol resources up to come pick up some drunk driver
2 in the back country. See when we thought about our
3 equipment request, we really thought it out, we have
4 some things that we desperately need.

5 COMMISSIONER PRIZMICH: At this juncture do we
6 make motions?

7 CHAIR SPITLER: No, we're not doing motions.
8 Let me see if I can't move this along. At this point,
9 I would say that I'm fine leaving both of those on the
10 Consent Calendar for the staff recommendations. If
11 Commissioners feel otherwise, they should let me know.
12 The only decision we have to make now is whether or not
13 to accept staff recommendations and put these on
14 Consent or we want to discuss them more in November and
15 take them off of Consent.

16 COMMISSIONER PRIZMICH: I don't mind leaving OR
17 725 on Consent. I have a problem with 726. I'd like
18 to see they get some equipment.

19 COMMISSIONER THOMAS: I'd like to take them both
20 off Consent because -- two things. One, we may want to
21 give them more money, and I'm inclined to do so. But
22 Commissioner Brissenden, his home county, I think we
23 need to hear from Commissioner Brissenden exactly.

24 And I would encourage the county to meet with
25 Brissenden and some of the individuals that testified

77

1 and get yourself a complete package quote of what you
2 need and come back. If it's more money, it's more
3 money. Myself, I'm fine to give you what you need.
4 But why don't you organize it in a package. So then
5 come back -- and with the commissioner who lives in
6 your county, and, fine, we'll give you what you need or
7 at least from my perspective I'll give you what you
8 need, but work with you.

9 COMMISSIONER WALDHEIM: Mr. Chairman.

10 CHAIR SPITLER: Commissioner Waldheim.

11 COMMISSIONER WALDHEIM: I would like to make it
12 very clear to everybody in the audience and staff, in
13 my first term on the Commission in the '80s, there was
14 nobody who fought more for snowmobiles than myself. We
15 had more than \$2 million we were passing out.

16 Now, as I'm back on the Commission again, as I
17 stated before, I was shocked that the Commission really
18 doesn't deal with the snow program, per se. When I say
19 I don't want to fund any of it, it's not because I'm
20 against the program, especially for the supervisor who
21 was here. The staff, the OHV Division, is utilizing 70
22 percent of our funds. The \$18 million only represents
23 30 percent of the funds that we have to give out. The
24 staff or the Snowmobile Association, I don't know who
25 made the deal, has taken over the snow program in the

78

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 support budget.

2 What I'm saying is that I feel that the support
3 budget, if they're going to do the snow program, then
4 they should do the snow program. If they don't want to
5 do the snow program, then they should give it back to
6 the Commission so we can deal with the whole program.
7 This piecemealing of part Division, part Commission is
8 not right. There is something wrong in here. We
9 either do it or don't do it.

10 So I'm not against your project. I believe a
11 hundred percent of that. So if anybody goes out and
12 says Waldheim is against it, they're dead wrong. I
13 agree with the snow program. We need to do it, but my
14 question is is it really part of this Commission or
15 should it be out of staff's money? That's why I'm
16 going to vote zero on these snow grants.

17 CHAIR SPITLER: Okay. Thank you. So we will
18 not have these on Consent. We will see you again in
19 November. We're going to need to take a break for a
20 few minutes here, but before we do, I just want to
21 recognize -- we have a couple of new faces. I just
22 want to recognize our new -- members of our team here.

23 Tim LaFranchi, who despite his retirement has
24 decided he can't get enough of us, is still coming to
25 Commission meetings, but will soon be replaced by

79

1 Brad Torgan from the General Counsel's Offices of DPR,
2 so welcome, Brad.

3 (Applause.)

4 CHAIR SPITLER: Ken Pogue, who despite the fact
5 he has not retired, has had enough of us, and this will
6 be his last meeting. And he will be replaced by Billy
7 Jenkins, who I understand is hiding in the back,
8 probably a safe place for you. We'll get a new
9 Commission counsel as of our October meeting.

10 I want to give a welcome to Bill Jenkins.
11 Welcome. I don't know much about your background, so I
12 can't speak to it here, but we're happy to have you.
13 We're looking forward to working with you, so welcome,
14 Bill.

15 (Applause.)

16 CHAIR SPITLER: And finally --

17 DEPUTY DIRECTOR GREENE: If maybe we can endure
18 a few minutes afterwards, we'll give a little bit of
19 background. It might be interesting for both the
20 Commissioners as well as the public.

21 CHAIR SPITLER: I want to also say a thank you
22 to Kathy Mick, who I understand this is her last year,
23 who is moving back from the Division to the Forest
24 Service where we will have many opportunities to
25 interact with you in a very substantial and fundamental

80

1 way in the future. So thank you for all of your good
2 work, too, Kathy.

3 (Applause.)

4 CHAIR SPITLER: Why don't we take about a
5 five-minute break here. We still have a full agenda.
6 We've gotten through two of 92 grants. So let's keep
7 it short.

8 (Break taken in proceedings.)

9 CHAIR SPITLER: There have been a number of
10 questions about the 39 grants that have been summarily
11 thrown out by the staff. And I understand that list
12 continues to evolve, so I think what we probably have
13 to do at the next meeting in October, we will put
14 that -- make sure that we have a complete discussion of
15 those applications.

16 I understand more fully the decisions that were
17 made on them, but for now could we just have the
18 Division's latest updates to that list?

19 COUNSEL LaFRANCHI: Chair Spitler, if I could
20 address that a little bit. As we have gone through the
21 process, we continually reviewed decisions that have
22 been made and actions that have been taken both from an
23 administrative and legal perspectives. And the latest
24 as problems or issues arise with respect to conformance
25 to the regulations, we have had to make changes, some

81

1 of them at the last minute, and I apologize. It's just
2 been sort of inherent in the process this year.

3 As you already know, where we identified a grant
4 that should not have been on the incomplete list, such
5 as Alpine County, it was brought back in. Where we
6 found some information, either Alpine County or
7 somebody identified for us some information that we
8 thought wasn't there, we brought it back in.

9 There are four at the present time on the north
10 list that we identified where there are fundamental
11 problems with lack of compliance with the -- with the
12 regulations that were not identified earlier in the
13 process. And those four are line number three on your
14 agenda sheet, the list of grants.

15 Butte County Sheriff, OR 767, we deemed
16 incomplete by reason of the fact that it does not have
17 what we refer to as environmental review data sheet,
18 which was required.

19 CHAIR SPITLER: You could actually -- I
20 apologize. I don't want to get into a long discussion
21 of why these were thrown out. We're going to bring
22 those up at the next meeting and have a full discussion
23 because I'm sure the list will continue to evolve.

24 If you could just go through the list.

25 COUNSEL LaFRANCHI: That's fine, I'm sorry.

82

1 Line number four, Calaveras County Sheriff,
2 OR 737; line number 14, OR 768, planning and
3 Conservation Committee; and line number 20 on the first
4 page, OR 727, Tuolumne County Sheriff.

5 CHAIR SPITLER: Okay. I'm going to go ahead and
6 entertain public comments on all of these items, since
7 I know a number of the public showed up to speak on the
8 grants. I don't think it would be fair to deny them an
9 opportunity to speak at this point.

10 So with that said, if we could go ahead and move
11 into OR 767 Butte County Sheriff. Anyone from the
12 sheriff's office.

13 COMMISSIONER WALDHEIM: Didn't they just pull
14 that?

15 CHAIR SPITLER: I'm going to go ahead and do
16 public comment on the items who at the last minute were
17 withdrawn. I think we owe these folks a right to
18 speak.

19 DAVE PANCHESSON: Good morning, Dave Panchesson,
20 Butte County Sheriff's Office rep, OR 767.

21 DEPUTY DIRECTOR GREENE: And for the members of
22 the public, for Butte County Sheriff could be found in
23 Book one, page 27.

24 DAVE PANCHESSON: Do you want me to repeat that?
25 Dave Panchesson, representing the Butte County

83

1 Sheriff's Department, OR 767.

2 CHAIR SPITLER: Go ahead.

3 DAVE PANCHESSON: I would like to gain support
4 for this grant. We were not funded the previous year,
5 so we are on the statutes that this is a new grant,
6 that we did not present a PAR with this grant.

7 And I believe it was brought up that our
8 original request was 19,000 and not 14,000 as so stated
9 on the large spreadsheet dated 9/27/2005. I'd like to
10 reflect that. I'm sure you made a note of that by now.

11 We are the only law enforcement agency in Butte
12 County applying for this grant, other than on the
13 Plumas side of the county, which reflects back into our
14 county. That's the Plumas National Forest law
15 enforcement grant.

16 We have been involved with this Jonesville Snow
17 Park since 1992, and we have had great accomplishments
18 up until this past year when we were denied the grant.
19 The Highway Patrol and the other agencies around give
20 us due knowledge that we are the only law enforcement
21 agency up there taking care of all of the traffic
22 problems. In fact, the Highway Patrol, basically with
23 an agreement we've had five or six years ago, they more
24 or less disappear once the road is closed on Highway
25 32, unless there's a major accident. But any accidents

84

1 that happen involving snowmobiles or vehicles, any
2 coroner's cases, reckless driving, drunk drivers, our
3 department handles all of these issues, alleviating the
4 Highway Patrol from having to come to that region.

5 We feel that when we prepared the grant, we were
6 very humbled and meager with our request. We have
7 requested manpower wages, reflected with the hours, the
8 little extra added in there for fuel consumption,
9 because it is 58 miles one way. So approximately 120
10 miles round-trip from where our office is to the snow
11 park each day that we go to the snow park to do our
12 work shifts.

13 And the public has given us much support in
14 letters that were provided with the grant when it was
15 turned in, and we should have -- the board of
16 supervisors approved us also. We had public comment.
17 We followed all of the rules of the grant and submitted
18 every section. And we had favorable input from the
19 public and the citizens of Butte Meadows and Jonesville
20 who missed our presence last year when we weren't
21 funded. And I just want to plea for our department
22 that we be kept on the agenda and receive the funding
23 we requested.

24 CHAIR SPITLER: Thank you. Are there any
25 questions from the Commissioners?

85

1 COMMISSIONER THOMAS: Yes. First, what's
2 this -- do you know anything about what the staff is
3 saying about a missing environmental data review sheet?

4 DAVE PANCHESSON: No, I brought the grant with
5 me, a copy of it, but I haven't -- I just received a
6 way to come up here when I heard that.

7 COMMISSIONER THOMAS: So they never contacted
8 you before?

9 DAVE PANCHESSON: Not until now.

10 COMMISSIONER THOMAS: So you came and learned
11 about this supposed problem today?

12 DAVE PANCHESSON: Less than five minutes ago.

13 COMMISSIONER THOMAS: And would you be able to
14 go back to the sheriff's office and get the review
15 sheet perhaps if it was left behind on somebody's desk?

16 DAVE PANCHESSON: If there's something we left
17 out, yes, we could have that -- we could have this hand
18 delivered if you'd like it, yes.

19 COMMISSIONER THOMAS: That would be a really
20 good idea.

21 DAVE PANCHESSON: Yes, sir.

22 COMMISSIONER THOMAS: Let's see if we can work
23 on that.

24 COUNSEL LaFRANCHI: Commissioner Thomas, I would
25 like to point out if these fundamental documents were

86

1 not included in the original application --

2 COMMISSIONER THOMAS: I understand, counsel.
3 I'm simply asking questions. I'm not asking for a
4 debate with counsel about the propriety of the
5 application. All I'm asking is did the speaker perhaps
6 leave something at home, and he's telling me he'll go
7 back and look. That's it. I'm not talking to you
8 about this.

9 CHAIR SPITLER: Any other questions from the
10 Commissioners?

11 COMMISSIONER PRIZMICH: I just have a
12 clarification. Is this back on Consent or what's the
13 status of this particular --

14 CHAIR SPITLER: At this point, staff has said
15 this grant is incomplete and cannot be considered by
16 the Commission.

17 COMMISSIONER PRIZMICH: What options do we have
18 with regard to that?

19 CHAIR SPITLER: That's a question for our
20 counsel.

21 COUNSEL POGUE: As Mr. LaFranchi was explaining
22 that, as part of the competitive process, they had
23 baseline requirements that had to be met for the grant
24 to come forward for review by the committee.

25 My understanding -- correct me if I'm wrong --

87

1 is that this is one of those core documents that was
2 required to go to the next step in the process that
3 would allow the Commission to then review it and
4 determine whether the funding was appropriate. So if
5 that core document was not there at the time by the
6 cutoff date, then this grant cannot go forward, and the
7 Commission cannot look at it.

8 DAVE PANCHESSON: To clarify, this is the
9 environmental impact report that should have been
10 submitted with this grant as required by law
11 enforcement?

12 COUNSEL LaFRANCHI: No, sir. There was a
13 six-question environmental data review sheet that was
14 required of all applicants to -- in sidebar, we can
15 show you this, but it wasn't necessarily an EIR. It
16 wasn't the EIR.

17 CHAIR SPITLER: I'm going to suggest we just
18 move on at this point. I think this is an internal
19 discussion that needs to happen. I mean this is
20 obviously new information to all of us in a public
21 forum. At this point I think it's not the best way to
22 try to resolve this issue. So I'm going to just ask
23 that the Division get with the applicant and review
24 this again and take a look at it and get back to the
25 Commission.

1 COMMISSIONER PRIZMICH: Can I just ask, perhaps:
2 Was this a new form that was instituted this year,
3 Daphne, or was this something new to the applicant?

4 DEPUTY DIRECTOR GREENE: This was part of the
5 regulation process, and, yes, this was a form
6 identified in the application that needed to be filled
7 out. It was a new form. It's a form that enables the
8 State to work within the CEQA process to make that CEQA
9 determination. It was required of every applicant, and
10 it was clearly stated.

11 Just as a reminder, that we did provide a
12 training to all past and interested parties back in the
13 early spring to address the issues and walk through.
14 It was a two-day workshop paid for by -- the Division
15 paid those interested parties to go through step by
16 step this process. In addition, on the website, there
17 was an opportunity for anybody who had a question about
18 the grant to address that -- to essentially write a
19 question, get an answer back, again within the
20 competitive process, so everybody was able to see the
21 answer. There was no change.

22 I'd like to remind you that there were a number,
23 number of applicants who clearly did what was required
24 within the competitive process. I'm sorry that these
25 few grant applicant projects did not move through. I

89

1 do apologize. Again, it was the -- working with legal
2 counsel to make sure that we are clean and clear and
3 have the competitive process as identified in the
4 regulations. So my apologies to the grant applicants
5 here today; however, we have got to stay within the
6 laws.

7 COMMISSIONER THOMAS: Well, we're not going to
8 hide behind legal counsel. We'll have a closed session
9 and discuss the matter, if necessary. But I can tell
10 you, if this staff is making diminimous forms that have
11 no factual basis on the performance of an
12 application -- and in Alpine County, oh, by the way,
13 they're coming back in, we made a mistake; and in Butte
14 County, we don't like you, you're out. That kind of
15 arbitrary and capricious behavior is not acceptable.
16 It's not democratic. It's not right. So we will have
17 a closed session, if necessary.

18 CHAIR SPITLER: Thank you.

19 Okay. We're going to move on to the Calaveras
20 County grants OR 737, 378, and 739.

21 Mr. LaFranchi, you stated previously that
22 OR 737, it was your recent opinion, that did not
23 qualify as an application. Is that your opinion that
24 738 and 739 do qualify?

25 COUNSEL LaFRANCHI: As far as I know at this

90

1 point, yes.

2 CHAIR SPITLER: Subject to change?

3 COUNSEL LaFRANCHI: It's a fluid process.

4 CHAIR SPITLER: Okay. Is there anyone from
5 Calaveras County who wishes to speak on the
6 applications?

7 ERIC LAMB: Yes, Deputy Eric Lamb, Calaveras
8 Sheriff.

9 As part of our grant, we requested monies for
10 law enforcement for county-wide OHV program, in
11 addition to a part-time law enforcement position in the
12 Arnold Interface Restoration Project, and also for
13 equipment.

14 We are the only funded law enforcement agency
15 with OHV program in the county. As such, we also
16 conduct educational programs with the schools and civic
17 groups in the county. We're also, as the sheriff's
18 department, responsible for all search and rescue
19 operations in the county, which the OHV program also
20 assists in. Basically our grants for the law
21 enforcement grants, we requested funds just to cover
22 the operational costs for the manpower. We did not
23 request any funds to offset costs of the equipment,
24 maintenance, and fuels.

25 Our equipment grant was to cover the majority of

91

1 the cost for -- to the snowmobiles for our OSV program.
2 Our existing two snowmobiles are beginning to be a
3 little on the antiquated side. So the areas that we
4 are required to patrol, they're just not suitable to
5 get into the back country areas. So we pretty much
6 have to work around the edges of those.

7 I was also informed earlier at the beginning of
8 this meeting that we were missing the environmental
9 review worksheet. My understanding is that is why our
10 grant is also in jeopardy of being unacceptable.

11 Myself and my sergeant, we attended the two-day
12 training that the Division provided. At the conclusion
13 of that training, it was our understanding that law
14 enforcement grants were exempted from the CEQA process;
15 therefore, we did not do the environmental data
16 worksheet. As I said, that's my understanding. I
17 don't know the grant -- if I made a mistake, then so be
18 it, but that was our understanding.

19 CHAIR SPITLER: Thank you. Stick around, we
20 might have questions for you.

21 Judith Spencer, followed by Bob Spencer.

22 JUDITH SPENCER: I'm Judith Spencer with the
23 organization Commitment to Our Recreational
24 Environment; that's CORE. We've been involved with the
25 grants situations for our district and for the whole

92

1 Stanislaus National Forest in Calaveras County for
2 eight years now. And something very wonderful has been
3 developed, and that is we have a very motivated
4 sheriff's department who has managed to do a good job.
5 They're effective. They're making a difference. I
6 think most all of you are aware of the interface issue
7 that's now been settled in a cooperative way with
8 community volunteers helping to build trails, going to
9 be helping to do trail maintenance, and eventually be
10 helping with enforcement volunteering.

11 And it looks like we're about to lose that over
12 a technicality. I don't understand the scoring system
13 very well. I'm looking at the scoring that says that,
14 "This department is making it safer and a recreation
15 experience and protecting resources." And then I look
16 at the section that says, "What would happen if it went
17 away," and they've got almost no points. They ought to
18 have 20 points for what would happen. It would mean
19 that four little towns would be being bashed with
20 trespass and noise and that sort of thing. The people
21 who have felt unsafe before will be unsafe again. That
22 sort of thing has happened.

23 So I'm here to strongly support the full
24 funding. I like the question that says, "Is it enough
25 to do the job?" Well, they are making a difference,

93

1 there's no doubt about it, not just in the interface
2 but there's been a dramatic increase in another section
3 of the county at West Point, where there's a mix of
4 public BLM and Forest Service lands. And the most
5 effective person there is the sheriff's department
6 because they have jurisdiction -- easy for me to say --
7 in all of those areas.

8 So as a citizen and having tried to follow the
9 process, am pretty amazed that this could be in
10 jeopardy. If in fact they could get funded for the
11 full-time and the half-time position, I'm sure this
12 department will cover more; the sum will be greater
13 than the parts for sure. And they need that, and we
14 need that. Otherwise, eight years of work by this
15 community, participation by this Commission is going to
16 fall away. There is no doubt about it. We're being
17 pushed. There are some groups that are resistant to
18 the change of being on designated routes, and I'm
19 hoping this can be reconsidered, and that we not see a
20 program like this get lost in these technicalities.

21 In terms of the criteria, the one area that I
22 can understand is a little low with the count is the
23 volunteers because we're just now getting that up and
24 running. But if the funding goes away for the
25 sheriff's department -- I just talked to the sheriff

94

1 earlier this week. He said when the population grew
2 10 percent, the calls to his department went up 118
3 percent. So if we're going to have OHV coverage, it's
4 got to come from here. Thank you.

5 CHAIR SPITLER: Thank you. Bob Spencer.

6 BOB SPENCER: My name is Bob Spencer. I'm a
7 resident of Arnold, California. I live adjacent to the
8 interface. And we have worked together with the
9 community, and with the OHV community, as well as the
10 residential community to develop a plan for that area
11 that is working very well. There's -- everybody seems
12 to be very happy with it, but the problem is that
13 without some kind of enforcement to maintain the
14 control over the OHV community, there will be -- it
15 gets back to chaos, I'm afraid, in the future. And the
16 Forest Service has the ability or the rights to control
17 the OHVs within the forest itself if, in fact, they
18 have the funding to do so. But without the sheriff's
19 department, their ability to completely control there
20 is going to be cut down to relatively inefficient. So
21 I would plead with you to consider very strongly to
22 grant the sheriff's, at least enough to continue with
23 the situation that they've got at the current times.
24 Thank you.

25 CHAIR SPITLER: Thank you. Jim McGarvie,

95

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 followed by Nick Haris, and Dave Pickett.

2 JIM MCGARVIE: Thank you, Mr. Chairman. My name
3 is Jim McGarvie. I'm the vice-president of the
4 Off-Road Business Association. My understanding from
5 associates that I have that are familiar with that area
6 is that the interface law enforcement request deserves
7 some serious consideration. My recommendation from our
8 organization is for a funding at the level of \$20,000.
9 Thank you.

10 CHAIR SPITLER: Thank you.

11 Nick Haris, followed by Dave Pickett and Don
12 Klusman.

13 NICK HARIS: Nick Haris, American Motorcyclist
14 Association. Surprising enough, I'm going to echo Jim.
15 I support the staff recommendation on the first two
16 grants, and the third one I also support the \$20,000.
17 I've been in the area. I know there has been a lot of
18 effort put in there, and I would like to see some
19 funding go to that area, just to continue to build on
20 what they're working on. Thank you.

21 DAVE PICKETT: Dave Pickett, District 36. I
22 would like to mirror Nick Haris' comments exactly.
23 Thank you.

24 CHAIR SPITLER: Thank you.

25 DON KLUSMAN: Don Klusman, California Four-Wheel

96

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 Drive Association.

2 On OR 737, we would like to suggest you go with
3 staff recommendation of the 30,600.

4 OR 730 -- there out of order there, 739, which
5 is the equipment one, we also would go with staff
6 recommendation of zero.

7 And the other one on the interface, we have been
8 in partnership with a lot of other organizations and
9 other members of the public in that interface. I would
10 ask you to reconsider; get rid of that zero out of that
11 column; and go with a minimum of \$20,000 for the
12 interface. Thank you.

13 CHAIR SPITLER: Thank you. Don Amador followed
14 by Kim Schambach.

15 COMMISSIONER THOMAS: Mr. Chairman, are all of
16 the Calaveras grants on the incomplete list?

17 CHAIR SPITLER: Just OR 737.

18 KAREN SCHAMBACH: Karen Schambach, Public
19 Employees Environmental Responsibility. I don't have a
20 stake in this grant, but I just want to point out I'm
21 very irritated by what I'm hearing about these law
22 enforcement grants. And unless -- today has been
23 really confusing. I just found out today my package
24 was missing the binder which had all of the evaluations
25 in it, so I'm clueless until somebody from Division

97

1 apparently is bringing some more of those.

2 But I just want to point out, in the emergency
3 regs -- and I can cite it, it's 4970093 says clearly,
4 no environmental documentation as defined in Section
5 49716 and 49717 of these regs is required for a law
6 enforcement project.

7 So I don't know what this form is that these
8 people are missing, but it seems to me that it's a
9 somewhat arbitrary requirement, and I think -- I know
10 you're going to discuss this in closed session, but I
11 think it sounds to me like it's an arbitrary
12 requirement. And I would support this grant at the
13 levels that Mr. Klusman recommended.

14 CHAIR SPITLER: Thank you. Michael Walker, are
15 you speaking as a member of the sheriff's office or
16 member of the public.

17 MICHAEL WALKER: Sheriff's office.

18 Michael Walker, Undersheriff, Calaveras County
19 Sheriff's Department. I think it's a shame that we've
20 gone through this process up to this date, and we find
21 out this morning that this grant is being dropped. If
22 there was, in fact, documentation that was missing from
23 this grant, you would think that the department and the
24 Commission would have been notified a long time ago
25 that there were missing components to this grant, that

98

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 it could not be funded.

2 The fact that we come here this morning to find
3 that out, that in the middle of the night it was
4 determined that this piece of paper was missing, I
5 think is a travesty. I have staff that attended this
6 training on this grant, and they were informed at that
7 training that this document for a law enforcement grant
8 was not needed. And for it to be arbitrarily needed
9 now, boggles the mind.

10 Our grants work in cooperation closely with
11 Stanislaus National Forest. We coordinate our efforts
12 to the Stanislaus National Forest. We are the only law
13 enforcement component in Calaveras County that's
14 working our snow parks, our off-highway areas. And for
15 us to lose this funding for this position is going to
16 dramatically impact our community and our natural
17 lands. Thank you.

18 DEPUTY DIRECTOR GREENE: Chairman Spitler, may I
19 have the opportunity to respond to many of the comments
20 that have been stated here this morning?

21 CHAIR SPITLER: Please.

22 DEPUTY DIRECTOR GREENE: I understand that --
23 and I think I apologized for the last minute notice of
24 these few grant applicants. However, I also know that
25 the Division must work within the law. And I recognize

99

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 that this process is a different process this year, but
2 it is about working within the process.

3 And although certain of these grant applicants
4 have not had the opportunity or did not take the
5 opportunity actually to submit these documents that
6 were required under the law, there are a number, a lot
7 of applicants who read the directions, read the
8 regulations, worked with the website, had all of the
9 completed documents within each project. Every single
10 project type within these regulations clearly states
11 environmental data review sheet is required.

12 I understand Commissioner Thomas does not want
13 to have this dialogue right now, but I would urge
14 everybody in this audience to recognize this is a
15 competitive process, and that as such, it is the
16 responsibility of the applicant, not of this Division,
17 of the applicant to submit a complete application.

18 CHAIR SPITLER: Deputy Director Green, with all
19 due respect, I just want to point out that, you know,
20 in the five years I've been on this Commission, I've
21 never seen applicants thrown out like this; never seen
22 39 applicants summarily rejected by staff. And I find
23 the whole process very troubling.

24 And quite frankly when I have applicants telling
25 me that they spent two days of their time at a

100

1 Division-sponsored workshop on how to draft an
2 application and still -- and submitted an application
3 per those instructions, application was judged complete
4 until minutes before the application was heard by
5 Commission, when they learn at that time that all of a
6 sudden lo and behold the application is not complete, I
7 think that's a very troubling process.

8 DEPUTY DIRECTOR GREENE: And I would agree that
9 in an ideal world that that documentation and that
10 notification of those applicants, yes, would have been
11 done two weeks prior when everybody else was notified,
12 or whatever the time line -- excuse me, I don't know
13 off the top of my head. But at the same time,
14 Commissioner Spitler, I can provide you with a list of
15 all of the applicants who did attend the workshop, who
16 actually completed and submitted complete grant
17 applications.

18 So I think we have to keep in mind -- and I am
19 sorry that these two applicants did not provide the
20 proper documentation; however, again, in a competitive
21 process, this Division has been under audit. This
22 entire program was recognized as in need of reform. We
23 are moving forward with that reform. I recognize it is
24 not always easy for everybody; however, there are a
25 great deal of applicants who attended that workshop who

101

1 submitted complete applications.

2 COMMISSIONER PRIZMICH: With all due respect,
3 merely because -- we still have needs out there. We
4 need to keep that in mind and in focus. An indigent
5 individual who needs to go to the hospital, at least in
6 this country so far, is not ignored. He goes to the
7 hospital, and they're dealt with. And I think that
8 there are some of these grants that are so compelling
9 and so overriding, perhaps this one here, perhaps
10 El Dorado, there is any one of a number of them that
11 we'll be talking about, that perhaps we need to look at
12 this again. And I think that's what the Commission
13 would like to see.

14 DEPUTY DIRECTOR GREENE: And I understand that,
15 Commissioner Prizmich, and I respect that. Again, as
16 we go forward in the adoption of permanent regs, I
17 certainly hope that the people who have as much
18 interest now in these particular projects would have
19 taken the interest in those applicants' projects before
20 they were submitted. Every single applicant had to
21 provide documentation to the public in a draft
22 application 30 days prior to the submittal of that
23 document. That is what is required. If those people
24 are as interested then -- now as they were then,
25 perhaps we would have had complete documents.

102

1 This is about a process, which if Division staff
2 is required each and every time -- I mean the amount of
3 staff hours just based on those project costs
4 deliverable sheets is unacceptable. If you want money,
5 this is not a program to -- it is a program to help.
6 It is not a program to supplant. They have to take
7 some responsibility, and that responsibility is to
8 complete a complete application. Those certain
9 documents need to go through, then we're able to ask
10 for clarification, which we did. However, there are
11 certain things that you have to have.

12 CHIEF JENKINS: Just one point of interest is we
13 did, where we were allowed to with the regulations,
14 make whatever corrections we could. For instance, on
15 the Alpine County, people noted that the number that we
16 show is not what they thought they requested. That's
17 because they added a match instead of subtracting the
18 match from the grant. Our regulations allow us to
19 correct for math errors, and we did that.

20 On the Butte County, we had to fix it because
21 they had an inadequate amount of match listed. So
22 rather than throw out the grant, we were able to back
23 the number requested down, so that the amount of match
24 would cover that amount.

25 So we had tried -- that's part of what we've

103

1 been struggling with is finding every opportunity,
2 where we're allowed, to work with the application that
3 we have in front of us so that we can try to get as
4 many completed applications in front of the Commission
5 for consideration. That is our goal. However, there
6 were some things in the regulations that just simply
7 don't allow to us do that without breaking the law.
8 Those regulations cannot be violated. That is why we
9 need to really work hard to try to get a better set of
10 regulations for this next grant cycle.

11 COMMISSIONER THOMAS: You know, the straw man
12 argument doesn't cut it because you constructed this
13 jail you say you're in. Now, you tell us, oh, I can't
14 move because I'm in jail. It's just not -- if you've
15 ever spent any time in a rural county, you know what
16 it's like to try to be a sheriff or a cop on the beat
17 and trying to go up to Jonestown and trying to go up
18 and deal with a problem. You would not have time to
19 come down and make sure that the piece of paper you
20 were told was not needed is now available. It's
21 just -- it's bureaucracy out of control. And I'm not
22 going to -- we will deal with it in closed session. I
23 apologize. This is not personal. This is policy.

24 DEPUTY DIRECTOR GREENE: No, and I understand
25 that completely, but I would argue the fact that, you

104

1 know, we are living within our own jail. We created --
2 yes, we created with help of the public, who wanted a
3 program that was accountable and competitive, and we
4 moved forward with that.

5 And, again, I am terribly sorry that these
6 applicants didn't take it seriously. I agree there
7 is -- you know, it disturbs me that funds are not
8 available. But at a certain point, responsibility from
9 the applicant has to have -- has to weigh in. It is
10 not up to this Division each and every time to hold
11 everybody's hand. We simply cannot do that.

12 COMMISSIONER PRIZMICH: I wouldn't characterize
13 the applicant as not taking this seriously. Perhaps
14 there was -- I mean I heard the same comment with
15 regard to the EIR or lack thereof, that they didn't
16 need to provide it, from other counties. And I'm not
17 saying they're right. I'm just saying there has been
18 contrary information to what you're saying here. But
19 to characterize their efforts as not caring, I don't
20 think that's appropriate.

21 DEPUTY DIRECTOR GREENE: I did not mean to
22 suggest that. And if that's the way it came across, I
23 do apologize personally.

24 COMMISSIONER PRIZMICH: I think every one of
25 these counties are attempting to deal with the problem,

105

1 just as the Division. And I can appreciate the amount
2 of time that the Division has to spend with this. I
3 mean I understand. But by the same token, as
4 Commissioner Thomas has alluded to and has stated, you
5 know, a lot of these counties are pulled and tugged in
6 a lot of different ways, and I think there are some
7 opportunities where the Division can assist, and it
8 would be helpful.

9 DEPUTY DIRECTOR GREENE: And I agree with you,
10 Commissioner Prizmich on that, and I would also venture
11 to say that you may see some changes, as we indicated
12 before.

13 COMMISSIONER PRIZMICH: I think that's all we're
14 hoping to see.

15 DEPUTY DIRECTOR GREENE: And I hope that we do
16 see that, as well, next year.

17 CHAIR SPITLER: All right. Why don't we go
18 ahead and move into the public comment period for items
19 not on the agenda. Those of you who filed out the blue
20 forms to comment on items not on the agenda, I'll be
21 calling you up now. This is, again, solely comments on
22 items not on today's agenda.

23 Start with Don Amador, followed by Dave Pickett,
24 and Nick Haris.

25 DON AMADOR: Don Amador, Blue Ribbon Coalition.

106

1 I know that some of you on the Commission said
2 that when we were doing the grant process in the '90s,
3 we were doing bad things when we were funding
4 campgrounds and trails. But we just had a state audit
5 that was published that said you, as a Commission, have
6 been doing bad things for the last five years. You've
7 been irresponsible. You've done things in an ad hoc
8 fashion.

9 And now I want to thank Daphne for trying to
10 bring this program into some semblance of sense. And
11 she needs to be commended for that, and I want to thank
12 State Parks for giving her the power now, as I've read
13 in many articles in the newspapers, giving her and the
14 staff a chance to bring this program back into control.

15 I ask the Commission to listen to what they're
16 trying to do, and read the audit because it points a
17 lot of fingers at you guys. Thank you very much.

18 CHAIR SPITLER: Thank you, Mr. Amador.

19 Dave Pickett, followed by Nick Haris.

20 DAVE PICKETT: This is Dave Pickett,
21 District 36. I'll keep my tone down here a little bit.

22 Everybody knows about this audit. This was
23 desperately needed, but this isn't the only audit.
24 There's four major OHV audits that go all the way back
25 to 1976. And if you go back and review all of that

107

1 documentation, you will see problem after problem after
2 problem. And as Don has pointed out, some of it comes
3 from this Commission. A lot of it comes from the
4 Department of Parks and Recreation.

5 The recommendations that the Bureau State audits
6 have made has to do with funding and questionable
7 funding transfers. That bothers me as a representative
8 of the Yuba community. Division has worked hard, very,
9 very hard to try and bring everything into compliance.
10 These emergency regulations were sorely needed, and I'm
11 watching staff and Division get beat up today for
12 trying to not break the law anymore that many members
13 of this Commission as well as staff in the past have.

14 I ask you to support most of the Division's
15 recommendations. There'll be additional comments from
16 me on an individual basis. Thank you very much.

17 CHAIR SPITLER: Thank you, Mr. Pickett. Nick
18 Haris followed by Don Klusman.

19 NICK HARIS: Nick Haris, American Motorcyclist
20 Association. I just also felt really strongly that I
21 wanted to go on record supporting the Division. I
22 realize there are some wrinkles in this process, and
23 that, you know, maybe in the next six months, next
24 three months, maybe we could come to some agreement.
25 But there have been plenty of grants in the past that

108

1 have gotten all the way through because of something.
2 I would rather that they know two weeks ago or a month
3 ago than today. But by the same token, there have been
4 people that got up and have gotten nothing. They've
5 traveled and do all of the time involved in that.
6 We're getting to where I think we're going to have a
7 very repeatable and understandable process for all of
8 us.

9 I just want to bring up again that in lieu funds
10 question, and I'm hearing now that it's January 1st,
11 '06 when the in lieu funds start being delivered to
12 counties based on use as opposed to based on
13 legislation. And I hear there is a little regulation
14 that needs to be worked on to get that done. I think
15 that would be a big help to a lot of these sheriffs and
16 a lot of these law enforcement grants in the smaller
17 areas where there's a lot of use and not necessarily a
18 lot of population.

19 And I'd like the Commission and Division to
20 consider that because I know we spent a lot of time
21 talking about this about six, eight months ago. I
22 think that could be a lot of money that maybe in the
23 past wasn't going where it was needed, and now it would
24 be available.

25 Just a last little comment. I had trouble with

109

1 public notice for this meeting, as well. My records
2 say that the actual notice was on the website on the
3 21st. Today is the 30th. If you count the 21st and
4 30th, that's ten days. I didn't realize that it had
5 apparently come off the site and was back up, and
6 that's troubling. But even myself, you know, being
7 pretty engaged and active in this, I had some trouble
8 getting information. So I understand the public's
9 frustration, and I just wanted to echo that.

10 CHAIR SPITLER: Don Klusman, followed by John
11 Stewart.

12 DEPUTY DIRECTOR GREENE: Just for clarification
13 purposes, the agenda never went off the website. It
14 was only the spreadsheet, the grant section that did,
15 but the agenda was still accessible on the website.

16 CHAIR SPITLER: Thank you.

17 DON KLUSMAN: Don Klusman, California Four-Wheel
18 Drive Association. This is one of the hardest
19 Commission meetings, and I've attended Commission
20 meetings probably for like the last 15 years.

21 CHAIR SPITLER: We're just getting warmed up.

22 THE WITNESS: I understand that.

23 I commend the staff for taking a stand and going
24 through this. I also feel the pain of these
25 applicants. One of them that you've heard me over and

110

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 over during the years get up and defend is El Dorado
2 County, because we need the law enforcement on the
3 Rubicon. El Dorado County did not submit a complete
4 grant. It hurts that they're not going to get any
5 money this year, but by law they can't get any money.
6 And that bothers me, yes.

7 It also bothers me some of the things the audit
8 said, that we need to be more proactive in making sure
9 we follow our own rules and regulations. I don't think
10 anybody is saying that the emergency regs are perfect.
11 I think any time you do any regs -- when we did
12 emergency regs under the past administration, we found
13 flaws in them. Any time -- and when we do laws, we
14 find flaws in them because sometimes one law trips
15 another.

16 I don't quite understand where this new form,
17 how that came about, because I was under the impression
18 that law enforcement did not have to do the
19 environmental stuff, but I may have been wrong, too.
20 There has been wrongs I think on both sides. We need
21 to move forward, and it's going to be a painful
22 process. But I commend both sides for trying to work
23 together. Don't beat each other up.

24 The other issue that I wanted to bring to the
25 Commission's attention is whatever happens in this room

111

1 today and in November is not going to dramatically
2 change what's happening out there on the ground that
3 particular day. Now, it may change it in the future
4 because of funding levels difference.

5 The other thing I don't want the Commission to
6 get caught up in something that a past Commission did
7 when we didn't have the funds -- or didn't have the
8 applications but we had the funds. They arbitrarily
9 went ahead and said, okay, well, these are all the
10 applicants. We have this much money, let's just fund
11 it all. That was a wrong that was done. Don't get
12 into that same predicament under any category. Thank
13 you.

14 CHAIR SPITLER: Thank you. John Stewart
15 followed by Mr. Hampton.

16 JOHN STEWART: I'm John Stewart with the
17 California Association of Four-Wheel Drive Clubs. I
18 would like to congratulate Deputy Director Daphne
19 Greene and the OHMVR Division staff for implementing
20 this new grant program. It's a competitive cycle. It
21 is a good cycle. This year for the first time the
22 OHMVR grants are being reviewed under a competitive
23 process with objective evaluations and a scoring system
24 as contrasted with past years where grants were
25 reviewed under subjective criteria and personal bias.

112

1 Indeed, the recently completed OHV audit faulted
2 the management for the grant program for the lack of
3 objective evaluation and scoring. It should be noted
4 that audits of other state programs, even within the
5 Department of Parks and Recreation, have revealed
6 numerous flaws leading to waste of public funds.
7 However, even with these types of flaws, the Department
8 of Parks and Recreation grants program was lauded as it
9 does employ an objective evaluation scoring criteria.

10 Much work has yet to be accomplished. With the
11 Financial Integrity and State Managers Accountability
12 Act of 1983, the Legislature declared it to be policy
13 of the State of California that each state agency must
14 maintain effective systems of internal controls and
15 administrative controls as an integral part of the
16 management practices that are to be evaluated on an
17 ongoing basis and promptly corrected when weaknesses
18 are detected.

19 As noted with the recent OHV audit, weakness are
20 apparent in fund management of the OHV trust fund. The
21 trust fund is public funds and subject to full
22 disclosure and accounting for correct expenditure.
23 After review of available documentation concerning
24 budget acts for recent years, there appears to be a
25 disconnect with applying OHV trust funds in accordance

113

1 with governing statutes.

2 I call on the Division to institute a complete
3 audit of the OHV trust fund, to include an accounting
4 of funds received from the Department of Motor
5 Vehicles, Motor Vehicle Fuel Tax, and other sources of
6 income required by statute to be credited to the OHV
7 trust fund account. The audit should include the
8 conservation and CESA for conservation enforcement
9 services account and other subaccounts, such as the in
10 lieu of accounts. In addition, this audit should
11 clearly display where the OHV trust funds have been
12 applied to achieve the goals of the State OHV program
13 as stated, to maintain and enhance OHV recreational
14 opportunities.

15 I also urge the Commission and the Division to
16 engage and develop a coordinated vision and strategic
17 plan for the betterment of State OHV program.

18 I would also like to point out that with the
19 increasing population, opportunities for recreation are
20 decreasing. Right now there are various energy
21 projects are being proposed on state and federal lands
22 within the state. Some of these projects will impact
23 recreation opportunities. I call upon the Commission,
24 the Division, and the State to mitigate the loss of
25 recreational opportunities by replacing each acre of

114

1 lost opportunity with an acre of new opportunity
2 wherever these proposed energy projects go forward and
3 impacts recreation opportunity. Thank you.

4 CHAIR SPITLER: Mr. Hampton, followed by Brian
5 Benson.

6 COLE HAMPTON: Good morning, my name is Cole
7 Hampton. I'm the undersheriff at Mono County. I'm
8 here before you to thank you for what investments you
9 made in our OSV programs in the past. It's allowed us
10 to purchase four snowmobiles that we currently have up
11 and operating, and we've got two trails that we wanted
12 to replace this year, but we'll hold off on that.

13 Additionally, in addition to the investment that
14 this Commission has made, the Mono County Sheriff's
15 Department found funding just this past winter to add a
16 fifth snowmobile to our fleet so that we could continue
17 to run patrols, if a machine became unavailable for
18 some mechanical reason. That kind of brings us to the
19 present.

20 And we're one of those applicants that did not
21 move forward in the process because of an incomplete
22 application. I take responsibility for that. We did
23 send staff to the workshop that was mentioned. Why we
24 didn't meet the grant applications, I can only say that
25 we didn't hit the bull's eye this time.

115

1 One thing I would like to say about the process.
2 We're a small rural county sheriff's department. We've
3 got 27 sworn individuals. Our staffing doesn't allow
4 for someone that has the ability to write grants. We
5 don't have any grant writers on staff, so we've got
6 deputy sheriffs doing this. And all I'd ask the
7 Commission to consider is developing some kind of means
8 to notify applicants and assist us technically if
9 possible so that we can meet the requirements and then
10 move into the competitive process. Because without
11 that, these programs I suppose that would have merit
12 are not being considered whatsoever. Thank you.

13 CHAIR SPITLER: Thank you.

14 DEPUTY DIRECTOR GREENE: If I may just address
15 that. And thank you. We had spoken with Mono County
16 Sheriff. Unfortunately, there was a lack of public
17 review process. The regulations --

18 CHAIR SPITLER: I'm sorry, I don't want to get
19 into a back and forth.

20 DEPUTY DIRECTOR GREENE: No, no, I wanted to
21 make sure that people knew this was not, you know, an
22 issue where people were saying --

23 CHAIR SPITLER: It's okay. I appreciate that.
24 I really don't want to get into a back and forth. You
25 guys can have that discussion off-line.

116

1 We're open for public comment. Ryan Henson
2 followed by Jim McGarvie.

3 RYAN HENSON: Hello, Ryan Henson. I'm the
4 policy director with the California Wilderness
5 Coalition. This is my first OHV Commission meeting,
6 and I was concerned that my lack of familiarity with
7 the Commission would show through, but now, I see there
8 has been a lot of confusion this morning, so I don't
9 feel that lost.

10 We urge the Commission to reconsider grant
11 numbers OR-753 and OR-754, which are the Yucca Valley
12 Police Department's request for equipment and law
13 enforcement funding in the Morango Basin region in San
14 Bernardino County. These funds are badly needed to
15 continue enforcement activities in the Morango Basin
16 area, which has a patchwork of public and private lands
17 where there are increasing problems with managing
18 vehicle use in such a way as to protect important
19 habitat and enforce trespassing laws.

20 I believe they were also dinged by a lack of the
21 environmental document, but they -- okay. But they
22 assert actually that they did submit it, so I hope
23 there is a reconsideration. Thank you.

24 CHAIR SPITLER: Thank you. Mr. McGarvie.
25 Mr. McGarvie, you filled out the green form, but I'm

117

1 assuming that's because you're so green, yourself, that
2 you meant to fill out a blue form because you want to
3 speak during the public comment period.

4 JIM MCGARVIE: Thank you, very much,
5 Mr. Chairman, for your understanding. My name is Jim
6 McGarvie. I'm with the Off-Road Business Association.
7 Some of the events transpired this morning, remind me
8 of how happy I am that I'm a member of neither the
9 Commission nor the Division. But I want to echo some
10 of the comments of my colleagues.

11 I applaud the Deputy Director and the Division
12 for their efforts to try to bring some logic, sense,
13 and reason back into this whole difficult process. And
14 I recognize, and we all do, that this year's probably
15 going to be more difficult than most. Presumably the
16 process will smooth out.

17 But I don't see any room for exceptions. I
18 think if you have regulations, they must be complied
19 with. And if you start taking exceptions in some
20 areas, you're going down a very slippery slope. I
21 would hope that ultimately this process, spurred by the
22 results of the audit recently completed, will result in
23 a more balanced program that actually gives the OHV
24 users more benefits on the ground that they can enjoy
25 and realize that their program has some value. Thank

118

1 you very much.

2 CHAIR SPITLER: Thank you. Marcus Libkind
3 followed by Phil Klasky.

4 MARCUS LIDKIND: Marcus Libkind, Chairman of
5 Snowlands Network. Actually, I want to bring you up to
6 date on something that's positive, instead of all this
7 talk about problems and conflict that's between the
8 Commission and Division.

9 Our organization representing non-motorized
10 winter recreation and the California Nevada Snowmobile
11 Association officers that represent motorized winter
12 recreation have been working to the on El Dorado
13 National Forest to try to create a win/win situation.
14 In February, we, along with the Forest Service and OHV,
15 Off-Highway Motor Vehicle Recreation Division
16 representatives -- Daphne was there -- toured a huge
17 area on the Amador Ranger District of El Dorado
18 National Forest, looking for ways to simultaneously
19 improve both motorized and non-motorized winter
20 recreation. I personally spent another day with CNSA
21 vice-president, Jay Dobler, on the ground in the same
22 area.

23 I believe we have a very real possibility for
24 the two organizations, who historically were foes to
25 come up with a plan to benefit both groups. The key is

119

1 probably going to be more money for snowmobile trail
2 grooming. Knowing that that is unlikely to become
3 available, a state-owned groomer for the area would
4 help. Because with a state-owned groomer, they can cut
5 the costs per mile of grooming, and that will result in
6 the same outcome.

7 I sincerely hope that the Division and the
8 Commission will help make this possible in the future.
9 You have the opportunity here to make a first ever
10 event in California come to fruition, the win/win
11 outcome for winter recreationists.

12 And the other thing, I hope you haven't finished
13 the Calaveras sheriff thing because I sort of wanted to
14 comment on that.

15 CHAIR SPITLER: Thank you. Bill Klasky,
16 followed by Karen Schambach.

17 BILL KLASKY: I have two documents I'm going to
18 ask to be distributed, please. These are for the
19 Commission staff as well as Commissions. One of the
20 documents is from the San Bernardino County Sheriff's
21 Department. I do not represent them today.

22 I'm representing the Alliance for Responsible
23 Recreation. Good afternoon, the Alliance represents a
24 coalition and community organizations and thousands of
25 residents in Southern California desert regions where

120

1 we face a crisis in off-road vehicle abuse of our
2 public and private lands. We're organized to address
3 these growing problems by conducting public education
4 campaigns and assisting local law enforcement in their
5 efforts to uphold the law.

6 We have made the pursuit of OHMVR grant funds
7 one of our top priorities, especially since we have
8 developed such a constructive relationship with law
9 enforcement in the area. We participated -- last year
10 we assisted the San Bernardino County Sheriff's
11 Department in Morango basin in their successful
12 application for a law enforcement grant fund. This
13 year we participated in a series of meetings, workshops
14 and strategy sessions in the application for the
15 current year's grant. And it's part of a continuation
16 of a long-term plan to address this problem.

17 It's come to our attention that the
18 San Bernardino County Sheriff Yucca Valley grant has
19 been rejected for technical reasons, and that these
20 reasons have been found to be incorrect by the
21 sheriff's department personnel who submitted the grant.
22 One of the reasons for rejection given by the Division
23 was that the sheriff's department failed to involve the
24 public in the grant application process. Nothing could
25 be further from the truth. I know because we were

121

1 there in every step along the way.

2 Under the leadership of Captain Jim Williams,
3 public meetings were announced in local newspapers and
4 radio programs. A series of stakeholders meetings with
5 representatives from environmental groups, ORV user
6 groups and vendors and community organizations were
7 held. And the public participated in meetings with
8 local, state, county and federal law enforcement in the
9 development of the grant. This is what the Commission
10 has been asking us to do all along, get together, get
11 the stakeholders together and support local law
12 enforcement. The process was thorough and inclusive.
13 In fact, we doubt that few other communities have been
14 as well noticed and consulted in the development of an
15 OHV enforcement grant. In other words, the criticism
16 that there was not sufficient public input into this
17 grant process is simply ludicrous.

18 The other reason for rejection related to the
19 notice of exemption requirement, which we've heard so
20 much about today. Yet at a grant workshop presented by
21 the Division in March of 2005, law enforcement putting
22 together this grant were informed that they were exempt
23 from the requirement. Something is terribly wrong with
24 this picture.

25 We have a few questions for the Commission who

122

1 reviews the decisions made by the Division. Who has
2 oversight of the Division and can correct their
3 actions? What can the public do to protect our
4 interests when government bureaucracies have failed in
5 their responsibilities?

6 We see this as an abuse of discretion. This is
7 a matter of great importance, and we need your help to
8 correct it this year, not next year, when they
9 promulgate perhaps some other regulation and get public
10 input. We need this corrected this year. We can't
11 lose this momentum. We've before working long and hard
12 to protect our public lands, private properties, and
13 businesses from illegal ORV activity and cannot wait
14 any longer. The public has fulfilled its
15 responsibility with hundreds of hours of volunteer
16 time. We have followed the recommendation of the
17 Commission. Is this our reward?

18 This year an unprecedented number of grants have
19 been rejected for so-called technical reasons. This
20 indicates that applicants were not sufficiently
21 informed by the Division of changing requirements, nor
22 were they given the chance to correct any technical
23 problems.

24 CHAIR SPITLER: Mr. Klasky, if I can ask you to
25 wrap it up.

123

1 BILL KLASKY: Okay. I think that the track
2 record of this particular group down in Yucca Valley
3 and Morango Basin has to be a major criteria. We urge
4 the Commission to review what the Division has done and
5 we should not -- the community should not suffer
6 because of this bureaucracy. And we'll see you down in
7 Riverside.

8 I'd like just to name, if I could, the groups
9 that signed onto this letter. Community ORV Watch,
10 which I'm representing; Morango Basin Conservation
11 Association; the Western San Bernardino County
12 Landowners Association; the California Wilderness
13 Coalition; Red Mountain Property Owners Alliance; The
14 Mohave Group of the Sierra Club. Thank you very much
15 for your time.

16 CHAIR SPITLER: Thank you. Karen Schambach
17 followed by Howard Stones.

18 KAREN SCHAMBACH: Karen Schambach, Public
19 Employees Environmental Responsibility and Center for
20 Sierra Nevada Conservation.

21 The audit pointed out many problems, as some of
22 the previous speakers have pointed out, many of them
23 going back 30 years. Up until five years ago, the OHV
24 Division had no regs at all. And staff had been trying
25 to bring the Division into compliance. Changes in the

124

1 statutes have obviously not made that any easier, sort
2 of chasing down a moving target.

3 So I can appreciate the challenges that
4 Ms. Greene faces in trying to bring the Division into
5 compliance, both with the statute and the regs and the
6 audit, and especially when sometimes these are asking
7 for different things. So I appreciate what a challenge
8 that you're facing.

9 What I would kindly like to refer to as the
10 creative tension between the Division and the
11 Commission will hopefully result in a better program
12 both on the ground and, you know, in the regulatory
13 framework. But today's painful for a lot of us for a
14 lot of reasons. But I would remind both the Commission
15 and the Division that you will be judged not only on
16 compliance with the criteria, but how the public
17 perceives OHVs are accommodated and managed on the
18 ground and try to find some middle ground. You know,
19 the audits --

20 I don't think the auditor expected everything to
21 change overnight, and maybe he did, but you know. But
22 law enforcement is really important to the program.
23 And so is restoration. Restoration is near and dear to
24 my heart. And of the \$7.3 million allocated by this
25 Commission for restoration, \$6.8 million in

125

1 applications were deemed complete. And even
2 assuming -- and this has me puzzled. Even assuming a
3 competitive process, there is enough money allocated to
4 restoration to fund all of the complete applications.
5 And I think they need to be looked at in that light.
6 Thank you.

7 CHAIR SPITLER: Thank you. Howard Stones
8 followed by Kevin Bassett.

9 HAROLD STONES: Well, that's not what my
10 driver's license says. It says Harold Stones. I'm the
11 president of the San Diego Off-Road Coalition.

12 CHAIR SPITLER: Forgive me for my mistake.

13 HAROLD STONES: No problem, Mr. Spitler. I'm
14 proud to say I'm one of the three operations that
15 opened up this bag of worms. It says, "Business not as
16 usual." We have to make some changes.

17 I commend Daphne and the Division for what
18 they're doing. Now we have to work together. It's a
19 great program. It's been around a long time. I've
20 been around a long time, since it started. It's got
21 good; it's got bad. Now it can get better, but we all
22 have to work together. So I encourage you guys. Let's
23 get together. Let's iron out this, and let's get the
24 things going. Thank you.

25 CHAIR SPITLER: Thank you. Okay, Kevin Bassett.

126

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 KEVIN BASSETT: Thank you, very much. My name
2 is Kevin Bassett. I'm the Chief of Staff for State
3 Senator Dave Cox. I want to thank the Commission and
4 staff for being here in Sacramento today and for
5 providing access for all of the interested groups, the
6 12 counties that stretch from Modoc in the north all
7 the way down to Mammoth. So OHV issues are an
8 ingredient of the lifestyle and economies of those
9 communities.

10 I'm mainly here today to listen and observe
11 because of the number of phone calls and e-mails to our
12 office about OHV issues, the audits, the efforts being
13 undertaken by staff and the Commission, they've spiked
14 in our office significantly in the last six months. So
15 it's an issue of concern for us mainly just to learn
16 more and to observe and hear what's going on in the OHV
17 community.

18 I will tell you that having observed this
19 morning, one thing that seems clear is that a need for
20 greater technical assistance for these small rural
21 counties may be the solution it kind of bridges the
22 gap. When you have good proposals, clearly you need to
23 have guidelines. But at the same time, there needs to
24 be some assistance provided because I know the
25 sheriff's departments in El Dorado County and Calaveras

127

1 County and other counties in our district have the
2 capacity and interest to do a good job, but they may
3 very well need the assistance to get these applications
4 done and meet the requirements under the law. So I
5 appreciate the opportunity to be here. I thank you for
6 your efforts; look forward to working with you on
7 behalf of Senator Cox in the future. Thank you.

8 CHAIR SPITLER: Thank you. Judith Spencer.
9 Judith Spencer.

10 JUDITH SPENCER: Judith Spencer from Arnold,
11 California representing CORE, and I've already
12 expressed some distress.

13 I like the comment the gentleman made about
14 getting some technical help. It's so distressing to
15 think because the writer, at the Stanislaus National
16 Forest perhaps, doesn't have the skills and they didn't
17 have the money to hire a grants writer, and progress
18 that's been made over eight years might be lost to that
19 forest or that we might lose our sheriff.

20 And I need to let the Division know that it was
21 a body blow to hear: I hope people are interested
22 usually. I've worked eight years, haven't got any pay.
23 Did interact with the forest and the sheriff's
24 department. We tried real hard. So to think that we
25 aren't interested -- and I represent a hundred members

128

1 just in our group, and many other groups are now
2 aligned with us.

3 So the rules change every year. Some folks just
4 aren't writers, and yet the public, I notice for the --
5 Stanislaus is a good example -- letter after letter
6 from different segments of the community of support,
7 but somehow that doesn't override the fact that maybe
8 something was put in the wrong place or the wording
9 wasn't quite right. I don't know, and I've been a
10 grant writer in the past.

11 So I just hope that the real purpose of this
12 whole program isn't lost in these details. And I
13 also -- as I look over some of the scoring, putting --
14 I really like the idea of criteria, I think it really
15 helps to focus. But I'm amazed when you look at a
16 particular criterion, and one person has scored it at
17 20, all of the points for that, and another at zero.
18 And I wonder -- and it's happened over -- I looked at
19 more and more of them. It's really hard to see that
20 that's objectivity or that they're acting from an
21 informed position. Because some of those were in
22 direct contradiction to each other.

23 So I just -- you know, I care a lot about this.
24 I've put a lot of time into it, too. And I really want
25 it to work. And I don't want to see grantees caught in

129

1 the middle of a power struggle. That's hurting
2 everyone. Thank you.

3 CHAIR SPITLER: Thank you. Honorable Doug
4 Lamalfa.

5 ASSEMBLYMAN LAMALFA: Good morning, thank you
6 for letting me speak this morning. I'm Assemblyman
7 Doug Lamalfa. I represent the Second Assembly District
8 in the north state including nine counties, Modoc,
9 Siskiyou, Shasta, all the way down to Woodland. So
10 it's a big issue for my area and my constituents, as
11 well, the off-highway vehicles and the access to it.

12 So later on we expect the Legislature will be
13 doing hearings on this audit, and we're very interested
14 that the Division and the Commission work cooperatively
15 and constructively toward good results, so we'll be
16 working with you folks on that.

17 Again, it's very important to the enthusiasts of
18 the sport in my area and all over the state and a huge
19 part of the economy, the off-roaders. So for myself,
20 we're working on an issue, Bill Number AB 555 to
21 reauthorize the Green Sticker Program for another five
22 years. This is a bipartisan effort. It was a
23 bipartisan effort back in 2002 when Assemblyman Vargas
24 carried it. So we'll need to get that done by the
25 sunset of January 1, 2007. So we'll be working on that

130

1 again this year, as it's being held over, and we will
2 take it up in January hopefully.

3 So we're just looking for an open process so
4 that no one individual is making important decisions
5 and it's wide open, and it will be much more successful
6 for the process and all sides that are concerned. So
7 thank you for taking that into consideration. And
8 please feel free to contact me and work with my office
9 on this or these other related issues. Thank you.

10 CHAIR SPITLER: Thank you. Thanks for your
11 interest in our program.

12 Jeff Applegate.

13 If there are any other members of the public,
14 who haven't filled out a form that would like to
15 comment, if you'd just go ahead and line up on the left
16 side of the wall there, and I'll call you up in order.

17 JEFF APPLGATE: Jeff Applegate with the U.S.
18 Forest Service, Mendocino National Forest, and I'm also
19 a resident of Colusa County and wanted to comment on
20 the Colusa County Sheriff's Department grant. If this
21 is the time to do that.

22 CHAIR SPITLER: No, it's not.

23 JEFF APPLGATE: I didn't think so. I'll come
24 back.

25 CHAIR SPITLER: Any other members of the public?

131

1 Go ahead and just step forward.

2 GARY SCHIFF: Commissioner Spitler, my name is
3 Gary Schiff. I'm the District Ranger of the Carson
4 Ranger District, Humboldt County National Forest. I
5 did fill out a form.

6 I just want to alert you, as you know, that our
7 law enforcement grant was not forwarded for your
8 consideration. The implications are significant from a
9 user's satisfaction standpoint, as well as resource
10 protection. Sonora and Hope Valley regions receive
11 national attention. Our capabilities without these
12 grants will mean that we'll spot check these areas a
13 couple of times a month. As important as the winter
14 problem is, the summer is even more significant. In
15 Hope Valley alone, there is 600-plus dispersed campers
16 who show up in very fragile area and many who bring
17 ATVs. We're also trying to resolve longstanding
18 lawsuits, for example, with Forestdale situation with
19 an Alpine County wide winter recreation plan. And
20 without this -- without any sense that there's going to
21 be any law enforcement funding, it's going to be very
22 difficult to get people to the table in any kind of
23 collaborative fashion.

24 I handed out a letter. What is most disturbing
25 I guess to me about this is the second -- what we send

132

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 in the second paragraph. We did actually receive
2 contact from Ms. Greene's staff on June 22nd that there
3 were deficiencies in the application. But when we
4 asked what the deficiencies were, we were told, "We
5 can't tell you. You need to check the OHV application
6 matrix."

7 Okay. Now, I administer grants and am in
8 Ms. Greene's position from a rural community assistance
9 grants program. I can't imagine -- I mean my staff
10 categorizes this as a go-find-a-rock kind of an
11 approach. And I just tell you that if you call staff
12 and you ask for help, if they call me and they say
13 what's wrong with my rural community assistance grant,
14 I'm going to tell them what the most important things
15 are and where they need to focus.

16 And that to me was the most troubling about the
17 whole process. And to this date -- we went over our
18 application yet again. We still can't find what the
19 discrepancies are, other than formatting errors.

20 So let me just go on here. Reno/Tahoe area is
21 the third fastest growing area in the nation by indot
22 (phonetic) numbers. We expect the population in our
23 area, in both the Reno Tahoe area, which spans the
24 borders, to double in 25 years. We need to have
25 things, in my mind, substantially well managed in

133

1 advance of population.

2 And I know this is a rather bizarre request, but
3 I ask even in closed session that we have a grant
4 moving forward with equipment, and we would be happy to
5 have that funding relooked at in terms of law
6 enforcement rather than equipment.

7 And I just point out that we really did take
8 this serious, as I take some exception to that, and I
9 did try and call Ms. Greene, you, personally, and your
10 office to express these concerns personally prior to
11 this meeting.

12 CHAIR SPITLER: Thank you. Before we get into a
13 back and forth --

14 COMMISSIONER THOMAS: I'd still like to know
15 what the specific reasons for the --

16 GARY SCHIFF: So would we.

17 COMMISSIONER THOMAS: So that it's on the record
18 that the transcript is being done.

19 DEPUTY DIRECTOR GREENE: Not a problem. We will
20 try to get that to you certainly by sometime after
21 lunch, if we can, Commissioner Thomas.

22 COMMISSIONER THOMAS: But at this stage, we
23 don't know why the Hope Valley was put on the
24 incomplete list?

25 DEPUTY DIRECTOR GREENE: Right now I need to

134

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 take a look, and will do so.

2 But I also recognize the fact that when I tried
3 to explain about the public comment by Humboldt County
4 Sheriff, I was asked not to. So I don't know how much
5 discussion back and forth you would like here.

6 COMMISSIONER THOMAS: I'm just asking.

7 CHAIR SPITLER: Thank you.

8 GARY SCHIFF: Thank you.

9 CHAIR SPITLER: Any other members of the public
10 wish to comment on items not on today's agenda?

11 Okay. We're at a good stopping point. Why
12 don't we not take a lunch break, instead hear
13 Commissioner Waldheim.

14 COMMISSIONER WALDHEIM: Mr. Chairman, I think
15 Calaveras would be finished up, for those folks
16 involved, so they don't have to stay over here.

17 CHAIR SPITLER: I thought we were not done.

18 COMMISSIONER WALDHEIM: No, we were not done.

19 CHAIR SPITLER: We broke.

20 COMMISSIONER WALDHEIM: We broke right in the
21 middle of -- the public talked, but the Commission
22 didn't talk.

23 CHAIR SPITLER: I'm sorry, I thought we were
24 done. I didn't know there was more discussion.

25 COMMISSIONER WALDHEIM: I would like the public

135

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 to know that I am, on 737, which has been held by --
2 I'm putting in \$30,000 staff recommendation. I'm going
3 with the staff recommendation, and hopefully they can
4 solve whatever problem they had over there.

5 The equipment, I put down zero. But on 738,
6 Judith, I went in and put in 39,000.

7 Is Judith still around? Where are you, Judith?

8 JUDITH SPENCER: I'm right here. Who wants me?

9 COMMISSIONER WALDHEIM: Good grief, you go away
10 when I'm helping you.

11 COMMISSIONER PRIZMICH: Don't go away.

12 COMMISSIONER WALDHEIM: \$39,000 is what I'm
13 putting in for OR 738, so that's what my recommendation
14 is going to be. Thank you, Mr. Chairman.

15 JUDITH SPENCER: Which is 738? Interface one.
16 What about the full-time police?

17 CHAIR SPITLER: Have to see how that one works
18 out.

19 COMMISSIONER WALDHEIM: I put in 30,000 staff
20 recommendation. But since they pulled it, so we're up
21 in the air on that one.

22 COMMISSIONER THOMAS: 737 is pulled. 739 is on
23 the table. 738 --

24 COMMISSIONER WALDHEIM: 737 I put zero.

25 CHAIR SPITLER: I think we'll pull them off the

136

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 Consent list.

2 COMMISSIONER WALDHEIM: At least you know where
3 I'm going.

4 COMMISSIONER THOMAS: I would support them on
5 that.

6 CHAIR SPITLER: Any more discussion on
7 Calaveras?

8 Now, we can go ahead and take a break and come
9 back at one o'clock.

10 You still want to comment?

11 MARCUS LIDKIND: I still wanted to public
12 comment on Calaveras.

13 CHAIR SPITLER: Okay.

14 MARCUS LIDKIND: Marcus Libkind. Snowlands
15 Network.

16 I'm on the winter recreation committee for the
17 State of California. I was appointed to it. And aside
18 from the appointees, there are advisors, and one of
19 those comes from law enforcement, and currently that's
20 Officer Lamb from Calaveras County.

21 And I just want to use this to point out that
22 the county is paying for him to come to the state
23 meetings. They really care about enforcement and the
24 winter rec program, and I just wanted to say that
25 that's a very positive thing on their behalf.

137

1 CHAIR SPITLER: Okay. Thank you.

2 We'll come back at one o'clock.

3 (Lunch break taken in proceedings at 11:57 a.m.)

4 CHAIR SPITLER: Let's go ahead and get started.

5 We have a lot of items still to get through
6 today. And so in the interest of time, I'm just asking
7 if folks can keep their comments relatively brief so we
8 have an opportunity to get through all of the grants,
9 that would be really appreciated.

10 So the next grant is OR-731, City of
11 Porterville. Anyone from the City of Porterville here?

12 Nobody from Porterville.

13 COMMISSIONER WALDHEIM: Mr. Chairman, please
14 just call on me because I'm going to give the notes
15 out. I'm going with the staff's recommendation of
16 49,050 on Porterville.

17 CHAIR SPITLER: Any members of the public wish
18 to comment on Porterville?

19 OR -- is there discussion from the Commission?
20 I think we have -- anyone not interested in having that
21 on Consent? We will go ahead and put that one on the
22 Consent list.

23 City of Tulare.

24 RICK HOLLENBECK: Good afternoon, my name is
25 Rick Hollenbeck. I represent the City of Tulare and

138

1 Tulare Cycle Park. I was wondering if I could get this
2 not put on the Consent vote for the next time, being as
3 the fact that I recently took over the park as the
4 manager about a year-and-a-half ago, and in the time
5 that I've taken it over I've increased the public
6 accessibility to the park about 200 percent over about
7 a year-and-a-half ago when I did, like I said, take it
8 over.

9 I calculated out my budget for just the bare
10 minimum of just getting the property taken care of, the
11 equipment taken care of, the necessities as far as the
12 bathrooms and stuff like that go. But with the cost of
13 fuel, everything like that, this will greatly diminish
14 the accessibility to the public for me to open the park
15 up on a five-day basis. I open it Tuesday, Wednesday,
16 Thursday, Saturday, and Sunday. And it's open to the
17 public for anybody to come out and ride.

18 If you knock me back to the 33 that you've
19 allotted me, I believe it's 33,500, I might have to go
20 back to one day, possibly two at the most that I could
21 open the place up for public accessibility. It's going
22 to cause people to go to other places in my opinion.
23 So if you could consider that, I'd greatly appreciate
24 it.

25 CHAIR SPITLER: I'll go ahead and suggest we

139

1 take that one off of Consent.

2 COMMISSIONER WALDHEIM: Mr. Chairman, do we a
3 fee that you're charging there?

4 RICK HOLLENBECK: Yes, it's fifteen dollars a
5 person.

6 COMMISSIONER WALDHEIM: And is that reflected in
7 the grant?

8 RICK HOLLENBECK: Yes, it is.

9 CHAIR SPITLER: Okay. Are there any members of
10 the public wishing to comment on Tulare? Okay. We'll
11 take that off of Consent and take it up in November.

12 RICK HOLLENBECK: Thank you very much.

13 CHAIR SPITLER: Thank you. OR 728 Colusa
14 County. Anyone from the sheriff's office that wants to
15 speak on this grant? Any members of the public want to
16 comment on Colusa County? Oh, Mr. Applegate followed
17 by Mr. Amador.

18 JEFF APPLLEGATE: Hello, I'm Jeff Applegate from
19 Mendecino National Forest, but I'm a citizen of Colusa
20 County and on the search and rescue team there. And I
21 would like to support full funding for the Colusa
22 County Sheriff's Office. They did not put in for a
23 grant last year due to time constraints at the time
24 that they were to submit, but they are always there for
25 us. Ninety percent of the Grindstone Ranger District

140

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 on the Mendocino is located within Colusa County or 90
2 percent of the riding area, I should say. And they're
3 always there on events for holiday coverage; however,
4 not having the money did impact them last year. We are
5 still able to give them some co-op dollars for forest
6 services, but they really need to have the state
7 funding back.

8 You might recall three years ago they were
9 funded for two ATVs. They subsequently sent four of
10 their officers through the SVIA training, as well as
11 with the ATVs, they've got this outfitted with off-road
12 enforcement with red and blue lights on them.

13 We'd just like to see them out there more often
14 because every weekend is becoming a major weekend where
15 I work, and they complement our law enforcement needs,
16 and also it's been a longstanding partnership, and both
17 departments get along very well.

18 CHAIR SPITLER: Thank you.

19 COMMISSIONER THOMAS: Question for staff.

20 The application of 154 says \$7,000 is requested.
21 Why does the sheet, the 9/27 sheet, show 5,000?

22 CHIEF JENKINS: When we looked at the match that
23 they provided, it wasn't a high enough quality match.
24 You have to have a 25 quality match, so we backed the
25 number they requested down so that it was covered by

141

1 the match they put forward. Does that make sense?

2 COMMISSIONER THOMAS: Well, that sounds like
3 you're changing their application.

4 CHIEF JENKINS: In other words, if they were
5 going to provide -- if we were working in round numbers
6 and you're asking for a hundred dollars, we'd have
7 to --

8 COMMISSIONER THOMAS: No, I understand the math.

9 But wouldn't it be more accurate to list that
10 they requested seven, and then reflect the fact that
11 they're only eligible for X, and that's your staff
12 recommendation, instead of saying they only requested.

13 I mean if I looked at this, I would say they
14 requested five, they're giving them 3,250; that's half;
15 that's pretty good. In fact, what's happening, they
16 asked for seven and you're giving them 3,250. You
17 unilaterally said, no, I don't think you're getting
18 seven. Difference. The principal is a small number,
19 but it might get bigger later.

20 CHIEF JENKINS: It does. I'm not sure I
21 followed the whole thing there.

22 COMMISSIONER THOMAS: I'm just saying this is
23 not an accurate recitation of the requested amount.
24 The requested amount is \$7,000.

25 CHAIR SPITLER: Excuse me, I've asked staff to

142

1 provide a list of the applications where the requested
2 amount was modified for some reason based on
3 ineligibility cost, and they said they're going to
4 provide that. Maybe you could just provide that to the
5 entire Commission.

6 CHIEF JENKINS: We will be providing that.

7 CHAIR SPITLER: I think that's a fair question.

8 COMMISSIONER THOMAS: And the fact that
9 you've -- wouldn't this, in fact, be I think another
10 example of another incomplete application; they didn't
11 ask for the right amount of money?

12 CHIEF JENKINS: No, there is a difference in the
13 regulations. We're allowed to correct for math errors,
14 so that's an option we used on this.

15 COMMISSIONER THOMAS: That's not a math error.
16 That's your determination that they don't get as much
17 as they asked for.

18 DEPUTY DIRECTOR GREENE: Commissioner Thomas,
19 they're required by law to provide a 25 percent match.
20 And in not providing that match, then we have the
21 ability to adjust for the correct dollar.

22 COMMISSIONER THOMAS: I'm not arguing with the
23 ability to adjust. I'm just saying your representation
24 should be \$7,000 requested, and then reduced, whatever
25 you reduce it to, and then just reflect that. I mean

143

1 just so that we can keep an accurate picture here.

2 CHIEF JENKINS: That would be yet on another
3 spreadsheet. Our effort was that if we had that number
4 there, then when you looked at the percentage funding
5 determination that they were eligible for based on the
6 score, the math wouldn't work on your spreadsheet, and
7 this wouldn't make sense. This was an opportunity to
8 show you on the original request --

9 COMMISSIONER THOMAS: That's a little bit like
10 me taking my lab report and saying, you know, the data
11 didn't fit in the thesis so I just changed the data.

12 DEPUTY DIRECTOR GREENE: Well, I believe -- I
13 apologize, Commissioner Thomas, I believe that
14 spreadsheet is sitting outside on the table for the
15 public. It was a spreadsheet which indicated what the
16 applicant request, that indicated the OHV Division
17 adjusted request based on that adjustment, in this case
18 of 25 percent match, and then the final determination.
19 So it is a matter of not being able to provide all of
20 that information on a small spreadsheet.

21 COMMISSIONER THOMAS: It's also inaccurate.

22 COMMISSIONER WALDHEIM: Mr. Chairman, the
23 sheet -- I just noticed that the original sheet I had,
24 that showed that the request was \$7,000, now the new
25 sheet that was given to me last night changed it to

144

1 five.

2 What Mr. Thomas is saying, you should not be
3 changing the numbers on the requested amount. That
4 should be constant, regardless of if it's right or
5 wrong as far as your math is concerned. That should
6 never change. What you decide on giving them, that's a
7 different story. So that five should be 7,000.

8 CHIEF JENKINS: Well, we've got three sheets
9 that we passed out this morning, there's three
10 spreadsheets. The smaller one on this format, that
11 only has one set of columns over here, this one has the
12 original amounts that were in the applications. So if
13 you compare -- that's why some of you in the audience
14 may have been looking at these numbers, looking at the
15 numbers here, that's the difference is we have provided
16 you with the original requested amount here, but for
17 purposes of this use is to be able to show, with the
18 ineligible costs removed, what we could then base our
19 score on.

20 COMMISSIONER WALDHEIM: Mr. Jenkins, you have no
21 right to change the amount requested form. That is
22 what's on their form. Should be reflected what you
23 decide to give them, that's a whole different story.
24 But you should not be changing the requested amounts so
25 it matches the grant book.

145

1 CHAIR SPITLER: I'm just going to interject. I
2 think we understand both positions here. We have
3 members of the public standing up waiting to comment,
4 so let's get through the public comment. If there is
5 more discussion, we can take it at that point.
6 Mr. Amador.

7 DON AMADOR: Don Amador, Blue Ribbon. After
8 that discussion, I don't know if we need to be
9 dismissed for adult beverages or not.

10 But, regardless, Colusa County, it's important
11 to remember that they provide law enforcement basically
12 all year round. The Mendocino has both a winter and
13 summer. That goes both for summer and winter.
14 Whatever the full funding is, whether it's seven or
15 five, we would support that based on the amount of
16 coverage they give to that area.

17 CHAIR SPITLER: Thank you.

18 DON KLUSMAN: Don Klusman, California Four-Wheel
19 Drive Association. I want to request six more
20 spreadsheets in multiple colors and not collated so we
21 can really get -- anyway, back to the real world. We
22 support \$5,000 to the Colusa County Sheriff, as
23 Mr. Amador says, that do provide year round. Figure
24 that out at \$5,000, what that is -- and I'm no
25 mathematician, but divide that by twelve. That's

146

1 pittance for the support we get over there. And there
2 is some illegal trespass because the farmland and so
3 forth. We want to keep that county happy. They've
4 been doing a good job for us lately.

5 CHAIR SPITLER: Thank you.

6 Any other members of the public who wish to
7 comment on Colusa?

8 I'm going to make my best estimate that this is
9 probably not an item for Consent and keep it off the
10 Consent Calendar and take it up in November.

11 COMMISSIONER WALDHEIM: Mr. Chairman, I'm going
12 to put in \$7,000 for that for us to consider next
13 round.

14 COMMISSIONER THOMAS: I'm going to support that.

15 CHAIR SPITLER: Okay. OR 724, Fresno County.
16 Is Fresno County here?

17 BOB MILLER: Good afternoon, Bob Miller,
18 Lieutenant, Fresno County Sheriff's Department. I
19 am -- I manage -- as one of my responsibilities, I
20 manage the OHV unit for our department. There are
21 three things I'd like to touch on today.

22 One, I'd like to -- we are one of the successful
23 agencies. I'd like to thank the board for the
24 recommendation. Even though it fell short of our total
25 request, we believe we can have an impact on the OHV in

147

1 Fresno County with what we will receive, and I request
2 that it be placed on the Consent agenda for approval.

3 I'd also like to comment on the workshop that
4 was provided to the two sergeants that I sent to that
5 workshop; two sergeants, that had never written a grant
6 before in their career, came back to the agency and
7 explained to me that the process was going to be
8 extremely challenging. However, they were successful
9 in completing the grant. They were provided a
10 worksheet, a checkoff list with everything that was
11 required in the grant, and they were successful. And I
12 applaud them for that.

13 I'd also like to present letters of appreciation
14 from community members within our community for our OHV
15 efforts, and I believe there's enough copies for
16 everyone, both board and Commission members. Thank you
17 very much.

18 CHAIR SPITLER: Thank you.

19 Any member of the public wish to comment on
20 Fresno County? Okay.

21 Commissioners, okay for this one to go on
22 Consent?

23 COMMISSIONER WALDHEIM: Yes, Mr. Chairman.
24 We're just -- I'm not going to say anything if it's the
25 same as staff, we'll just as we agree, and only changes

148

1 I'll talk on.

2 CHAIR SPITLER: Okay. The next grant is OR 732.
3 If there is any one-legged members of the Humboldt
4 County Sheriff's Office, they can hobble forward. I
5 told him at the break, if he told us he got this
6 tracking down an illegal OHV rider, he would get full
7 funding, hands down.

8 PETE JIMENEZ: I thought it was an additional
9 \$10,000 funding extra.

10 CHAIR SPITLER: Five hundred for a wheelchair.

11 PETE JIMENEZ: I am Pete Jimenez, Humboldt
12 County Sheriff's Office, and I'm the author of the
13 grant. I wish I had two sergeants to write grants, you
14 know, probably could have done a better job.

15 But on a serious note, I'd like to make a
16 request that the Commission supports the Division's
17 recommendation and put this grant on Consent Calendar
18 in the future.

19 Secondly, I'd like to thank the Division
20 members, the staff. Just to let you know, I attended
21 that workshop also, and they passed out a lot of good
22 information. It was the most -- following it letter by
23 letter. And when there was questions, I didn't
24 hesitate to make a phone call, several phone calls. My
25 friends tell me that I should have been born in

149

1 Missouri, the show me state, because they actually had
2 to show me, tell me what page to look at, what word to
3 look at, and they did an outstanding job as far as I'm
4 concerned. Not too often when you call a public agency
5 and they return your phone call immediately. They did
6 it every time. And I would think that Ms. Greene would
7 be very happy in commending her staff. They did a good
8 job.

9 And that's really all I have to say. The fact
10 is I wish I could say that this injury was caused by an
11 ATV, but it's not. It was skiing. There was a
12 snowmobile close by, though.

13 If there are any questions?

14 CHAIR SPITLER: Thanks for your efforts.

15 PETE JIMENEZ: Thank you.

16 CHAIR SPITLER: Public comments on Humboldt
17 County.

18 DON KLUSMAN: Don Klusman, California Four-Wheel
19 Drive Association. We support staff recommendation and
20 hope this will go on Consent. The Humboldt Sheriff has
21 done a wonderful job. Thank you.

22 CHAIR SPITLER: Okay.

23 DON AMADOR: Don Amador, Blue Ribbon on behalf
24 of Far West Motorcycle Club. We support the staff
25 recommendation. Thank you.

150

1 CHAIR SPITLER: Thank you.

2 DAVE PICKETT: Dave Pickett, District 36.

3 Please support Division's recommendations on this. And

4 I'll speak on behalf of the Kiwanis MC based up there.

5 Thank you.

6 CHAIR SPITLER: Thank you. Okay.

7 Commissioners okay to go with staff

8 recommendations on this one?

9 COMMISSIONER THOMAS: Absolutely.

10 CHAIR SPITLER: Okay. Thank you. Napa County

11 sheriff OR 720. Anyone here from Napa?

12 Any members of the public wish to speak on the

13 Napa grant?

14 Public comment, you should step up to the

15 microphone.

16 DON KLUSMAN: Don Klusman, Cal. Four-Wheel, we

17 support this grant at staff funding. Thank you.

18 CHAIR SPITLER: Thank you.

19 Commissioners?

20 Okay. OR 762 Nevada County sheriff. Anyone

21 from Nevada County here?

22 COMMISSIONER WALDHEIM: Where's Napa or did we

23 just do Napa?

24 CHAIR SPITLER: Just did Napa.

25 Next one, any members the of the public wish to

151

1 speak on the Nevada County Sheriff application?

2 Mr. Klusman, maybe you like to pull your chair a
3 little closer to the microphone.

4 DON KLUSMAN: No, you put the microphone a
5 little bit too far.

6 CHAIR SPITLER: Maybe we should put the mic
7 closer to your chair?

8 DON KLUSMAN: There you go or just put me out in
9 the hall somewhere. Don't get any ideas, now.

10 Don Klusman, California Four-Wheel Drive
11 Association. The Nevada County sheriff has got its
12 hands full at the moment with some other issues, but
13 being that county is arranged the way it is, they have
14 some real challenging -- a real challenge on doing OHV
15 patrols. Because the way the county is done, a lot of
16 the OHV trails go in and out of that county.

17 We put on a major event in that county every
18 year. They have bent over backwards to facilitate us
19 and work with us, and they've always had a deputy
20 there. I don't know -- I didn't look at their PAR
21 report, but I know for a fact that last year, this last
22 August, they wrote 21 citations at our event from
23 outside people that were non-registered vehicles,
24 drinking, driving, so forth. The Nevada County sheriff
25 has done an excellent job for us.

152

1 We would ask for the 73,350, and I know that's a
2 huge request for that county. And without them being
3 here, I don't know what they could pare that down to.
4 But like I say, they have done an excellent job for the
5 four-wheel drive people, as well as the motorcycle
6 people, and the snowmobile people. So we'd ask for
7 that consideration to take it off of Consent to be
8 heard in November.

9 COMMISSIONER THOMAS: Hey, Don, would you
10 support a larger amount than the staff recommendation?

11 DON KLUSMAN: I was going to look. Staff
12 recommendation was 37?

13 COMMISSIONER PRIZMICH: Fifty-seven.

14 COMMISSIONER WALDHEIM: Seventy-five. Mine was
15 37.

16 DON KLUSMAN: We'll support staff. Sorry, Ed.

17 COMMISSIONER WALDHEIM: That's okay.

18 COMMISSIONER THOMAS: And actually it's \$148,000
19 that was requested. They asked for 148, Don, not 37.

20 DON KLUSMAN: We support 73.

21 COMMISSIONER WALDHEIM: Mr. Chairman, I'm going
22 to 37,000 because -- why did I do that? Because half
23 is the snow and half is summer. That was my logic at
24 this point.

25 DON KLUSMAN: Can I respond to that, sir?

153

1 CHAIR SPITLER: No.

2 COMMISSIONER THOMAS: We'll take it off Consent.

3 CHAIR SPITLER: Take it off Consent, you can
4 respond.

5 Okay. At this point, OR 768 Planning and
6 Conservation League has been ruled ineligible; however,
7 if there is anyone from PCL or members of the public
8 who wish to comment on this grant, go ahead and step
9 forward.

10 NICHOLAS HARRIS: Nicholas Haris, American
11 Motorcyclist Association. I had a bunch of comments,
12 but it's been pulled. I just wanted to point out a
13 quick review I did in the back, I counted 39,000 for
14 salary and \$3,000 meals and travel. That's about a
15 \$55,000 request. I was a little concerned by that.

16 I'm also curious as to what OHV groups they were
17 going to work with because it cites OHV groups. Other
18 than that, I won't go into it because it sounds like
19 it's been pulled. Thank you.

20 CHAIR SPITLER: Thank you. Anyone else on the
21 PCL grant?

22 Okay. Let's take OR 744 and 745 together,
23 Plumas County Sheriff. Is anyone from Plumas County
24 here?

25 TODD JOHNS: Sergeant Todd Johns, the Plumas

154

1 County Sheriff's Office OHV coordinator. First off,
2 I'd like to say I support the staff and everything that
3 they're doing with the new grants program. On the
4 other hand, I also support all of the sheriffs' offices
5 in the county -- or in the state that are fighting for
6 funds to keep themselves alive. And I think that what
7 we've seen today shows a necessity that we need to have
8 some type of a grant system that stays consistent and
9 possibly a computerized grant system with a
10 fill-in-the-blank, check-the-box, so we don't have this
11 ever happen again.

12 In regards to OR 744, if the sheriff's budget is
13 consistent with what it was last year, I believe that I
14 can provide a minimum amount of law enforcement
15 activity based on the funds that are recommended by the
16 Commission. So I would suggest that you adopt the
17 suggested amount there.

18 For OR 745, the equipment grant, my initial
19 request was \$19,000 for the purchase of two
20 snowmobiles. That was reduced to 9,000. I failed to
21 see that they were only going to approve one piece of
22 equipment this year. So basically the 4,950 wouldn't
23 even fund one half of a snowmobile. And without two
24 snowmobiles this year, I don't know that half of my
25 program can exist. So I would request that that be put

155

1 on the agenda for consideration.

2 And in response to Mr. Waldheim's stating that
3 he doesn't support the snow program, or he does support
4 it but that the Division gets monies for that, it's my
5 understanding that the monies that go to the Division
6 go to operation and maintenance, and equipment is not
7 part of that. So the snow system is going to fail if
8 we continue to not fund snow equipment. It's just not
9 feasible. We can't respond to calls. We can't get out
10 and cite people if we don't have the equipment to get
11 out there. Thank you.

12 CHAIR SPITLER: Thank you. Okay. Members of
13 the public wishing to comment on this one?

14 DON KLUSMAN: Don Klusman, California Four-Wheel
15 Drive Association. Since I'm not an expert on
16 snowmobile equipment, I'm not going to comment on the
17 equipment grant. But the law enforcement grant, we
18 would like to see funding at what staff recommendation
19 is of 13,500, and I'll tell you why. Snow is not just
20 for snowmobiles. A lot of the areas in Plumas are
21 lower elevations, and we use them with four-wheel
22 drives. I understand the motorcycle community
23 generally doesn't, but the ATV community does, and so
24 does the four-wheel drive community. And the Plumas
25 sheriff has done a superb job in that area. So that's

156

1 why the Four-Wheel Drive Association is supporting
2 winter law enforcement on several forests -- I mean in
3 several areas, especially discounting, thank you.

4 COMMISSIONER THOMAS: Mr. Chairman, I've got a
5 question for the Plumas County Sheriff's Office.

6 CHAIR SPITLER: Can we get through the public
7 comment first and bring him back up and do all of our
8 questions?

9 COMMISSIONER THOMAS: Great.

10 SYLVIA MILLIGAN: My name is Sylvia Milligan.
11 I'm the regional director of the California Nevada
12 Snowmobile Association in the north region, and I am a
13 quasi expert on snowmobile equipment. And I can tell
14 you that even at my age -- and we're not even going to
15 mention it -- with the equipment that they have, they
16 can't even catch me.

17 CHAIR SPITLER: I think, Pat, that was a
18 challenge.

19 SYLVIA MILLIGAN: We have had a snowmobile play
20 date in the north state for the last several years, and
21 I have to say that the Plumas County Sheriff's
22 Department is incredible. They are there. They are
23 courteous to the public. They educated the public.
24 They are one of the best that we have in the north
25 state, and I fully support them in being able to

157

1 acquire at least one piece of equipment, and you cannot
2 do it for the recommendation from the Division.

3 I would like to see them receive at least \$9,000
4 on that particular one, and I just wanted to let you
5 know that the public up there supports them 100
6 percent. They're an excellent law enforcement office.
7 Thank you.

8 CHAIR SPITLER: Thank you.

9 JOHN STEWART: Good afternoon, Commissioners,
10 John Stewart, California Association of Four-Wheel
11 Drive Clubs. I'd like to address the issue of the
12 equipment. After reading the Public Resource Code, it
13 is well within the purview of this Commission to decide
14 on capital outlay expenses regardless of where they go,
15 as long as they're an OHV program. The purchase for a
16 snowmobile is a capital outlay, and it is necessary for
17 the enforcement operation. So from that respect, we do
18 fully support that grant. Thank you.

19 CHAIR SPITLER: Thank you.

20 Anyone else from the public want to spoke on
21 Plumas County?

22 DEB SCHWENBERG: For the record, my name is Deb
23 Schwenberg, and I'm with the Plumas National Forest,
24 and I'm here to support the grant by the Plumas County
25 Sheriff's Department. Plumas County Sheriff's

1 Department is a tremendous partner with the forest in
2 support of our OHV programs, both summer and winter.
3 The forest has numerous county highways that bisect
4 throughout the region, and without the support of them,
5 we wouldn't be able to have as much patrolling and OHV
6 law enforcement as we presently have.

7 In fact, I'd also like to support their
8 application at the larger amount for the equipment
9 purchase. We had a health and safety issue that came
10 up last year at the La Porte area in which we had a
11 very serious accident, and no one was able to respond
12 immediately because they did not have a sled available
13 to them. And a large snow Cat was forced to come up
14 all the way from Quincy. So for that reason, due to
15 fast response time and them being such a great partner,
16 we want to encourage you to support them fully. Thank
17 you.

18 CHAIR SPITLER: Thank you.

19 COMMISSIONER PRIZMICH: I'd like to take that
20 off Consent.

21 CHAIR SPITLER: Both of them?

22 COMMISSIONER THOMAS: Mr. Chairman, it looks
23 like it's a \$17,000 request, not a \$9,000 request. Is
24 that correct?

25 CHIEF JENKINS: It's another one that we had to

159

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 make adjustments based upon the way we put PC in. I
2 could explain it or I can just provide the --

3 COMMISSIONER THOMAS: I just want a confirmation
4 that it's actually \$17,000 requested.

5 CHIEF JENKINS: Yes, on the original smaller
6 sheet, that's what it reflects.

7 COMMISSIONER WALDHEIM: No, on the book.

8 COMMISSIONER THOMAS: The book, the application
9 says 17,000.

10 CHAIR SPITLER: We will get written
11 clarification.

12 COMMISSIONER THOMAS: I'm just going to go down
13 through each item and check to make the record here.
14 We've got a court reporter; that's what we're supposed
15 to do.

16 CHAIR SPITLER: We'll take those off Consent.

17 COMMISSIONER THOMAS: Take them off Consent.

18 COMMISSIONER WALDHEIM: Mr. Chairman, I would
19 like to at some point that we have a discussion with
20 the deputy director as far as the snow program is
21 concerned -- on the face, yes, we support 100 percent
22 what they're doing. It's either the support budget has
23 to agree to us or we have to agree to it. But I still
24 am going to put the zero on it, but with the full
25 understanding somehow we've got to get them to tell us

160

1 the funding, where it comes from. We need to have
2 discussion off-line or separately from here before the
3 next meeting.

4 DEPUTY DIRECTOR GREENE: As, Commissioner
5 Waldheim, I expressed to you at lunchtime, we're
6 certainly more than happy to do so at whatever time you
7 request that.

8 CHAIR SPITLER: Okay. OR 746 San Joaquin County
9 sheriff. Anyone from the sheriff's office of
10 San Joaquin? Any member of the public wish to public
11 on the San Joaquin County grant? Commissioners?

12 COMMISSIONER THOMAS: Just a second, we have to
13 catch up with you guys.

14 COMMISSIONER WALDHEIM: Mr. Chairman, I'm
15 reducing this one to \$80,000, from 118,000, staff's
16 recommendation, to \$80,000.

17 CHAIR SPITLER: Okay. We're taking that one off
18 of Consent.

19 COMMISSIONER THOMAS: Is that because of the
20 snow? Okay.

21 CHAIR SPITLER: The Town of Mammoth Lakes. I
22 hope no one drove all the way here from Mammoth Lakes.

23 COMMISSIONER WALDHEIM: For \$6,000, spent all
24 the money.

25 CHAIR SPITLER: Anyone from the public want to

161

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 comment on Mammoth Lakes?

2 Commissioners?

3 COMMISSIONER THOMAS: Just a second.

4 We are recommending six.

5 COMMISSIONER WALDHEIM: Going with Consent.

6 COMMISSIONER THOMAS: Consent.

7 CHAIR SPITLER: Okay. Trinity County Resource
8 Conservation District. Anyone here from Trinity
9 County? Any member of the public want to comment on
10 the Trinity County grant?

11 RYAN HENSON: Yes, Ryan Henson, California
12 Wilderness Coalition. The Shasta/Trinity National
13 Forest, like all national forests in California, is
14 undergoing its route designation process. The Trinity
15 County RCD is going to play a very important role in
16 making sure that that is a successful process.

17 They already do really high quality work in
18 terms of erosion control, road decommissioning,
19 replantings, and other such activities. And the need
20 is very great in Trinity County. Ironically, just
21 yesterday we got a call from a hunter that said that
22 many of the meadows that he likes to frequent every
23 hunting season on the east side of Trinity Lake are
24 being very badly rutted by off-road vehicles.

25 And I have to admit, I didn't know I would be

162

1 coming to this meeting until Tuesday of this week, so
2 I'm not exactly sure what the Trinity County RCD is
3 applying for in terms of restoration. I'd just like to
4 say that they are a very fine group, and I think any
5 kind of capacity building you could help them with in
6 this regard would be good. Thank you.

7 CHAIR SPITLER: Thank you.

8 COMMISSIONER THOMAS: Can staff tell us what
9 page the analysis of this grant is located on?

10 DEPUTY DIRECTOR GREENE: That is book three,
11 page 197.

12 COMMISSIONER THOMAS: I mean your analysis, the
13 Division analysis.

14 DEPUTY DIRECTOR GREENE: That would be score
15 sheet number 26.

16 COMMISSIONER THOMAS: Twenty-six. Thank you
17 very much.

18 DON AMADOR: Yes, Commissioners. I'm Don
19 Amador, Blue Ribbon Coalition.

20 On this particular restoration grant, I believe
21 that the law states that there has to be a nexus to OHV
22 recreation. And when some of these folks bothered to
23 call me, like my good friend Grant Wetzell, up there in
24 Crescent City, he said make sure when you submit a
25 restoration grant that is there is a nexus to which

163

1 recreation where this is part of a concept we want to
2 provide some opportunity for the public, and this is
3 part of a broader concept for the area. I couldn't
4 find any nexus to OHV recreation in this particular
5 grant, so we're not supporting it. Thank you.

6 CHAIR SPITLER: Thank you.

7 NICHOLAS HARRIS: Nicolas Harris, American
8 Motorcycle Association. I just wanted to say from what
9 I've heard -- and I haven't been to this one, and I
10 heard this is for restoring a bunch of logging roads.
11 And there was a big question as to whether OHV use will
12 actually occur. And based on that, on what restoration
13 funds are supposed to be used for, we are supporting
14 staff recommendation of zero funding. Thank you.

15 DAVE PICKETT: Dave Pickett, AMA, District 36.
16 Please support staff recommendation, zero funding.

17 COMMISSIONER THOMAS: Can I ask staff a
18 question?

19 CHAIR SPITLER: Let's go through public comment,
20 and we'll do that.

21 JOHN SCHUYLER: John Schuyler, Shasta-Trinity
22 National Forest. We work closely with Trinity County
23 SRD on a variety of projects. We support this
24 application.

25 CHAIR SPITLER: Thank you. Commissioner Thomas.

164

1 COMMISSIONER THOMAS: I'm just looking at the
2 rating, the Division's rating. And it rates this
3 application at 47 out of 100 points, which sounds like
4 about 50 percent, but they zero recommend. So why do
5 we zero recommend somebody that get at a 50 rating?

6 CHIEF JENKINS: If you look at the --

7 DEPUTY DIRECTOR GREENE: Page 17. I'm sorry,
8 page 17, chapter two of the regulations, it clearly
9 states out the funding determinations based on the
10 scoring points.

11 COMMISSIONER THOMAS: That's what I said. They
12 have 47 out of a hundred points.

13 DEPUTY DIRECTOR GREENE: That's correct. Item
14 number J:

15 "All projects receiving a score
16 of 49 or less will not receive a
17 funding determination by the
18 Division."

19 That certainly doesn't preclude the Commission
20 from making a funding determination, but at this point
21 in time, the Division moves forward with a zero.

22 COMMISSIONER THOMAS: So it's not arbitrary and
23 capricious to fund something that rates 49, but if it
24 rates 48, it gets a zero?

25 DEPUTY DIRECTOR GREENE: And then it would be up
165

1 until that time period for if the Commission decided,
2 based on the criteria, that there was a reason to
3 increase that score, then the funding determination
4 would correlate to that score.

5 COMMISSIONER THOMAS: Okay. So let's take the
6 fourth box in your rating system, which is the various
7 benefits analysis. Reviewer number one, 15 points;
8 reviewer number two, 25 points; reviewer number three,
9 25 points; reviewer number four, 20; reviewer number
10 five, zero.

11 Now, remember in the last debate we had over the
12 rating systems, I told you that rating systems were
13 suspect because they were subject to gaming. And I can
14 tell you that the guy who voted zero, when everybody
15 else voted 25, 20, 15, gamed this rating system. The
16 two point deficit that this application suffers from
17 was made up in this one man's or woman's decision.

18 DEPUTY DIRECTOR GREENE: Please keep in mind,
19 Commissioner Thomas, that the high and low are thrown
20 out.

21 COMMISSIONER THOMAS: But the point is all
22 through this system you can game these points. And
23 what you're telling me is that there's -- it's either
24 on or off. And I think that is the problem of the --
25 of establishing a numerical system, and I'm going to

166

1 move it off Consent.

2 COMMISSIONER WALDHEIM: Mr. Chairman.

3 CHAIR SPITLER: Commissioner Waldheim.

4 COMMISSIONER WALDHEIM: I'm going to insert
5 \$281,000 for this grant. Please, everybody in the
6 public understand, I'm putting it in there so we have a
7 number down there so we can start massaging and working
8 on it.

9 CHAIR SPITLER: Okay. I'm sorry, we have one
10 more OH 747 Tuolumne County sheriff. At this point,
11 this grant has been ruled by staff to be ineligible;
12 however, if there is anyone from Tuolumne County or the
13 public who wishes to speak on this grant, you can go
14 ahead and step forward. Anyone from Tuolumne County?

15 Okay. We'll move on. That concludes the local
16 agency and nonprofit applications.

17 We can now move into the federal agencies.
18 Let's start with BLM Arcata. We'll take all of the BLM
19 Arcata grants at the same time. So if you need a
20 little bit more time to address all of them, that's
21 fine.

22 OR-1-NO-50 through RO-1-NO-54. Is there anyone
23 from Arcata BLM? Okay. Any members of the public who
24 wish to comment on Arcata?

25 BRUCE CANN: My name is Bruce Cann. I work for
167

1 the Bureau of Land Management, Arcata field office.
2 And for the NO-50 law enforcement, we recommend your
3 determination of 22,000. We have two geographic areas
4 for the law enforcement. One is for the Samoa Dunes
5 Recreation area, and another one is for the Elkhorn
6 Ridge area out of the Red Mountain Management area. So
7 with that 22,000, I'm not sure which area staff would
8 be recommending or is that up to the BLM to decide on
9 that, so.

10 DEPUTY DIRECTOR GREENE: Yes. Based on the
11 Commission or the information that was shared, it would
12 be up to the agency to determine in discussions.

13 BRUCE CANN: Okay. So the Elkhorn Ridge, as far
14 as my initial reaction would be cropped, and we'd
15 concentrate on law enforcement areas at the Samoa Dunes
16 Recreation area.

17 For the O&M, facilities O&M, you're recommending
18 16,500. We feel like if you pull funding for the
19 facilities operations and maintenance out of Samoa
20 Dunes Recreation area is justified. We have a pretty
21 intensive infracture out at our Samoa Dunes, and we
22 think that full funding would be justified there.

23 For the planning projects, that's regarding Lax
24 Creek area, BLM was recently donated several thousand
25 acres for that area, and it is closed to vehicle use at

168

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 this time. There's many, many miles of roads in that
2 area. We need to assess to determine which ones need
3 to be rehabilitated, which ones we can keep open for
4 other recreational uses. And that one was zeroed out.
5 So we'd like to have some reconsideration for some
6 portion of funding to do some planning in that area to
7 determine which roads and trails can be rehabilitated.

8 The restoration grant for the project is for
9 Samoa Dunes Recreation area and the Eureka Dunes Riding
10 area. They're basically one area. They're adjacent to
11 each other out on the beach. Part of that area, the
12 Eureka Dunes Riding area is 75 acres, and we have an
13 agreement with the City of Eureka that BLM manages that
14 area. And it requires a coastal development permit
15 from the Coastal Commission. And one of the conditions
16 from the Coastal Commission is that we do restoration
17 in that area. If we don't do the restoration work in
18 there, then that could nullify or terminate the OHV use
19 in that area. So we would like that reconsidered, and
20 at least some partial funding to do some restoration
21 work in that area. And the trail maintenance 8,450
22 seems a little low. You know, what we do out at Samoa
23 Dunes is groom the trails several times a year. And we
24 could probably get by with that, but, you know, again,
25 so. Any questions?

169

1 CHAIR SPITLER: Go ahead and get public comment
2 first. Don't go far.

3 DON KLUSMAN: Don Klusman, California Four-Wheel
4 Drive Association. I'll do these in order. NO-50,
5 which is the LE, we are going in support of staff
6 recommendation. The next one, 51, which is -- we would
7 ask for 22,000 and full funding of that one.

8 The next one is the plan which is 52, we cannot
9 support that. The reason being is this area was never
10 opened to OHVs. And in talking with the field manager,
11 there is not -- it's up in the air whether it will ever
12 be open to OHV. So we cannot support that planned
13 effort at this time.

14 The restoration we would support full funding.
15 As was mentioned, this was a condition with the Coastal
16 Commission. I think this is what restoration funds, in
17 the true sense, was designed for. This is a non-OHV
18 area inside an OHV area, a lot of it. And we fully
19 support it, and hope that you guys fully support that
20 restoration on that. Thank you.

21 COMMISSIONER THOMAS: How about the trail?

22 DON KLUSMAN: Oh, trail, we support staff
23 recommendation.

24 COMMISSIONER THOMAS: Don, you said the Coastal
25 Commission required restoration as a condition?

170

1 DON KLUSMAN: Part of the permit, which is
2 called a development permit with the Coastal
3 Commission, part of the tag, you might say, on the
4 permit is that restoration has to be done there. Now,
5 when I say restoration, it's not getting rid of tire
6 tracks. It's getting rid of beach crafts, is what it
7 is, but it's inside the OHV area. And if we do not do
8 that, then they're going to do something else with the
9 whole area.

10 COMMISSIONER THOMAS: Okay. You helped me here.
11 Now, so in reading this third criteria, when they've
12 evaluated in the restoration grant, one of the criteria
13 is that if you don't fund this, is there a risk of
14 larger closures?

15 DON KLUSMAN: Yes.

16 COMMISSIONER THOMAS: Now, you're saying yes.
17 But the staff analysis was zero, zero, five, zero, and
18 two, which means out of ten points -- which means three
19 of the reviewers didn't feel there was any risk of
20 closure. Did you communicate that to our staff?

21 BRUCE CANN: No, we weren't asked to
22 communicate that at that time.

23 COMMISSIONER THOMAS: Do you think they knew
24 there was a risk of closure if we didn't fund this?

25 BRUCE CANN: Off the top of my head, I don't

171

1 know. But I would think -- I would hope that staff
2 didn't know is why they did that.

3 COMMISSIONER THOMAS: All right. Thank you for
4 your help.

5 DON AMADOR: Don Amador, Blue Ribbon Coalition.
6 On number 50, the LE, we support staff at 22,000. 51,
7 support staff at 16,500. Support staff at zero for 52,
8 the planning grant. And as Don said, the restoration
9 project is part. Here we have a nexus between
10 restoration and OHV recreation. That X closure is an
11 integral part of the OHV program up there. So we
12 support full funding of 38,000 for that restoration
13 grant. Then we support full funding at 13,000 for
14 trail maintenance at Samoa Dunes, as well. Thank you.

15 CHAIR SPITLER: Thank you.

16 RYAN HENSON: Ryan Henson, California Wilderness
17 Coalition. For the planning grant number 52, the
18 Arcata BLM recently acquired 4,500 acres in the Lax
19 Creek watershed in Humboldt County with the help of the
20 Save the Redwood League and the Research Legacy Fund.

21 Lax Creek is a key tributary of Redwood Creek
22 which flows through the heart of Redwood National Park
23 downstream. The BLM acquisition and proper management
24 of these lands will help to restore both Lax Creek and
25 Redwood Creek, and they can still do so while still

172

1 providing for appropriate forms of recreation in an
2 area that was largely closed to the public when it was
3 in private hands. The BLM needs resources to do
4 assessment of the area and decide how to best improve
5 water quality and reduce impacts of the existing road
6 system. That is why I hope that at some point in the
7 future the Commission will help the BLM, the BLM Lax
8 Creek planning effort.

9 When it comes to Samoa Dunes, I think you've
10 heard enough on that. I had a full statement here on
11 that. They have been fighting European dune grass out
12 there for quite some time. They've been doing it
13 elsewhere, as well, and they have been doing a
14 phenomenon job. They tried burning it, burying it,
15 everything, and this is something that you really ought
16 to support. Thank you.

17 CHAIR SPITLER: Thank you.

18 NICK HARIS: Nick Haris, American Motorcyclist
19 Association. I'll just go by the numbers.

20 50, we want to support staff's recommendation.
21 On 51, I would like to see at least support of staff's
22 recommendation of 16,500. I wouldn't mind seeing a
23 little more than that. 52, support staff's
24 recommendation. And I just don't feel there has been
25 this nexus that Don referred to established in this

173

1 particular case. On 53, though, I do agree there has
2 been an expectation placed on the BLM, and I think this
3 is a very appropriate use of the money. And on 54, I
4 would support full funding at the level of 13,000.
5 Thank you very much.

6 CHAIR SPITLER: Thank you. Okay. I'm going to
7 suggest we go ahead and put 50 and 51 on the Consent
8 list. And keep 52, 53, and 54 off for further
9 discussion.

10 COMMISSIONER WALDHEIM: Mr. Chairman, I would
11 like to ask Bruce, is the statement of
12 Mr. Klusman made -- no. Yeah, that Mr. Klusman made
13 that on the planning grant, that you have no intention
14 of having OHV utilizing that area?

15 BRUCE CANN: Well, first, we need to do some
16 assessments and then write a restoration plan. But for
17 right now, the area is closed according to our RMP
18 amendment. And I talked to our field manager just
19 recently. I think there may be an opportunity to a lot
20 of those roads -- or some of those roads may provide
21 access to a certain point. But as far as OHV use, I
22 don't think that's part of the --

23 CHAIR SPITLER: Bear in mind, our definition of
24 OHV includes all street legal vehicles driven on dirt
25 roads.

174

1 BRUCE CANN: Okay. In that case, there may be
2 an opportunity if we acquire public easement in that
3 newly acquired land to provide some trailheads up
4 there. But we need to write, you know, some kind of a
5 management plan for that area. We just acquired it.
6 You know, we need to assess it, do inventory, find out
7 what kind of condition the roads are in here. We
8 haven't done that yet. That was what the plan grant
9 was for.

10 Can I make a brief comment on the restoration
11 project? I just found out last week that the Coastal
12 Commission staff is going to place that condition --
13 recommend that condition that we do restoration work in
14 that 75 acre Eureka Dunes Riding area. Previous to
15 that, when I wrote the grant I wasn't sure whether they
16 would require that, because I have a five-year permit
17 right now, and it expires at the end of December, next
18 month. I'll be meeting with Coastal Commission, the
19 staff just notified me last week. That will be one of
20 the conditions to do the restoration work. So in the
21 grant application, I didn't specify in there that it
22 would be required, but that's part of the deal.
23 Thanks.

24 COMMISSIONER WALDHEIM: Mr. Chairman, I'm going
25 to change my opinion on the 52. I'm going to zero both

175

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 and go with staff recommendation. And on 53 I'm going
2 to include 38,000 for the restoration, on number 53.
3 And on number 54 for the trail, I'm going to put in
4 13,000.

5 CHAIR SPITLER: So I'm proposing 50 and 51 on
6 Consent, keep the rest off, okay.

7 COMMISSIONER WALDHEIM: No, 51, 52 staff said
8 zero, and if we say zero.

9 CHAIR SPITLER: We don't say zero.

10 COMMISSIONER WALDHEIM: We don't say zero.
11 Okay.

12 COMMISSIONER THOMAS: Okay.

13 CHAIR SPITLER: Okay. We'll put 50 and 51 on
14 Consent and keep the others off. Okay. BLM California
15 State Office OR-1-SW-35, 36 and 37.

16 JIM KEELER: Good afternoon, Chairman Spitler
17 and Members of the Commission, this has been a very,
18 very difficult process for all of us and I think --

19 CHAIR SPITLER: Name?

20 JIM KEELER: I'm sorry, Jim Keeler, BLM State
21 Off-Highway Vehicle Coordinator, Sacramento. I feel
22 for all of us, I think in this process. I don't think
23 this has been fun or any good for any of us.

24 But I do think that at the moment I would go
25 with staff recommendations on all three of these pieces

176

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 of our grant and take either public comment or
2 questions. But all in all, we will just accept the
3 staff recommendations. Thank you.

4 CHAIR SPITLER: Members of the public wishing to
5 comment on BLM Statewide?

6 DON KLUSMAN: Don Klusman, California Four-Wheel
7 Drive Association, speaking from the north, we accept
8 Mr. Keeler's offer of keeping staff recommendations.
9 We appreciate that. Thank you.

10 JOHN STEWART: John Stewart, California
11 Association of Four-Wheel Drive. And the BLM covers a
12 lot of the area that I oversee for Cal Four, being in
13 the southern part of the state. They've recently
14 completed some big management plans, and they there's a
15 lot of work to be done there, and we fully support
16 these grants as being completely necessary and
17 appropriate for BLM to continue their work. Thank you.

18 CHAIR SPITLER: Anyone else? Anyone else on BLM
19 Statewide?

20 COMMISSIONER THOMAS: Just a question, why was
21 the Onyx Ranch pulled off the application, taken off?

22 COMMISSIONER WALDHEIM: Because Mr. Keeler
23 doesn't come to the Friends of Jaw Bone meetings, and
24 he doesn't read the minutes. That's the truth.

25 JIM KEELER: Do you want me to speak to that?

177

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 COMMISSIONER THOMAS: Yes.

2 JIM KEELER: I was assuming that Daphne would,
3 if she were here. It was deemed an incomplete
4 application because we didn't have the 30-day notice
5 prior to its Commission as a grant.

6 COMMISSIONER WALDHEIM: I question that validity
7 because every month at the Friends of Jaw Bone meeting,
8 we talk about the Onyx Ranch and the Resnick property
9 with the board of supervisors, law enforcement, and
10 BLM. It may not have been noticed as such, if that's
11 what you want to go on a technicality of, but we
12 definitely talk about it, twelve months we've been
13 talking about that. It's been an ongoing issue. It's
14 on the action log. It's on the agenda. It's been
15 talked about continually.

16 JIM KEELER: Both the Division and Bureau
17 received a pretty strong hit in the audit report
18 because of the Onyx Ranch grant, so.

19 COMMISSIONER THOMAS: That's your point of view,
20 perhaps. But as I remember from discussion that the
21 auditor was asked for his authority to back up that
22 position, and his standard response was general audit
23 standards are our authority. And general audit
24 standards are not a substitute for authority.

25 JIM KEELER: Well, we're certainly open to any

178

1 compromises. But at this point, I don't think that
2 that's been offered.

3 CHAIR SPITLER: Mr. Keeler, were you ever told
4 not to apply for that grant?

5 JIM KEELER: Yes, I was.

6 CHAIR SPITLER: By who?

7 JIM KEELER: I was told by members of the
8 Division that that grant would not be accepted.

9 CHAIR SPITLER: Before you even applied, you
10 were told it would not be accepted?

11 JIM KEELER: Yes.

12 CHAIR SPITLER: Why?

13 JIM KEELER: Because it was not -- there was not
14 money for it in this year's appropriation, and that it
15 just was not going to be approved by the Division at
16 this point.

17 CHAIR SPITLER: Division want to comment on it?

18 CHIEF JENKINS: I'm not aware of that. This is
19 where I go, "new guy". I'm truly not aware of that. I
20 suggest we speak to -- wait to speak to that until
21 Deputy Director Greene is back.

22 CHAIR SPITLER: Surprising the Division would
23 say there's not money available when the Legislature
24 specifically allocated \$22 million several years ago,
25 which is now likely to revert back to the fund unspent.

179

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 COMMISSIONER WALDHEIM: Mr. Chairman, the money
2 was in -- part of the \$39 million that's set aside.
3 It's still in the budget, and it's been identified as
4 that project, and it has been voted by the Commission
5 to include in that whole thing, so.

6 CHIEF JENKINS: Yes, what I was referring to
7 when I said I didn't know, I was not aware of what he
8 was alleging. As far as my involvement in the process
9 and as far as I know, as far as Deputy Director Green's
10 involvement in the process, as we evaluated that grant,
11 just like all of the rest, we did not have a newspaper
12 article. There were a number of grants that were
13 kicked out of the system as incomplete because they had
14 not published an article in the newspaper, which is
15 explicitly called out in the application requirements.

16 So, yes, I don't know of any discussion that
17 he's referring to about not funding the grant. All I
18 know is that the process that we preceded with, that
19 one fell out of process as incomplete because of the
20 lack of the publication, the adequate public notice,
21 which included -- when you read through the
22 regulations -- 30 days prior to submission of the
23 application publication, at least it says in the
24 newspaper and website, et cetera.

25 COMMISSIONER WALDHEIM: Mr. Jenkins, from our

180

1 point of view that I can see right now, it's
2 unfortunate that it happened; however, the fact still
3 remains that Resnick is in the budget, Resnick is on
4 the Rodrigo screen. It was put in there by the
5 Legislature. It's just a technicality with your
6 regulations. So it's not lost at this point when the
7 negotiations start and we still have the money over
8 there and then we can bring it back to the Commission
9 whenever you want.

10 But I just want to let you know that this is a
11 25-year project that Ed Hastings, Director of BLM, has
12 been working on. It's not something, a fly-by-night
13 overnight. It's really kind of appalling that this
14 would be done like it is. It's not right. This is one
15 of those areas that somebody really lost it.

16 CHIEF JENKINS: I understand your point, and I
17 just go back to that we have to stay with our process
18 to remain legal in the process.

19 CHAIR SPITLER: But the problem is when you tell
20 an applicant not to apply for a grant, that's --

21 CHIEF JENKINS: As I stated, I have no knowledge
22 of anything like that.

23 CHAIR SPITLER: -- how is that part of a legal
24 process?

25 I want to correct Commissioner Waldheim. This

181

1 can't come back to the Commission because of the
2 three-year time frame limit runs at this point before
3 our next grant period -- (Inaudible).

4 COMMISSIONER WALDHEIM: Procedurally we already
5 voted on it. We've already put -- this was nothing but
6 a formality. This was nothing but a formality for the
7 agency to bring a grant to us. That was all this was
8 about to shore up the formality of what we did in prior
9 years.

10 CHAIR SPITLER: I understand. At this point the
11 Division still has the opportunity to approve those
12 funds through capital outlay.

13 COMMISSIONER WALDHEIM: That is correct.

14 CHAIR SPITLER: But shows no inclination to do
15 so.

16 CHIEF JENKINS: And I did just recall as I'm
17 sitting here, I read that grant application, and under
18 the public notice, it said we put in public notice in
19 the newspaper last year, and we put it in two years
20 ago, and we don't need to put it in this year
21 essentially is what it said right in the application.

22 CHAIR SPITLER: The problem was that the
23 applicant was told not to apply, so it didn't start the
24 application until far too late in the process.

25 CHIEF JENKINS: I'm not conceding that point.

182

1 CHAIR SPITLER: Well, that's fine. You just
2 claim that you were new, but you're not conceding that
3 point, so.

4 CHIEF JENKINS: I'm saying that you're assuming
5 facts not in evidence.

6 CHAIR SPITLER: I'm assuming facts based on what
7 Mr. Keeler, standing right in front of us, told us.

8 MEMBER OF THE PUBLIC: Who told him not to
9 apply?

10 CHAIR SPITLER: Okay. I think we beat this one
11 enough.

12 COMMISSIONER THOMAS: Can someone explain to me
13 then is the position of the staff that in order to
14 spend the Onyx money that's been appropriated by the
15 Legislature and voted by this Commission in years'
16 past, they need yet another grant application; is that
17 what's going on?

18 CHAIR SPITLER: They have two mechanisms to
19 spend the money. One is through the grant program, one
20 is through capital outlay. So the grants program,
21 obviously the Division has made sure that that won't
22 happen this year, so now it leaves the capital outlay
23 program.

24 COMMISSIONER THOMAS: Let me ask that question.
25 For the record, does the Division intend to spend its

183

1 capital outlay for the Onyx Ranch, as we've approved in
2 years' past?

3 CHIEF JENKINS: I know you don't want to hear
4 the new guy defense again, but the capital outlay
5 program that we need to put forward in front of us, as
6 I understand it, for this Commission to approve, I
7 simply have not had the time to work on. I've been
8 totally involved in this process.

9 COMMISSIONER THOMAS: Well, you're not a new guy
10 now; you're an old guy. Tell us. You need to give us
11 an answer because you're responsible for this material.
12 What is your position as you sit today, understanding
13 it could change? But do you have any intention -- does
14 the Division have any intention of putting forward a
15 capital outlay item to acquire this land?

16 CHIEF JENKINS: And I'm simply responding to you
17 that I don't have enough information to answer that
18 question with any amount of assurance.

19 COMMISSIONER THOMAS: When do you think you'll
20 have it?

21 CHIEF JENKINS: I'm sure if Deputy Director
22 Greene were here, she would be able to answer it.

23 COMMISSIONER THOMAS: When do you anticipate her
24 coming back?

25 COUNSEL LaFRANCHI: I believe she's on the phone

184

1 with a legislator, and she'll be back in a few minutes.

2 COMMISSIONER THOMAS: Kern County legislator?

3 CHAIR SPITLER: Okay. I think probably enough
4 discussion on this.

5 COMMISSIONER WALDHEIM: Mr. Chairman.

6 CHAIR SPITLER: Excuse me, I think we'll go
7 ahead and keep all three of these off Consent.

8 COMMISSIONER THOMAS: Yes.

9 CHAIR SPITLER: I'd like to discuss them
10 further.

11 COMMISSIONER WALDHEIM: But there's a point of
12 order here that Mr. Jenkins needs to resolve for this
13 Commission. May I discuss that just real quickly?

14 CHAIR SPITLER: Please.

15 COMMISSIONER WALDHEIM: Commissioner Anderson
16 and myself are on the Minor Capital and Capital
17 Improvements Committee. I would like to request that
18 you as soon as possible call the two subcommittee
19 members and have a meeting on the major and minor
20 capital outlays, which we've been waiting for and
21 haven't received absolutely any communication. So that
22 needs to be done.

23 CHIEF JENKINS: That's noted.

24 CHAIR SPITLER: Okay.

25 COMMISSIONER WALDHEIM: Mr. Chairman, I will

185

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 give -- before you go on that, where is Jim Weigand?
2 Mr. Weigand, would you please tell us, because I'm
3 inclined to go with the restoration for the \$388,000.
4 If you go with your colleague next to you, and we're
5 going to have to lynch him later today, the \$213,000,
6 what effect will that have on your restoration and your
7 program? You're in charge of that \$388,000.

8 JIM WEIGAND: Right, this is not restoration.
9 I'm sorry, Jim Weigand, BLM, California State Office.
10 It's resource management for -- and it involves
11 essentially five components. Our archeological
12 stewardship program, which this Commission has funded
13 graciously for at least the last four years, it funds
14 in part my salary, and then three statewide monitoring
15 programs for birds in Serpentine and Sonoran desert
16 ecosystems, bat inventories and monitoring, so we can
17 rapidly close abandoned mine lands on OHV recreation
18 sites. And then the last is a new element to develop
19 uniform monitoring of amphibians on OHV sites in the
20 intercoast range of Northern California where we have a
21 number of rare species that we need to make sure we're
22 taking care of.

23 COMMISSIONER WALDHEIM: Mr. Chairman and
24 Commission members, I would like to point out to you
25 that we voted on \$1.4 million for conservation, and

186

1 that conservation was supposed to be a million dollars
2 for regional planning, \$400,000 was for localized.

3 I submit to you that Mr. Weigand, under his
4 leadership, that is regional. That is why I wanted him
5 to discuss that. When you go into the next one, the
6 next one you have is the \$378,000 for the restoration,
7 what effect of zero would that do? Staff is
8 recommending zero, and I'm going to recommend 378,000.

9 JIM KEELER: I'm sorry, which line item are you
10 referring to?

11 COMMISSIONER WALDHEIM: Number 37 -- not 37.
12 Where am I now?

13 COMMISSIONER THOMAS: Thirty-five.

14 JIM KEELER: The 398,000?

15 COMMISSIONER WALDHEIM: That's the plan.

16 JIM KEELER: That is the effort that we've been
17 working on to continue inventorying roads and trails
18 throughout the state. We do not have a restoration
19 component at the State Office level at this time.

20 COMMISSIONER WALDHEIM: So under his direction,
21 we're doing that in the south. We'll be talking about
22 that at the restoration.

23 JIM KEELER: That will be the California CDC,
24 the desert district office.

25 COMMISSIONER WALDHEIM: Thank you very much.

187

1 Mr. Chairman, number 35, I'm going with 388,000.
2 Number 36, I'm going with 110,220, that's the staff
3 recommendation. On 37, I'm going to go with 378,000.

4 CHAIR SPITLER: Keep those all off Consent and
5 discuss them further in November.

6 Okay. Eagle Lake, OR-1-NO-55, 56, 57, 58.
7 Anyone from Eagle Lake Field Office?

8 DUANE JACKSON: Good afternoon, Duane Jackson,
9 I'm an outdoor rep planner at the Eagle Lake Field
10 Office.

11 I just wanted to point out a few discrepancies
12 that I'm not sure if they stem from maybe my errors or
13 something else. But starting on line 29 and going
14 down, the total requested, I would have expected to see
15 17,835 and 17. So I just wanted to make a note of
16 that.

17 COMMISSIONER THOMAS: Just a second. Tell us
18 again. Are you talking about 58 is how much?

19 DUANE JACKSON: It should have been seventeen is
20 what my request was.

21 COMMISSIONER THOMAS: In the conservation
22 category?

23 DUANE JACKSON: Actually, it should have been
24 enforcement. I'm not sure why I was placed in
25 conservation.

188

1 COMMISSIONER THOMAS: That's what we want know,
2 so 17 at 58.

3 DUANE JACKSON: Fifty-six would have been eight.

4 COMMISSIONER THOMAS: In enforcement?

5 DUANE JACKSON: In enforcement, that's correct.
6 And 57, they were in the correct categories totalling
7 35; would have been what I asked for.

8 COMMISSIONER THOMAS: It says 40 here.

9 DUANE JACKSON: Right, again, I'm not sure where
10 those numbers came from.

11 COMMISSIONER THOMAS: Okay.

12 DUANE JACKSON: I'm just trying to point it out.

13 COMMISSIONER THOMAS: What are your numbers?

14 DUANE JACKSON: Mine would have been 14 in
15 conservation and 21 in non-CESA, totalling 35.

16 So I think --

17 CHIEF JENKINS: Just for clarification, on your
18 project summary sheet, you asked for a ten percent --

19 CHAIR SPITLER: Excuse me, I'm sorry.

20 CHIEF JENKINS: We added two percent to each
21 number, that's why it's higher.

22 DUANE JACKSON: Yeah, I understand.

23 CHAIR SPITLER: I don't mean to interrupt. I'm
24 just weary of getting into a back and forth.

25 CHIEF JENKINS: I'm just telling him we did it

189

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 right. We helped him. We put the ten percent where it
2 belonged.

3 DUANE JACKSON: I appreciate that. I wasn't
4 sure that that's what I did. Thank you.

5 COMMISSIONER PRIZMICH: So is it right? Is it
6 correct?

7 DUANE JACKSON: I believe those number would be
8 correct, if that's what he did.

9 But so are we clear on that? I'll just move up
10 to number 58. On their September 16th, '05
11 spreadsheet, the score they gave me for 58 was 49 and
12 the percentage was zero. And then the Division
13 according to this spreadsheet where I think we're
14 working off of today, it indicates 85,550 as far as
15 recommended by the Division. So I wasn't sure how that
16 worked, but anyway. And then you drop down to 56, and
17 my understanding, according to this spreadsheet from
18 September 16th, the score was 57 with a percentage of
19 45, and then Division recommended zero. So I'm just --
20 I'm just not sure, you know, which one -- what are the
21 correct numbers. So I just wanted to point that out.

22 CHIEF JENKINS: This is another one of those
23 project cost sheets issue that we can write you in
24 better detail and give that to you, as well.

25 DUANE JACKSON: Sure, you bet. Thank you. I

190

1 don't have any further comments.

2 CHAIR SPITLER: Thank you. Any member of the
3 public wishing to comment on Eagle Lake.

4 RYAN HENSON: Yes, Ryan Henson, California
5 Wilderness Coalition. The BLM Eagle Lake Field Office
6 in recent years has done absolutely outstanding work
7 closing unauthorized drought and wilderness study areas
8 and other ecologically crippled places. This work was
9 largely funded by this Commission. One of the Eagle
10 Lake Field Office law enforcement grants is
11 specifically geared towards enforcing the successful
12 closures. It's also important to note that much of the
13 affected areas is in key sage grouse habitat. This is
14 a species of increasing concern throughout the west.
15 We hope that you'll support this law enforcement grant
16 after all. Thank you.

17 DON KLUSMAN: Don Klusman, California Four-Wheel
18 Drive Association. Back to multiple grants again. I
19 just love this.

20 Okay. 53, no, excuse me, wrong place.

21 How about 58? 58 we would ask for full funding
22 at the 17,000, not the 19,000 that was just corrected.
23 On 59, we would suggest 14,000 not the 28,000. This is
24 not a real heavily used area, so being the situation
25 that we're here in as far as not having enough dollars

191

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 to go around, that's why we're saying 14,000.

2 And on the FO&M, we would ask for full funding
3 at 38,000. OHV funds built these facilities. We need
4 to keep them in repair so that the deferred maintenance
5 don't kill us later on.

6 And the last one, we are going to support zero
7 funding because this is more of a strictly hunting
8 problem, and the Department of Fish and Game needs to
9 step in on this. We just cannot support that grant at
10 this time. Thank you.

11 COMMISSIONER WALDHEIM: Mr. Klusman, would you
12 give me the number that you said. What are you giving
13 on 58?

14 DON KLUSMAN: Seventeen.

15 COMMISSIONER WALDHEIM: Fifty-six.

16 DON KLUSMAN: Fifty-six?

17 COMMISSIONER THOMAS: That's the next one in
18 line --

19 COMMISSIONER WALDHEIM: There's two LEs.

20 DON KLUSMAN: Okay. Now, you've got me
21 confused. Okay. The numbers jump around, that's where
22 I got confused, okay. 56 would be --

23 COMMISSIONER WALDHEIM: Why do we have two law
24 enforcement?

25 DON KLUSMAN: We would support the first one,

192

1 the 58, and not the 56.

2 COMMISSIONER WALDHEIM: So you're saying 17,000
3 on 58?

4 DON KLUSMAN: Right, and zero on 56.

5 COMMISSIONER WALDHEIM: Zero on 56. But the
6 first one they show it as conservation, are you saying
7 that's enforcement?

8 DON KLUSMAN: That's an error. That should be
9 under law enforcement, if I'm not mistaken.

10 COMMISSIONER WALDHEIM: They asked for 19,000,
11 and you're saying 17,000.

12 DON KLUSMAN: Right.

13 COMMISSIONER WALDHEIM: Zero you're saying
14 for 56. What are you saying for 57?

15 DON KLUSMAN: Fifty-seven, his corrected number
16 a minute ago, which was 38,000 because the Division --

17 COMMISSIONER WALDHEIM: Thirty-eight adds the
18 conservation and non-CESA.

19 DON KLUSMAN: Right.

20 COMMISSIONER WALDHEIM: What is it, the
21 conservation and non-CESA or just conservation?

22 DON KLUSMAN: It's conservation.

23 COMMISSIONER WALDHEIM: How much are you putting
24 in conservation?

25 DON KLUSMAN: Fourteen in conservation, and

193

1 21,000 in non-CESA.

2 COMMISSIONER THOMAS: That's thirty-five.

3 COMMISSIONER WALDHEIM: Okay. What did he say,

4 35?

5 COMMISSIONER THOMAS: Thirty-five.

6 COMMISSIONER WALDHEIM: Thirty-five and 14,000,

7 so that's 49,000.

8 COMMISSIONER THOMAS: Fourteen and 21,000, total

9 35,000.

10 COMMISSIONER WALDHEIM: Fourteen and 21,000; is

11 that okay, Mr. Klusman?

12 DON KLUSMAN: Yes.

13 COMMISSIONER WALDHEIM: And on 55, you said

14 zero?

15 DON KLUSMAN: Correct.

16 COMMISSIONER WALDHEIM: Okay. Thank you.

17 CHAIR SPITLER: Clarifying question for staff.

18 I don't understand. This spreadsheet here shows a

19 score of 39 and a percent of zero, but the funding

20 recommendation is 8,550 on OR-1-NO-58.

21 CHIEF JENKINS: That I see. If you look down,

22 you see a number under conservation and a number

23 under -- no, that's not right. You know what, I'll get

24 back to you on that.

25 CHAIR SPITLER: All right.

194

1 COMMISSIONER PRIZMICH: That's inconsistent.

2 CHAIR SPITLER: It looks like we've got some
3 problems here. Why don't we keep them off of Consent.

4 COMMISSIONER WALDHEIM: But I'm going to go on
5 Mr. Klusman's numbers. That's what I'm going to put in
6 my sheet: 17,000 for 58. I'm going to put 14,000 in
7 conservation on 57, and 21 into non-CESA for number 57.
8 I'm going to put zero in 55. Did I catch them all? I
9 think I got them. That's it.

10 CHAIR SPITLER: Okay. Let's get through one
11 more and had then we will take a break.

12 BLM Redding. OR-1-NO-60 through OR-1-NO-64.

13 SKY ZAFFARANO: Sky Zaffarano, Redding Bureau
14 Land Management. On OR-1-NO-60, our law enforcement
15 request, we requested 75,000 and we're recommended at
16 33,750. And 30,000 of that law enforcement request is
17 set forth in the Shasta County Sheriff contract. And
18 the Shasta County Sheriff play an important and
19 integral part of our law enforcement program due to the
20 mix of both federal and private lands within our
21 off-highway area. We're not sure exactly how the
22 33,750 will be recommended as far as specific spending.
23 So it could take away from that, the Shasta County
24 contract, or it could impact our BLM law enforcement
25 patrol. So we would like to see an increase there.

195

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 As far as the other four, we can accept the
2 staff recommendations.

3 CHAIR SPITLER: Any member of the public wishing
4 to comment on Redding?

5 SYLVIA MILLIGAN: My name is Sylvia Milligan,
6 and I'm chairperson of Recreation Outdoors Coalition in
7 the Redding area, and we totally support the BLM and
8 their grant request. They've done an excellent job. I
9 am not a person that likes to see private property
10 bought up by government entities. But in this
11 particular case where there are so many pieces of
12 private property interspersed in this Chappie Riding
13 area, I think they're doing a great job of picking up
14 these pieces of property, too, so that they do not have
15 the problems with the public, the land owners, and
16 whatever. I highly recommend anything that the BLM in
17 Redding does to improve this area. We support them
18 totally.

19 JOHN SCHUYLER: John Schuyler, Shasta-Trinity
20 National Forest. We jointly manage the Chappa Shasta
21 OC area with the BLM, for example, the staging area on
22 national forest, the miles of trails are on BLM, so we
23 support all of these applications.

24 RYAN HENSON: Ryan Henson, California Wilderness
25 Coalition. I wrote a long and detailed statement as to
196

1 why we support all of Redding BLM's OHV grant proposals
2 for this fiscal year. But I'll summarize it now for
3 the sake time and say that if they can, through the
4 land acquisition and trail maintenance and law
5 enforcement, keep the Shasta Chappa OHV area a nice
6 place to go, then they can draw some of the use away
7 from the more sensitive areas. For example, when it
8 was more difficult to get into the Shasta Chappa OHV
9 area after 9/11, people started to go further out, and
10 we started to see damage to meadows and other such
11 places. So I think the BLM in Redding does an
12 excellent job.

13 Just to tell you an example of what kind of
14 challenges they face, they share a Sweco tractor with
15 two other BLM offices, so all three BLM offices only
16 have one Sweco tractor, which spent all of its time on
17 the highway instead of on the trails. So they deserve
18 one. Thank you.

19 COMMISSIONER THOMAS: Question: It looks like
20 only one, two, three, four -- five grants, and they're
21 all cut somewhere, 45, 55 percent. Would you support
22 increasing the funding, the staff level, what do you
23 think is an appropriate level of funding for these
24 grants?

25 RYAN HENSON: That's a very good question. At

197

1 future OHV Commission meetings, I'll come prepared to
2 talk about specific dollar amounts. But this being my
3 first one, I just had, you know, general expressions of
4 support or opposition.

5 COMMISSIONER THOMAS: You my want to go talk to
6 BLM, maybe they can help you.

7 COMMISSIONER WALDHEIM: If you're going to get
8 into this, would you please do us a favor to interact
9 with the user community? You have Mr. Pickett,
10 Mr. Haris, Don Klusman, and Mr. Amador. If you could
11 sit down, it could be cool to have you guys all
12 together on the same page. You may not agree
13 philosophically on some things, but working together in
14 management that's how we're going to solve our
15 problems.

16 RYAN HENSON: We do sit down together quite a
17 lot.

18 DON KLUSMAN: Don Klusman, California Four-Wheel
19 Drive Association. See if I can get the numbers right
20 this time.

21 The first one, NO-60, we would like to see that
22 number bumped up because of what was just said. The
23 BLM Redding has a contract with the sheriff up there.
24 Because the Chappie Shasta area is checkerboarded so
25 heavily by private property and public property, they

198

1 have contracted with the local sheriff up there.
2 Instead of you getting a grant from the Shasta County
3 Sheriff's Department, it's incorporated into this. So
4 we'd like to see that number bumped up to 50,000, which
5 would give 30,000 to the sheriff and leave 20,000 to
6 BLM. And BLM is probably slowing a knife in my back
7 right now, anyway.

8 COMMISSIONER WALDHEIM: Mr. Klusman, have you
9 looked at the PAR report that justifies your statement?

10 DON KLUSMAN: I'm justifying it on the
11 experience up there, not what's on the piece of paper.
12 I am very -- I happen to be chairman of the RAC for the
13 northwest, along with Ryan on that RAC that just spoke,
14 and we have seen firsthand that things have improved up
15 there tremendously. So, no, I'm not going by what's in
16 that book. I'm going by personal experience.

17 The next three -- or let's see, one, two, three,
18 four -- next four, we would go with staff
19 recommendation on them. Thank you.

20 NICK HARIS: Nicolas Haris, American
21 Motorcyclist Association. I'm going to defer to what
22 Don just stated for the first few. As far as the
23 equipment support, we would like to fully support full
24 funding for the equipment grant. And the land
25 acquisition, I think we've discussed this grant at

199

1 least four or five times here, and I'm glad to see that
2 they're ready to move forward on it, and I would like
3 to not lose this opportunity. We've discussed this at
4 length in front of the Commission, the access issue
5 they've had there. So I'm glad to see this would
6 address that. Thank you.

7 COMMISSIONER WALDHEIM: Mr. Chairman, I would
8 like to give the recommendations that I'm going to be
9 doing on the LE number 60, go 50,000; on number 61, the
10 trail, staff recommendation at 32,500. On number 62,
11 \$10,000. On number 63, the equipment, \$50,000. And
12 you need to find out -- there's no trailer in here.
13 You can't buy a Sweco tractor without a trailer, unless
14 you have one in the field. You have one?

15 SKY ZAFFARANO: Yes, we already have one.

16 COMMISSIONER WALDHEIM: So we don't have to deal
17 with that one, cool. So put \$50,000 on the equipment.

18 On the acquisition 269,500, and the reason for
19 the reduction is because there's some administrative
20 stuff that was put in there we don't want to deal with,
21 so 269,500 on the administrative.

22 CHAIR SPITLER: What did you say on NO-61.

23 COMMISSIONER WALDHEIM: 61, staff
24 recommendation.

25 CHAIR SPITLER: I think that one is fine on

200

1 Consent. I think the other ones probably need to come
2 off.

3 COMMISSIONER THOMAS: And perhaps for
4 clarification, this acquisition project is moving
5 forward, but the others were not. Why is that? And
6 why did the --

7 DEPUTY DIRECTOR GREENE: I'm sorry,
8 Commissioner Thomas.

9 COMMISSIONER THOMAS: I was asking BLM why is
10 this acquisition moving forward and the other project
11 was not.

12 SKY ZAFFARANO: Are you speaking specifically to
13 the Redding BLM acquisition?

14 COMMISSIONER THOMAS: Yes, you're asking for the
15 fog 394,000.

16 SKY ZAFFARANO: Right. Ours is a local
17 specifically written and applied for locally out of our
18 field office. It doesn't relate to the other
19 acquisition.

20 COMMISSIONER WALDHEIM: You have a phase one and
21 phase two, right?

22 SKY ZAFFARANO: Yes, yes.

23 COMMISSIONER WALDHEIM: It was broken down.

24 SKY ZAFFARANO: It was broken down to
25 priorities.

201

1 COMMISSIONER WALDHEIM: Right.

2 CHAIR SPITLER: Anything else on Redding? Why
3 don't we go ahead and take a short break here? Come
4 back, finish up Ukiah, and move on to the U.S. Forest
5 Service.

6 (Break taken in proceedings.)

7 CHAIR SPITLER: Let's go ahead and get started,
8 folks, to grab a seat. The next grant up is -- folks,
9 go ahead and take your seats -- OR-1-NO-59 BLM Ukiah.
10 Is there anyone from BLM Ukiah here?

11 JIM KEELER: I'm here representing Ukiah today.
12 I'm Jim Keeler from the California State Office. We
13 would accept the Commission recommendation, but
14 depending on the public comment would also keep the
15 process open if there were a chance for some additional
16 funding. Most of the Commission or the Division
17 recommendation level covers just two contracts for Lake
18 County and Mendocino County sheriff, both to do some
19 contract law enforcement in that area as well. So,
20 again, we have this same issue of how we allocate
21 between our own needs and two county contracts. So
22 thank you.

23 COMMISSIONER THOMAS: Jim, can you tell us what
24 the Division of the 102,000 you're asking for, who gets
25 what, in other words, how much is subcontracted?

202

1 JIM KEELER: Yes, I have it right here.
2 Mendocino County Sheriff agreement looks like 7500,
3 Lake is 7500, and the abandon vehicle removal, so
4 that's a total of 15,000. Our law enforcement we're
5 asking for 78 so it's not a 50/50 mix there by any
6 means.

7 COMMISSIONER THOMAS: Your law enforcement
8 you're asking for how much?

9 JIM KEELER: At the 110,000 or total level
10 there.

11 COMMISSIONER THOMAS: Yes, at the request.

12 JIM KEELER: We were asking for 78,340.

13 COMMISSIONER THOMAS: And I look at the PAR
14 report, and it looks like there was only three
15 citations issued, but 23 complaints. Is that --

16 JIM KEELER: Yes, I cannot speak to that, I'm
17 sorry. But I do know that the relationship between the
18 user public there and the law enforcement there, Doug
19 Prada, who was in the stakeholders group yesterday, has
20 an excellent relationship with the users. So in a lot
21 of ways, I think he does very community-oriented law
22 enforcement there.

23 COMMISSIONER THOMAS: Does this include the
24 Clear Lake, the area where you had all of the --
25 Knoxville?

203

1 JIM KEELER: I don't know how to split Knoxville
2 in here. A good part of this is for the South Cow
3 Mountain.

4 COMMISSIONER THOMAS: Is this the area where we
5 had all of the trouble the last few years?

6 JIM KEELER: Yes.

7 COMMISSIONER THOMAS: Knoxville, so he only
8 wrote three tickets in the Knoxville area where we had
9 all of these terrible problems?

10 JIM KEELER: Mr. Klusman, maybe you can help me
11 on this? I was not prepared to speak to this issue,
12 I'm sorry.

13 CHAIR SPITLER: Why don't we go ahead and start
14 this public comment.

15 DON KLUSMAN: Don Klusman. You broke it; lost
16 its little thingy. Don Klusman, California Four-Wheel
17 Drive Association.

18 All of these grants of the north were talked
19 about in-depth at our RAC meeting, at the last one we
20 had. And it's unfortunate that Ukiah couldn't make it
21 over here today, but the law enforcement -- the reason
22 the PAR report or the PAR does not show Knoxville
23 because this Commission has not funded Knoxville. It
24 has specifically said that Cow Mountain and other
25 areas, and would not fund Knoxville.

204

1 So as the way I read this application, still
2 they're not asking for funding in Knoxville. This
3 funding would go to South and North Cow Mountain, which
4 South Cow Mountain is always fee and North Cow Mountain
5 is not always fee. And Ukiah has done an excellent
6 job.

7 Again, they've done what the Commission has
8 asked for. In the past, the Commission asked for the
9 agencies to contract with the local sheriffs so we
10 wouldn't have to, one thing, deal with so many county
11 grants, the sheriff wouldn't have to deal with it. BLM
12 could get the contract with them, and then ask for the
13 grant.

14 So all of that being said, we would ask that the
15 staff recommendation be increased. Let me get my
16 numbers here. We would ask that it be increased to
17 75,000 for law enforcement. And like I said, they have
18 done an excellent job on Cow Mountain and so forth.
19 And, yes, there are still some problems in Knoxville
20 and, yes, the county is dealing more with that on their
21 own level rather than BLM. BLM is still trying to --
22 because of the fires a lot of the area is closed to OHV
23 anyway, about two-thirds of it in Knoxville. And as I
24 understand, they have a fire going over there at the
25 present time again in the Knoxville area. So it may be

205

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 all closed to us. We don't know at this point. But
2 the law enforcement is not for Knoxville.

3 COMMISSIONER THOMAS: Is there any way we can
4 get the PAR report for Knoxville to see if in fact this
5 is effective use of law enforcement funding?

6 DON KLUSMAN: Well, our funding is not going to
7 Knoxville. The county is doing Knoxville funding and
8 the BLM portion when they are patrolling at Knoxville
9 is not OHV funds. It's appropriated dollars because
10 this Commission told BLM not to use --

11 CHAIR SPITLER: Considering there is no one here
12 from BLM Ukiah, it's probably tough to get those
13 questions answered.

14 DON KLUSMAN: Thank you.

15 CHAIR SPITLER: Thank you, Mr. Klusman.

16 DON AMADOR: Don Amador, Blue Ribbon. I just
17 wanted to echo in support of what Don Klusman had said
18 and also wanted to comment, too, that a number of years
19 ago, I believe it was this Commission, that told the
20 BLM field office not to apply for any trail maintenance
21 monies there. And I would like this Commission to once
22 again encourage them to apply for trail maintenance
23 funding because it's a very important area. They work
24 with the public there well, and like to see them apply
25 for trail maintenance funding in the future. Thank

206

1 you.

2 CHAIR SPITLER: Thank you. Looks like we will
3 take this one off Consent.

4 COMMISSIONER WALDHEIM: Mr. Chairman, I'm going
5 to put \$20,000 for enforcement on NO-59. That covers
6 the sheriffs.

7 COMMISSIONER THOMAS: But staff recommends --

8 COMMISSIONER WALDHEIM: Staff recommends 56,000.
9 I'm recommending 20,000.

10 COMMISSIONER THOMAS: Okay. You're lowering.

11 COMMISSIONER WALDHEIM: That covers the sheriff
12 contracts.

13 COMMISSIONER THOMAS: Do you have a reason for
14 cutting that you can articulate?

15 COMMISSIONER WALDHEIM: So much is closed
16 anyway.

17 MEMBER OF THE PUBLIC: No, Cow Mountain is
18 completely open. Off to the riding areas --

19 COMMISSIONER THOMAS: Okay. We'll work on it.

20 I'm going to recommend 75. I'm going to
21 recommend that we'll look at it.

22 COMMISSIONER WALDHEIM: Okay.

23 COMMISSIONER THOMAS: There's inconsistent data
24 coming in, maybe we can work that out.

25 CHAIR SPITLER: That concludes the Bureau of

207

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 Land Management.

2 DEPUTY DIRECTOR GREENE: Commissioner Spitler,
3 may I have the opportunity to make a comment, please?

4 When I was out of the office -- out of the room,
5 I was informed that there was a statement made by a BLM
6 representative regarding the Onyx Ranch property. For
7 the record, I would like to clarify what I said. And I
8 think as we just heard now, it is -- it would never be
9 up to myself or any member of the Division staff to
10 tell an applicant to apply or not to apply for funding.
11 That is simply not our role. That is the role of the
12 Commission, if they want to put that message out. It
13 would never be something that would be said from our
14 office.

15 In conversations that I did have with BLM, what
16 I shared was the fact that I had been receiving calls
17 from the various -- from the property owners who had
18 expressed continued concerns about that acquisition.
19 What I also said in that conversation was that
20 regarding regulations as it pertained to acquisitions
21 this year, that that needed to be looked at.

22 And then finally what I did say was that in
23 light of the audit that this issue was raised in the
24 acquisition section, that those of us at California
25 State Parks would have to examine and be able to answer

208

1 some of the questions as it pertained -- that were
2 raised in the audit as it pertained to Onyx Ranch.
3 That was the extent of the conversation.

4 CHAIR SPITLER: With all due respect, Deputy
5 Director Greene, I've heard from three separate
6 applicants this year that told me that Division staff
7 specifically told them not to apply for grants because
8 they would not be well received. So I just find that
9 hard to reconcile with your statements that you're not
10 sending that message out there to certain applicants.

11 DEPUTY DIRECTOR GREENE: Chairman Spitler, that
12 message has not gone out to certain applicants or any
13 applicant for that matter. If you have some
14 information that I'm not privy to, I certainly would
15 hope that you would bring that forth to my attention.

16 CHAIR SPITLER: Some of it was brought forth
17 when you were out of the room. A BLM state coordinator
18 told that he was specifically told not to apply for a
19 grant for Onyx, unless you're saying that he's lying.

20 DEPUTY DIRECTOR GREENE: I am telling you that
21 that was apparently a conversation that he and I had,
22 and I'm making clear that that conversation did -- in
23 no way, shape, or form was that ever expressed. And we
24 have had conversations that with Mike Gould and Jim
25 Abbott about this very issue. And at no point in time

209

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 would it ever be up to me or any member of the Division
2 staff to say such things.

3 CHAIR SPITLER: Your view of reality is simply
4 much different than the version I hear from others,
5 including potential applicants.

6 DEPUTY DIRECTOR GREENE: And I'm sorry that you
7 hear that. I think that what is most important is
8 perhaps go to the director of BLM, as well as Jim
9 Abbott, to get clarification on the conversations that
10 perhaps both you and I have had regarding Onyx Ranch.

11 CHAIR SPITLER: Okay. Anything else on Bureau
12 of Land Management?

13 COMMISSIONER THOMAS: Well, let's just ask the
14 question I asked earlier.

15 Does the Division intend to apply -- to make a
16 capital acquisition request for the \$9 million of Onyx
17 Ranch that is foregone in the grant that is not being
18 heard?

19 DEPUTY DIRECTOR GREENE: Commissioner Thomas, I
20 think we recognize the longstanding issue at Onyx Ranch
21 and need to work with BLM and those lands, the
22 checkerboard lands in the riding area of Jaw Bone and
23 Dove Springs. We also recognize the immense amount of
24 work that's gone on in this area by Members of this
25 particular Commission. And while we would like to

210

1 perhaps if possible move forward, we first and foremost
2 have to be able to address those issues that were
3 raised in the audit. And unless those issues are
4 addressed, and we have certainty with regards to those
5 answers, we will not be able to move forward until we
6 have that clarity.

7 COMMISSIONER THOMAS: So it's your testimony
8 that you will not -- the Division will not be applying
9 for capital line item? When do you anticipate those
10 questions will be resolved so that we can apply?

11 DEPUTY DIRECTOR GREENE: Well, I think that that
12 would perhaps be addressed by the Resnick family who
13 we've been with ongoing negotiations for many, many
14 years. And once that -- those particular property
15 owners can come to an agreement, and at that point in
16 time -- we were waiting last year on an appraisal,
17 which has been done. But the last conversation I
18 believe that had taken place with the property owners
19 was that they were not in agreement of the large
20 acquisition. Again, this was an issue that's been
21 ongoing.

22 COMMISSIONER THOMAS: You're not answering the
23 question. I said:

24 If the problem with authorization of capital
25 expenditure lies with conclusions in the audit and that

211

1 we cannot move forward, we, the Division -- you, the
2 Division, cannot move forward until those questions are
3 clarified, when do you anticipate those questions being
4 clarified?

5 DEPUTY DIRECTOR GREENE: Well, I think first and
6 foremost, again, I come back to even once we have
7 clarification, which I would like to have, you know, as
8 soon as possible, we still are up against the fact that
9 we don't have agreement from some of those property
10 owners to move forward with that acquisition.

11 COMMISSIONER THOMAS: But that's a separate
12 matter altogether. I'm just asking:

13 When do you anticipate, an estimate, we will be
14 free or clear of the questions raised by the audit that
15 is blocking you from putting forward a capital outlay?

16 DEPUTY DIRECTOR GREENE: I'm afraid I don't have
17 an answer for you for that at this time.

18 COMMISSIONER THOMAS: Thank you.

19 COMMISSIONER WALDHEIM: Mr. Chairman.

20 CHAIR SPITLER: Yes.

21 COMMISSIONER WALDHEIM: Ms. Greene, in a
22 conversation, a conference call, that you and
23 Mr. Jenkins and myself have had -- I think it was when
24 Mr. Jenkins first came on there -- about the importance
25 of the Onyx Ranch, I made it very clear that we need to

212

1 contact those folks and we need to set up a meeting
2 between yourself and/or Mr. Jenkins and myself. The
3 family is still willing to sell the portions that are
4 interlocked with our OHV system. That is what I
5 personally have been interested in, the 20,000 acres.
6 The audit did not talk about that.

7 The audit talked in generalities, and the audit
8 was wrong when it stated that -- or it's wrong because
9 it didn't explain what the non-opportunity is. There
10 is opportunity in that, not the entire 64,000 acres,
11 but definitely on the 20,000 acres. I'm interested in
12 the 20,000 acres, and this is what -- I don't want to
13 see us lose this money that we've been working for 25
14 years go away because of an inaction by the Division or
15 an inaction by the BLM or whoever the inaction is. The
16 legislators put it in the bill for us to do. So it is
17 our job to get that done. The audit is not a stumbling
18 block. All you need to do is explain to the auditor
19 exactly what is happening down there, and that solves
20 your audit problems.

21 DEPUTY DIRECTOR GREENE: And I appreciate that,
22 Commissioner Waldheim. I believe in follow-up to that
23 conversation that we did have, absolutely we agree that
24 the BLM in the Jaw Bone and the Dove Springs areas and
25 the Onyx Ranch purchase is an important one. We also

213

1 have to address the appropriate use of OHV funds, and
2 those are those ongoing questions that we have. So I
3 would -- perhaps we, as I believe was mentioned when I
4 was out of the room, that this is an issue that we can
5 continue to have some dialogue on with Commissioner
6 Anderson and yourself.

7 COMMISSIONER WALDHEIM: Ms. Greene, I take great
8 exception to the "proper use of funds". If you're
9 telling me on a piece of property that I am today using
10 is not appropriate use of funds, then we've got big
11 problems.

12 DEPUTY DIRECTOR GREENE: And I respect that,
13 Commissioner Waldheim. And I believe when -- again,
14 this is simply addressing those issues which were
15 raised in the audit, in the entire acquisition program
16 of Onyx Ranch.

17 COMMISSIONER THOMAS: Well, let's talk about the
18 audit here. It says that the -- in response -- the
19 auditor in response to questions being raised as to
20 whose authority to believe that the Onyx Ranch is
21 appropriate said, we think it's helpful to clarify that
22 there is a distinction between what the auditor
23 concludes and a legal conclusion. The Commission
24 suggests that the State Auditor reached a legal
25 conclusion that the Commission did not have authority,

214

1 when, in fact, we made no such conclusion.

2 So what he's saying is we have made no
3 conclusion that there are any legal problems with this
4 acquisition. So that sounds to me like it's your
5 problem about going forward, not the auditor's problem.

6 DEPUTY DIRECTOR GREENE: And,
7 Commissioner Thomas, I appreciate your opinion. I
8 think, as I already stated, that certainly we recognize
9 how important that Checkerboard lands are in the Jaw
10 Bone and Dove Springs area. It is important. We also
11 recognize that we -- you're right; it's the opinion of
12 the auditor, but that audit also is a significant
13 document for California State Parks.

14 COMMISSIONER THOMAS: Well, if the auditor has
15 concluded there is no legal problem, then we follow it
16 up by asking the auditor what was the basis for his
17 auditor's opinion, and he said, rather, we reached the
18 auditor's conclusion on generally accepted government
19 funding standards, which means the question has never
20 even been answered. So we have no legal problem. We
21 don't have an auditor's problem that is based on
22 authority, but we seem to have a Division problem.

23 CHAIR SPITLER: Excuse me, sorry.

24 DEPUTY DIRECTOR GREENE: I was just going to
25 say, if we could go back --

215

1 CHAIR SPITLER: If I could, I'm going to
2 interject here because we're not talking about an item
3 that's actually on the agenda, and I think we probably
4 should put the audit on the agenda. I think these
5 concerns raised by acquisition in regards to Onyx
6 certainly carry over to acquisition at Riverside. And
7 I know that I have serious reservations about that
8 project in light of the serious findings in the audit
9 report. So I think, you know, that raises all types of
10 unanswerd questions for me, but I think we will have
11 to put this on the agenda for further discussion at
12 some point in the future. At this point we're really
13 just a subcommittee --

14 COMMISSIONER WALDHEIM: Mr. Chairman.

15 CHAIR SPITLER: Taking public comments on the
16 Northern California.

17 COMMISSIONER WALDHEIM: We need to put it on the
18 agenda for October. We're running out of dates. If we
19 give up that money, I am not going to be a happy
20 camper.

21 CHAIR SPITLER: I do not want that. If we could
22 just go ahead and move forward here.

23 We will go ahead and move on to the El Dorado
24 National Forest.

25 MEMBER OF THE PUBLIC: Can I make one comment?

216

1 CHAIR SPITLER: No, I'm sorry.

2 MEMBER OF THE PUBLIC: Real quick.

3 CHAIR SPITLER: What's it in regard to?

4 MEMBER OF THE PUBLIC: On the audit, and just a
5 suggestion.

6 CHAIR SPITLER: It's not on the agenda. We're
7 not doing public comment on it. Sorry, if I gave you
8 the chance, I would have to give everybody. We're
9 talking about an item that's not supposed to be on the
10 agenda, so I apologize.

11 Okay. OR-2-E-68 through OR-2-E-74, El Dorado
12 National Forest.

13 LESTER LUBETKIN: Good afternoon, Commissioners.
14 I'm Lester Lubetkin, recreation officer on the
15 El Dorado National Forest, and I'd like to, if I could,
16 make a couple of points about the grant applications we
17 have submitted. We had seven projects.

18 What I'd like to start with was the, let's say,
19 it's OR-2-E-69 trail maintenance, and in particular the
20 one evaluation criteria of whether or not the project
21 demonstrates a unique recreation opportunity or
22 experience, and suggest changing or encourage the point
23 score for that one being 15.

24 The trail opportunities on the El Dorado serve a
25 large urban area in the Sacramento, Bay Area, Stockton,

217

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 and we have visitors that come over from other areas.
2 We also offer, because of some of the low elevation
3 areas, late season, some winter opportunities. So it
4 provides some unique opportunities for those
5 communities. And then the other would be that there's
6 a variety of trail opportunities on the forest,
7 specifically the application was for maintenance of
8 primarily motorcycle and ATV trails. But that's
9 because the application was focused on just two areas,
10 on the Georgetown District and on the Amador Ranger
11 District. But then across the forest, there is a
12 four-wheel drive, ATV, motorcycle trails and a whole
13 variety of opportunities.

14 Then specifically for OR-2-E-68, which is the
15 law enforcement project, I wanted to recommend the
16 criterion for whether the project demonstrated
17 efficient use of funds, felt that the score should be a
18 15, that we have a mix of forest protection officers
19 and law enforcement officers, real effort at efficient
20 use of funds. We use volunteers to provide information
21 kiosks along the Rubicon and up in the area along --
22 for the winter visitors on the Morgan Immigrant Trail.
23 The project itself includes summer and winter
24 cooperating with counties and other agencies. And one
25 key concern is that with the reduction of funding to

218

1 El Dorado County Sheriff and the Humboldt Toiyabi of
2 some of the effects then and the need to continue the
3 law enforcement efforts through the El Dorado National
4 Forest.

5 The criterion of whether or not the project
6 demonstrates negative -- the negative impacts of not
7 funding, again, the issues of funds going to -- not
8 going to El Dorado County and Humboldt Toiyabi and the
9 others that we've got a new forest order in place
10 restricting motor vehicle travel to the system roads
11 and trails. And that the effort at implementing that
12 order has been very extensive across the forest. I'd
13 like to make sure we keep that energy and that effort
14 going. There's been significant forest investment so
15 far, but at this point we'd like to also use some of
16 the OHV funds.

17 The third would be the criterion on whether or
18 not the project or the application improves the
19 recreation experience and health and safety. And,
20 again, we'd ask for a score of 15. Many of the ideas
21 in that and in the application focus on needs in
22 particular along the Rubicon Trail and up the
23 incursions into Mokulumne wilderness where we're
24 clearly trying to still provide the recreational
25 opportunity, but address recreation opportunities for

219

1 non-motorized users, and also just general health and
2 safety of the visitors.

3 For project OR-2-E-70, that's the restoration
4 application, feel that the evaluations didn't address
5 some of the things that we felt were in the
6 application, in particular whether or not the project
7 includes law enforcement that we -- some of that was
8 addressed in the law enforcement application, but that
9 clearly that we are committed to -- we have a forest
10 order. We're doing signing. We've been doing
11 monitoring. We've been doing the enforcement through
12 that law enforcement element.

13 Whether or not the project demonstrates
14 efficient use of funds, again that we've had experience
15 with some of the same type of restoration work, and
16 we've learned how to use some of the equipment as far
17 as for this type of specific recreation -- restoration.
18 We will be using existing forest equipment so there is
19 a savings there, using the Swecos, and also some
20 materials that are from nearby. So we're not
21 purchasing materials from off-site. And that we've
22 grouped the projects into areas so that there's an
23 efficiency there. And would recommend a ranking for
24 the -- or a rating for the restoration process between
25 a 95 and 100. And other than that I'll be willing to

220

1 answer questions.

2 CHAIR SPITLER: Okay. Stick around, we'll do
3 public comment, and we will get to questions in a
4 minute.

5 Public comments on El Dorado.

6 DON AMADOR: Don Amador, Blue Ribbon.

7 For the LE, we recommend a 100,000. For 69, the
8 trail maintenance, we support full funding at 100,000.
9 As you may know, this forest hasn't applied for various
10 number of reasons for any trail maintenance grants for
11 the last two or three years. They have a deferred
12 backlog of things they need to do, so please consider a
13 100,000 for fixing some of the issues up there.

14 Their restoration grant, number 70, I believe
15 they've created enough of a nexus, incorporated this
16 restoration project as an integral part of their OHV
17 program up there, so we'd ask you to support
18 restoration of 228,000; 71, the planning, support staff
19 at 9,000; 72, a full funding at 11,000 for FO&M; 73,
20 resource management, support staff at zero; and 74,
21 support staff at zero. Thank you.

22 CHAIR SPITLER: Thank you.

23 MARCUS LIBKIND: Marcus Libkind, Snowlands
24 Network. I want to comment on several of these. The
25 first is the law enforcement, that's number 68, and I

221

1 hope that the Commission in the end at least authorizes
2 what the Division has recommended. El Dorado does
3 quite a good job on law enforcement.

4 The next one is the restoration -- and someone
5 brought this up earlier. There is more money available
6 for restoration across the board than they're giving
7 out. And if it isn't given out, it goes into a pot.
8 And after so many years, that pot might even disappear.
9 It seems like things shouldn't be zeroed out just
10 because it's less than a score of 50 when there is
11 money to do it, unless it's truly a bad project. But
12 no one is saying that here. It's just with this rating
13 scheme, it's not, quote, high enough.

14 Finally, the third one I want to talk to is
15 number 74, which is the safety, which has to do with
16 creating a map, and it got a very low score. I went
17 through how things are scored, and what I saw is that
18 there's certain things, such as creating a map for both
19 the motorized and the non-motorized communities,
20 something like that is going to have a tough time ever
21 doing very well, and I see that as a problem. I hope
22 that the Commission will consider funding it. They
23 might look into whether a reasonable job could be done
24 at a less amount of money. I'm not qualified to say
25 that, just to get it done. Thank you very much.

222

1 KAREN SCHAMBACH: Karen Schambach, PEER and
2 Center for Sierra Nevada Conservation.

3 On El Dorado law enforcement, they are really, I
4 think, doing a commendable job in trying to enforce the
5 forest order in putting signs and patrol. So I'm
6 supporting the full amount -- or the requested amount
7 for law enforcement.

8 On trail maintenance, I support the amount for
9 Amador, but not for Georgetown because the Georgetown
10 Recreation District says they don't need grants to
11 implement that broad, and they've had several years in
12 which to revisit that and haven't. So I'm going to
13 take them at their word.

14 Restoration, I support the 228,000. I don't
15 support the planning grant. I support the resource
16 management grant at 6,000, and the safety grant at
17 17,000. Thank you.

18 CHAIR SPITLER: Thank you.

19 DON KLUSMAN: Don Klusman, California Four-Wheel
20 Drive Association. It's hell to get old, and you can't
21 see.

22 The first one, 68, we support it at staff
23 recommendation of the 147,550; 69, I support it at
24 80,000; 70, we support the full amount of the 228,000;
25 and 71, zero; 72, zero; and 73, zero. Thank you.

223

1 CHAIR SPITLER: How about 74?

2 DON KLUSMAN: Zero.

3 DAVE PICKETT: Dave Pickett, District 36,
4 Motorcycle Sports Committee. I'll just go by the
5 numbers.

6 On 68, staff recommendation; 69, staff
7 recommendation; I'm going to skip 70; 71, staff; 72 --
8 excuse me, 72, 73, 74, staff and staff. On OR-2-E-70
9 also going to support full restoration funding at the
10 requested amount; on 72 at 11,000. Thank you very
11 much.

12 CHAIR SPITLER: Thank you.

13 COMMISSIONER WALDHEIM: Mr. Chairman.

14 RYAN HENSON: Ryan Henson, California Wilderness
15 Coalition. I've now figured out how this works. You
16 go up here and you throw the numbers out so, that's
17 what I'll do.

18 COMMISSIONER WALDHEIM: You're a fast learner.

19 RYAN HENSON: I did run around asking the feds
20 what they need, so here's some preliminary results.

21 For the El Dorado, I think that you should fully
22 fund their law enforcement proposal. We are perplexed
23 that the restoration proposal got zeroed out. That's
24 critical as far as we're concerned. Also, just a quick
25 note on law enforcement, it's difficult to enforce a

224

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 court order with -- you know, it is in the end a piece
2 of paper. So it's critical to them to have more
3 resources. And otherwise we agree with everything
4 Karen Schambach said. Thank you.

5 COMMISSIONER WALDHEIM: Can the forest please
6 come up? I need a clarification on the maps. Working
7 with friends on the job at the California Trail User
8 Coalition, we spent about \$11,000 to print 20,000 maps.
9 You're going to print 2500 maps at \$2.50, right?

10 LESTER LUBETKIN: Part of the cost actually is
11 the preparation for those maps. It's been pretty
12 contentious, which is a big reason why we would like to
13 have these types of maps available. Over some of the
14 routes, whether or not they are available for winter
15 use, in particular for snowmobiles, and working
16 through -- what you see is there is a fair amount of
17 time in there for individuals to try and work through
18 the administrative record that we have for various
19 routes because they've shown, at different times
20 anyways, of whether they were routes -- roads that were
21 open for snowmobile use or not.

22 COMMISSIONER WALDHEIM: But you have
23 Mr. Klusman, you have Mr. Pickett, and you have Karen
24 Schambach, those folks should be able to come up with
25 the maps, so you give it to the typesetter. It doesn't

225

1 cost you a dime.

2 LESTER LUBETKIN: Except it does have to be
3 something that has an adequate administrative record to
4 it, then we can make it enforceable, as well, that we
5 can establish forest orders for it, that it wouldn't --
6 because, again, it has to tie back to our forest plan,
7 direction, and other existing decisions.

8 COMMISSIONER WALDHEIM: Thank you. Okay.

9 Mr. Chairman, ready?

10 CHAIR SPITLER: Yes.

11 COMMISSIONER WALDHEIM: Okay. 68 at staff
12 recommendation; 69 at 83,000; 70 at 207,000; 71, 9,000,
13 staff recommendation; 72, staff recommendation; 73,
14 staff recommendation; 74, staff recommendation.

15 CHAIR SPITLER: I can go with that except for
16 the 74, I think we ought to look at the map. It sounds
17 like there is fair amount of support for that.

18 COMMISSIONER WALDHEIM: Mr. Chairman, let them
19 come back to us for the realistic map. I mean for
20 11,000, I got 20,000 for print, and it cost me \$19,000
21 for the paperwork in that, so.

22 CHAIR SPITLER: Maybe they can hire you to make
23 the maps, but.

24 COMMISSIONER WALDHEIM: Maybe we can do that.
25 Maybe we will talk.

226

1 CHAIR SPITLER: I think it's worth considering.

2 COMMISSIONER THOMAS: Mr. Chairman.

3 CHAIR SPITLER: Put 68 -- I would propose 68,
4 71, 72, and 73 on Consent.

5 COMMISSIONER THOMAS: I'm going to pull Consent.
6 I want to see the full law enforcement money on 68 at
7 227,000, and I want to see the full restoration fund of
8 228,000. There is no shortage of restoration needs,
9 and we've got --

10 CHAIR SPITLER: I suggested that one come off.

11 COMMISSIONER THOMAS: Oh, you did say that was
12 off. Okay, I'm sorry. We can adjust it between now
13 and November if it's a small amount. So, Mr. Chairman,
14 which ones are on Consent in your eyes now?

15 CHAIR SPITLER: 71, 72 and 73.

16 COMMISSIONER THOMAS: Which are all zeros?

17 COMMISSIONER WALDHEIM: Nine thousand for 71.

18 COMMISSIONER THOMAS: Okay. So 71 is
19 planning -- and 73.

20 CHAIR SPITLER: Small resource management.

21 COMMISSIONER THOMAS: Which was again?

22 CHAIR SPITLER: Zero.

23 COMMISSIONER THOMAS: What was the function
24 again? What was the activity it was funding?

25 I'd like to take that off and put that on the

227

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 Consent -- off the Consent and discuss it along with
2 the package of other things. The reason I'm doing this
3 is I had an opportunity to meet with the new OHV
4 coordinator for the forest, and he's actually quite
5 sophisticated and a smart guy working very hard. John
6 Barry is actually dedicated to solving OHV problems,
7 and this is the first time this forest has been so
8 proactive, and I think we should work with them at
9 least to be fully supportive as we can, specifically
10 with this new staff. If things don't go well and the
11 next year looks like the last 20 years, then we can
12 yank them off. That's the sore spot to see these
13 things pulled.

14 CHAIR SPITLER: Okay. That leaves 71 and 72 at
15 zero on Consent. Okay. We will go with those.

16 OR-2-HT-13, Humboldt Toiyabe National Forest.
17 Anyone from the public who wishes to comment on the
18 Humboldt Toiyabi request? Okay, Commissioners?

19 COMMISSIONER WALDHEIM: I'm doing snow on
20 this -- this is snow. I'm doing zero. That's a whole
21 issue we need to discuss.

22 CHAIR SPITLER: Pull that one off.

23 Okay. OR-2-K-56 and 57, Klamath National
24 Forest. Anyone from the Klamath here? Anyone from the
25 public want to speak on the Klamath National Forest

228

1 requests? Okay, Commissioners?

2 COMMISSIONER THOMAS: I want to see the \$11,000
3 funding in K-56. Take that off Consent.

4 COMMISSIONER WALDHEIM: I put that at zero.
5 Number 57, I put that at zero, snow again.

6 CHAIR SPITLER: Both of them are snow?

7 COMMISSIONER WALDHEIM: Yes.

8 COMMISSIONER THOMAS: Let's take them off and
9 talk about snow. Just because they happen to be in the
10 north, doesn't mean they don't have problems with law
11 enforcement. I don't want to deny everybody north of
12 Redding any kind of money from the State of California
13 just because they happen to be north of Redding.

14 COMMISSIONER WALDHEIM: I just want to make
15 everybody understand, again.

16 CHAIR SPITLER: We got you.

17 COMMISSIONER WALDHEIM: Trying to figure out
18 which pot we're going to get it from.

19 COMMISSIONER THOMAS: That's why we have it at
20 zero, snow.

21 CHAIR SPITLER: Okay. OR-2-LTB-56 through
22 LTB-60, Lake Tahoe Basin.

23 DOUG RIDLEY: That would be me. Good afternoon,
24 my name is Doug Ridley. I'm the OHV coordinator and
25 trails specialist for the Lake Tahoe Basin. The basin

229

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 submitted five grants, one for law enforcement, one for
2 equipment, education, safety, OHV safety and education,
3 resource management and restoration.

4 I appreciate the effort and dedication of the
5 Division in developing and facilitating the new OHV
6 application process. It hasn't been easy. It's been
7 difficult for us, but I think it's a step in the right
8 direction, so thanks for moving there.

9 Basin fully supports the Division's
10 determinations for the Consent Calendar for law
11 enforcement, LTD-56; equipment, LTB-59; Safety and
12 Education, LTB-60; and resource management, LTB-58.
13 While I am personally responsible for quality or lack
14 of quality in the restoration grant, LTB-57, I would
15 respectfully request removal from Consent Calendar and
16 that discussions be open for the November meeting for
17 the restoration grant. We had a score of 48, which
18 obviously is not 50, but failed just short of
19 consideration. In criteria one, instead of going on a
20 long discussion of law enforcement in the basin for
21 both summer and winter activities, we referenced the
22 law enforcement grant outlined in -- our other law
23 enforcement efforts outlined in our grant otherwise
24 submitted. So we didn't go into a long discussion in
25 the restoration grant on that behalf.

230

1 In criterion five, we received poor marks for
2 innovative approaches to restoration. Simply put our
3 restoration efforts are very simple: Delineate and
4 harden trails and use areas, provide barriers to
5 prevent illegal use, scarify, mulch, till and reseed.
6 Basically these are not necessarily innovative
7 reproaches. They require material, machinery and
8 manpower. So the basin feels this grant still has
9 merit and would appreciate further consideration of
10 that. Thank you.

11 CHAIR SPITLER: Thank you. Anyone from the
12 public wanting to speak to the Tahoe Basin request?

13 DAVE PICKETT: Dave Pickett, District 36,
14 specifically to OR-2-TLB-58 for Lake Tahoe Basin
15 restoration management. I recommend zero on that.
16 This is baseline data that should be gathered with
17 agency funds, and there's just pitifully small OHV
18 opportunity left after massive closures on there.
19 Normally, I'm going to go with Division
20 recommendations, but on this particular one, we ask for
21 a zero consideration. Thank you.

22 COMMISSIONER THOMAS: Zero on which one again?

23 DAVE PICKETT: OR-2-LTB-58.

24 COMMISSIONER THOMAS: Fifty-eight.

25 DON KLUSMAN: Don Klusman, California Four-Wheel

231

1 Drive Association. Fifty-six -- I'm sorry, getting the
2 right deal here again. How about 57 -- no, 56 was
3 right, wasn't it?

4 Fifty-six, we agree with staff recommendation,
5 but saying that, I would not like to see that on
6 Consent yet because there's some data in there that's a
7 little confusing and probably Hal could possibly look
8 at that more closely and decipher some of that. I just
9 kind of think that's a lot of money for the area
10 they're covering.

11 Fifty-seven, we would support at the 153 for the
12 restoration; 58, we would support staff recommendation
13 of the 77,650; and 60, we would also support staff
14 recommendation of the 18,900; and 59, we would not
15 support. That's it. Thank you.

16 CHAIR SPITLER: Thank you.

17 MARCUS LIBKIND: Marcus Libkind, Snowlands
18 Network. One of the things I want to bring to light
19 this time is that in the way we're doing law
20 enforcement, winter and summer is combined, and I know
21 that's the way we're doing it. I don't think it's
22 necessarily the best. One can look at what the forest
23 asked for in terms of winter, what they ask for in
24 terms of summer, but when we reduce something like the
25 law enforcement for the Lake Tahoe Basin to 65 percent

232

1 from what they think they need, I'm wondering where the
2 reductions are going to come. And since Snowlands
3 Network is very involved with winter stuff, I'm very
4 concerned that this large a reduction is going to come
5 off of that end. I just have that fear. So maybe some
6 day we can look at them individually.

7 Ed, I mean I know you want it all to come out of
8 the same pot; I agree with you on that. But it's just
9 if we're going to fund law enforcement for winter,
10 maybe it should be a separate item. Anyway, since that
11 isn't being done, I would hope that you could increase
12 the 65 percent to a number larger than that. Thank
13 you.

14 KAREN SCHAMBACH: Karen Schambach, PEER and
15 Sierra Nevada Conservation. I would just echo Marcus'
16 remarks on law enforcement. We're talking about the
17 Tahoe Basin, which gets an awful lot of visitors and
18 has a good deal of winter law enforcement issues. So I
19 would support full funding for that, and I would also
20 support full funding for the restoration grant. If
21 we're talking about the Tahoe Basin, and we have money,
22 the restoration fund has a lot of money in it. We're
23 talking about a place where clarity of the lake is --
24 you know, a lot of money spent, other than ours, there.
25 Since we have it, we should approve that project.

233

1 Thank you.

2 CHAIR SPITLER: Ms. Schambach, do you think the
3 Tahoe Basin is doing a good job of their law
4 enforcement efforts?

5 KAREN SCHAMBACH: I think they're trying.

6 CHAIR SPITLER: Have you seen their PAR report?
7 What do you think of that?

8 KAREN SCHAMBACH: I can't answer that question.

9 CHAIR SPITLER: Thanks.

10 KAREN SCHAMBACH: Sorry.

11 COMMISSIONER THOMAS: Thirty complaints and one
12 citation for resource damage; 30 people complained and
13 only one got busted.

14 RYAN HENSON: Ryan Henson, California Wilderness
15 Coalition regarding item LTB-57. I did some research
16 about the LTB use in previous restoration work. It
17 looked pretty good to me. And you have funded some of
18 their activities before. I hope you'll take it off the
19 Consent Calendar and consider funding it at the full
20 level at -- (Inaudible) I mean it is Lake Tahoe after
21 all, the jewel of California. Thank you.

22 CHAIR SPITLER: Thank you. I can say just the
23 only one of these I can see going on Consent is
24 OR-2-LTB-60. So I would assume that we pull the rest
25 of those off, and we have concerns about 60 going on

234

1 Consent? Okay.

2 COMMISSIONER WALDHEIM: So, Mr. Chairman, then
3 I'm doing zero -- number 56, that's the law
4 enforcement, I'm doing zero on that one. On 57, I'm
5 doing 140,000. On 58, I'm doing zero; 60, already said
6 Consent; 59, I'm doing zero, and again it's snow.

7 COMMISSIONER THOMAS: Mr. Waldheim, I had a hard
8 time pulling out the snow from the non-snow in this
9 application. Did you figure out how that works? Did
10 you ever -- were able to --

11 COMMISSIONER WALDHEIM: When they buy
12 snowmobiles, that was my dead give away.

13 COMMISSIONER THOMAS: Well, I know. But when
14 they ask for 123,000, are they going to ride that
15 snowmobile or is it going to sit in the shed.

16 COMMISSIONER WALDHEIM: You mean for the law
17 enforcement?

18 COMMISSIONER THOMAS: Yes.

19 COMMISSIONER WALDHEIM: For the first time, I
20 followed your lead and looked at the PAR report.
21 Probably didn't even bother looking at the law
22 enforcement tickets and that; but this one, one ticket.
23 Give me a break.

24 COMMISSIONER THOMAS: Exactly, in the Lake
25 Tahoe. The other problem is and we've been down this

235

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 road many times. That the snowmobiles are burning
2 off 20 to 30 percent, leaving unburned in the snow 20
3 to 30 percent of the fuel, which is a direct
4 contribution of the degradation of the lake. For us to
5 be encouraging snowmobile use inside the basin, until
6 we're shifted over to Northstar motors is irresponsible
7 in my view. And I've said that before. This is
8 nothing new. I think this is the fourth year I think
9 I've said that.

10 So I would be voting appropriately to eliminate
11 any funding for that winter activity. I could support
12 the restoration program in some capacity. I'm not sure
13 what we'll do. I think that the Lake Tahoe Basin is --
14 contrasted with the El Dorado with their new attitude
15 about things, the Tahoe Basin has been difficult to
16 deal with in the past.

17 CHAIR SPITLER: Okay. Anything else on the
18 Tahoe Basin? Okay.

19 Lassen National Forest OR-2-LA-87 through
20 OR-2-LA-92.

21 ELIZABETH NORTON: Good afternoon,
22 Commissioners, I'm Elizabeth Norton, a public services
23 officer on the Lassen National Forest. I want to make
24 a couple of comments about the 2005 OHV application
25 process. There was a lot of discussion about that this

236

1 morning, and I certainly had a lot of skepticism when
2 we went into the new process because it seems like it's
3 changed every year, and it's always billed as a new and
4 improved and an application light process, so I wasn't
5 quite sure what to expect in 2005.

6 I went to the two-day March application
7 workshop. I really appreciate the Division spending a
8 lot of time training the applicants on that. That was
9 a huge effort on their part, and it really helped me.
10 Still had some skepticism, though, but once we actually
11 got into the application and started preparing us, it
12 was indeed improved over previous years. So I just
13 want to thank the Division and people like David
14 Quijada for helping us get through the process.

15 The website, Deputy Director Greene, was a big
16 improvement. I had a lot of questions, and I found
17 most of the answers to those questions in the Q and A
18 section of the website. So thank you very much for
19 that effort, and I hope it continues. I hope it
20 doesn't change again next year because every time we
21 feel like we get used to it and we understand what's
22 going to happen, then it seems like there is a whole
23 new unveiling of something different next year.

24 CHAIR SPITLER: We have big plans for next year.

25 ELIZABETH NORTON: Please don't. Please wait a

237

1 couple of years and maybe I'll be retired.

2 COMMISSIONER WALDHEIM: Sounds like the
3 apprentice show; got to keep the public coming.

4 ELIZABETH NORTON: I do have a couple of
5 questions or concerns with some of the scoring criteria
6 too on three of our grant applications.

7 Three I think are fine for Consent, and they
8 would be numbers 88, 89 and 90, that we're fine with
9 the State's recommendations and living with those
10 figures.

11 But the other three, 87, 91, 92, we do have some
12 concerns about those and are going to be asking that
13 they be pulled off Consent and that you, the
14 commissioners, consider them for increased funding.
15 And I want to go over the reasons for those, too, and
16 they deal with the scoring criteria.

17 COMMISSIONER THOMAS: Excuse me, can you do that
18 again? Just give us a list. It's hard to keep up with
19 this.

20 ELIZABETH NORTON: The ones for Consent would be
21 88, 89, and 90.

22 COMMISSIONER THOMAS: All right. Thank you.

23 ELIZABETH NORTON: And the other ones, I'll
24 start with law enforcement, which is number 87 there on
25 line 54. We received mostly zero scores for the

238

1 criterion of application demonstrates that it addresses
2 a unique law enforcement issue. And really,
3 Commissioners, our law enforcement issues are no
4 different than what any other BLM unit or national
5 forest is dealing with or the county sheriff's
6 departments. And they're fairly routine, but they're
7 important to us. They deal with wilderness intrusion,
8 patrolling in our Lassen Volcanic National Park area
9 for intrusions within the park, resource damage,
10 accident investigation, compliance with green sticker
11 registration requirements. The only thing unique about
12 our law enforcement issue is that we do have OHVs being
13 used to access areas where marijuana gardens are
14 growing and also meth labs that we have in the forest.
15 So I guess that's a unique aspect of our law
16 enforcement program. We can certainly demonstrate
17 that. It is fairly routine in dealing with those law
18 enforcement problems. And the fact that we received --
19 a majority of the scores we received under that
20 particular criterion were zero, so I don't know how
21 that demonstrates under our law enforce application
22 that we have unique law enforcement issues because I
23 think we're fairly common here in the state of
24 California with the OHV programs.

25 And other one was the resource management grant,
239

1 and that would be number 92. We also received zero or
2 very low scores for the criterion dealing with
3 innovative approaches toward resource management and
4 protection of resources. In that grant application we
5 are requesting funding to do baseline surveys for
6 threatened, endangered and sensitive plants and
7 wildlife, heritage surveys and also trail condition or
8 soil condition ratings for our front country OHV area
9 which has never had these baseline surveys conducted.
10 And those surveys are done using very standard
11 methodologies. There's nothing unique about them at
12 all except that we are using the latest survey
13 protocols and the latest research in order to gather
14 that baseline information. So we were just
15 disappointed that we received low scores because it's
16 hard to demonstrate innovative approaches when we're
17 asking for baseline survey funding.

18 And I'll point that out as the difference with
19 our restoration grant, that was number 90. On
20 restoration we received very high scores for innovative
21 approaches to restoration, and all we're doing is
22 putting a fence around a meadow that has received
23 repeated OHV damage. And somehow -- I didn't think a
24 fence was all that innovative, but yet we got basically
25 very high or full scores for that criterion. So there

240

1 seems be a real disparity in how the evaluation ranked
2 innovation or uniqueness under the criteria, and that's
3 why we're requesting reconsideration of the funding for
4 the LE grant and for the resource management one.

5 The other concern we have is the planning grant,
6 and that's number 90 there on line 58. We received a
7 low score under the criterion of participation by
8 volunteers. And the grant funds are going to be used
9 to prepare an environmental assessment to adopt a
10 management strategy for our highway OHV area. That is
11 our most popular OHV area in the Lassen National
12 Forest. We've done the baseline inventories. We've
13 worked with the volunteers on correcting some of the
14 critical work or concerns that we have regarding
15 resource damage in that area, but it's -- if I look at
16 pictures of the Rubicon situation, what you're dealing
17 with there, such as Spider Lake and what we're dealing
18 with on the High Lakes, they are very similar impacts
19 based on the popularity of this area. And so I'm not
20 sure why we got a low score on participation by
21 volunteers. We had been working very heavily with
22 volunteers. They've just contributed over 700 hours in
23 doing this work in the past couple of weeks in the High
24 Lakes area. The environmental assessment, by the
25 nature of how we conduct that process on the Forest

241

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 Service, involves extensive public participation by not
2 just volunteers, but anyone interested in that area.
3 So we would ask a reconsideration of the funding for
4 our High Lakes planning.

5 In conclusion, with the new application process,
6 I just received the booklet on the evaluation scores
7 for our six applications this afternoon. I had the
8 last 15 minutes or so to try and provide this
9 presentation to you folks. I would recommend if you're
10 going to make any changes to the application process in
11 2006, I would personally recommend that as the
12 evaluation panel completes their work, that they send
13 out their preliminary scores to all of the applicants
14 so we can review them and make sure that -- because I
15 know that you're looking at hundreds or thousands of
16 pages of applications -- that you haven't missed
17 something, and perhaps we can help you with the
18 finalizing of those scores for presentation to the
19 commissioners next year.

20 I would just strongly recommend that you send
21 them out as soon as possible, and we have an
22 opportunity review and comment on them, and possibly
23 the evaluation panel may want to make some changes.
24 And that's all I have. So thank you.

25 DEPUTY DIRECTOR GREENE: Liz, you just signed

242

1 yourself up for that team.

2 ELIZABETH NORTON: I would be happy to
3 participate because you have made a huge improvement,
4 so thanks.

5 CHAIR SPITLER: Okay. Public comment on Lassen.

6 SYLVIA MILLIGAN: My name is Sylvia Milligan,
7 and I'm chairperson of Recreation Outdoors Coalition,
8 and Lassen is my backyard. I am extremely involved and
9 so are the clubs under ROC in the Lassen. We just
10 participated in the High Lakes area. There were 45
11 volunteers that put in 759 hours. And if you figure an
12 average of 12 dollars an hour, that's \$9100. These
13 people used their own automobiles or vehicles, their
14 own trailers, plus the miles that they put in and the
15 gas that came out of their own pockets to move 90 ton
16 of rock. Some of it they physically loaded by hand,
17 although there was a backhoe out there to help load the
18 trucks.

19 The High Lakes area is a very popular area.
20 It's becoming a mini Rubicon. It is in desperate need
21 of repairs. Because of the high use, we need to get in
22 there now before there's too much damage done, and I
23 want this area fixed as fast as we can so we can start
24 looking at putting potties in there, yes, being an
25 older woman.

243

1 So I would like to have them relook at the
2 planning for that area so that we can get more
3 accomplished and while we have the volunteers that are
4 willing to go out and put in all of this time, let's
5 take advantage of it.

6 Then the resource management, which is the front
7 country area, which I went on last year for the first
8 time, and I can tell you now that I've been on it, it's
9 going to become much more popular. There again we have
10 volunteers and the forest has agreed to work with us to
11 look at what the volunteers want in this area, not to
12 go in and close it out because it has some resource
13 damage but to look at how it can be repaired.

14 Then also the Lassen just recently we also
15 completed another huge volunteer project there where we
16 had 60 volunteers that put in 2140 hours to help with
17 the NEPA process to do the traffic counts. These
18 people worked seven times from 7:00 in the morning
19 until 7:00 at night on nine different sites. They put
20 in 12-hour days. And when you consider 2140 hours,
21 that \$25,680. They came -- we figured out it was
22 approximately ten different clubs that participated
23 under ROC, or Recreation Outdoors Coalition, and we
24 came to a total of 16,714 miles to complete this
25 project.

244

1 The Lassen has had a change in supervisor this
2 last year, and we are seeing some incredible things
3 happening, and I would like to see Lassen be given a
4 chance to really advance and take advantage of its
5 volunteers. I think we can do a lot of good stuff on
6 the Lassen if you'll look at these fees for us. Thank
7 you.

8 CHAIR SPITLER: Thank you.

9 RYAN HENSON: Ryan Henson, California Wilderness
10 Coalition. The only one of these that I have studied
11 is LA-90, which is the restoration grant. It is to put
12 a fence around Brocough Meadow. Brocough Meadow is a
13 truly beautiful place with a wonderful stream flowing
14 through it with plenty of trout. It's on the western
15 side of Lassen National Park, and it's on the northern
16 edge of the Heart Lake Robles area. It's really a
17 terrific place.

18 But recently something of a mud bogging incident
19 actually made headlines in our local paper, The
20
21
22
23
24
25

1 Registered Searchlight, that's how appalled people from
2 both the motorized recreation community and others are
3 at the continued vehicle intrusions into this area. So
4 we definitely support this restoration. And, in fact,
5 I was telling Ms. Norton that I'll come up and help and
6 get as many people as I can to help put that fence up.
7 So I hope you will agree to fund this.

8 Unfortunately, they are satisfied with the staff
9 recommendation of 55,000 -- I'm sorry, the staff
10 recommendation, so I guess that's what we support, as
11 well. Thank you.

12 DAVE PICKETT: Dave Pickett, District 36,
13 Motorcycle Sports Committee. On the Lassen six pack
14 here, 87, 88, 89, 90, 91, 92, full staff
15 recommendations. Thank you.

16 DON KLUSMAN: Don Klusman, California Four-Wheel
17 Drive Association. This poor lady is getting tired of
18 typing that in. I'm going to go to the Lassen five
19 pack, instead of six pack. I agree with staff
20 recommendation, all but the restoration. I would ask
21 for a full funding on the restoration of the 55,000.
22 Thank you.

23 CHAIR SPITLER: Thank you. Commissioners.

24 COMMISSIONER WALDHEIM: Mr. Chairman. Number
25 87, the LEO, I put them down at zero at this point,

246

1 again looking at the PAR.

2 On the equipment, I put them down to zero, but I
3 noticed -- I notice now in going back on it there are
4 two quads. So I don't know. At this point I'm leaving
5 it at zero, but we can talk about that. 89, 12,600
6 staff recommendation; 90, the restoration, 50,000. The
7 plan, 30,550 according to staff; number 92, zero.

8 And the question, Elizabeth, that I need to
9 figure out on the Waldheim budget, you show 5,280
10 visitors, and your law enforcement for the FBO is only
11 \$28,000, so I was really questioning that. And last
12 year the amount that you got, it was only \$37,000 is
13 what you got -- that you received last year. So that
14 seems to be -- this year seems like quite a jump in the
15 funds. It was \$37,000 from what you got last year.

16 So the visitors, even though you have an
17 incredible place, you don't have a million people
18 coming up there, do you? You probably never want to
19 see a million people. You have low numbers as far as
20 visitors, yet the PAR shows 13,200. So I'm trying to
21 figure out what is correct, what to put in the Waldheim
22 budget or what's in the PAR or you had a spike since
23 you did the budget.

24 ELIZABETH NORTON: The PAR that would be the
25 most accurate, Commissioner Waldheim. The reason

247

1 there's a big increase is that we're getting ready as
2 part of step two of the route designation process,
3 we're going to be issuing our temporary forest order
4 this winter. So in order to meaningfully inform the
5 public that we now have restricted OHV travel to
6 designated roads of travel showing up on your inventory
7 maps, we need to have a means of letting them know as
8 we're coming onto the forest that we do have these
9 restrictions under the forest order.

10 So we wanted to have some kiosks constructed at
11 entry roads onto the Lassen to display the forest order
12 and to display maps where the public can enjoy their
13 OHV opportunities. There was approximately I think
14 \$72,000 for signs and for Kiosks in order to support
15 the route designation effort, and that's really
16 important to us. If the public doesn't know that we're
17 under this temporary forest order until we complete our
18 planning process for OHV roads and trails, we're still
19 going to have cross country travel.

20 COMMISSIONER WALDHEIM: I think, Elizabeth, we
21 can also talk -- this is not going to be on the Consent
22 anyway. We'll get a chance to talk, but you have a
23 very high concentration of LEOs versus the FPOs. I've
24 always been partial to the FPO, not the LEO. That's
25 something we may want discuss. That's on page three.

248

1 ELIZABETH NORTON: I'll take that under
2 advisement. And Commissioner Waldheim, if you have
3 additional questions that we can help you out between
4 now and November, please contact me.

5 COMMISSIONER WALDHEIM: The equipment, again,
6 you have sleds and two quads. Is the reason that the
7 quads you have are broken, you don't have them anymore,
8 why are we selecting -- because there is snow in this
9 thing, too.

10 ELIZABETH NORTON: There is, but I would say the
11 bulk of the law enforcement application is supporting
12 the summer OHV program because the law enforcement
13 patrols land, also for the signs to let people know
14 about the temporary forest order. The quads that we
15 have are really old. They're a problem -- just like
16 our old sleds they're a problem getting started.
17 They're not dependable. They break down when you're
18 out in the field. We do need to replace those quads if
19 we're going to have more presence in our High Lakes and
20 front country OHV area. And I believe the resource
21 impacts that we're seeing that have grown in our High
22 Lakes area is because we don't have the presence and we
23 don't have reliable equipment in order to get our
24 people down there.

25 COMMISSIONER THOMAS: The problem I see here is

249

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 that you've got 126 complaints for summer, 87
2 complaints for winter, not a single warning or
3 citation, meaning what's happening, if all of these
4 people are complaining and you're not writing tickets
5 or even warning. Wilderness, you got eight complaints
6 of wilderness, and 37 snow complaints, and again not a
7 single warning or citation. So why should we put
8 113,000 in if you're not writing anything and yet
9 hundreds of people are complaining? That's page 61 of
10 217 of the summary.

11 ELIZABETH NORTON: Well, I'm not sure we have
12 totals for the number of warnings and citations. I see
13 there were 37 citations for not having a helmet. There
14 were 31 citations for not having proper green sticker
15 registration. There were 18 warnings issued for not
16 having proper registration. I don't know where -- 48
17 warnings for riding double.

18 COMMISSIONER THOMAS: Right, but we are talking
19 about trespass, resource damage, and wilderness. And
20 in looking at trespass, which is Lake Almanor area,
21 you've got 126 complaints in the summer; 87 complaints
22 in the winter; and zero, zero, zero, zero for warnings
23 and citations, so okay, and no arrests, I suppose.
24 Wilderness, you've got 37 winter complaints, eight
25 summer; zero, zero, zero, zero, yet the contacts are

250

1 over almost 3,000 -- 2500 people. You contacted 2500
2 people, hundreds of complaints, and no tickets.

3 ELIZABETH NORTON: Well, as far as our
4 wilderness intrusion on private property, and we've
5 been out there patrolling. Believe me, we tried real
6 hard to catch folks in the wilderness. We've been
7 instrumental with the Park Service. They did cite one
8 individual who was in Lassen Volcanic National Park, so
9 we're going through the process now. I think we'll
10 have a hefty fine, and the Park Service would like to
11 confiscate their sled. So we've had some successes,
12 but it's been real hard to --

13 COMMISSIONER THOMAS: Zero is net sum.

14 COMMISSIONER PRIZMICH: Could you describe what
15 a complaint is?

16 ELIZABETH NORTON: These are basically cold
17 reports. It's where we've been out, and we've noticed
18 tracks have been in our wilderness.

19 COMMISSIONER PRIZMICH: It could be an officer
20 initiated report?

21 ELIZABETH NORTON: It could, yes, a lot of them
22 are.

23 COMMISSIONER PRIZMICH: That would explain some
24 of this, if it was an officer initiating the complaint,
25 that may go to your --

251

1 COMMISSIONER THOMAS: That would explain things
2 a bit, because remember I asked that earlier.

3 COMMISSIONER PRIZMICH: A generic comment, and
4 sometimes it's misleading, so.

5 ELIZABETH NORTON: Right, cold reports are
6 mostly reported by our law enforcement officers.

7 COMMISSIONER WALDHEIM: Elizabeth, what you may
8 want to do, you may want a copy of what Ridgecrest has
9 done. They go and get together with the sheriff and
10 get with the BLM -- in your case it would be the Forest
11 Service -- and they get together with the Sierra Club
12 and some OHVers, and they go distribute some radios.
13 And on the weekend, they go and have a little picnic up
14 there. I've been up there with Mr. Spitler, and we
15 caught 27 people in the wilderness. It was a sting
16 operation. It was very successful. It's almost the
17 same people, and we're keeping a database on these
18 people now. If they show up again, they're going to
19 have some fun. So you may know -- in those kinds of
20 wilderness intrusion, you need to set up a little sting
21 operation.

22 ELIZABETH NORTON: We have, and our law
23 enforcement out there on every full moon night because
24 we're getting some of these intrusions at nighttime,
25 and that's typically when they're out riding. Whether

252

1 or not we're in the right location where they go in,
2 sometimes it's hit or miss. We see the tracks, but
3 it's too late. It's already gone.

4 COMMISSIONER WALDHEIM: If you start catching --
5 once you get the dozen or two dozen, then you solve the
6 problem.

7 ELIZABETH NORTON: I'm hoping the individual
8 they cited in the park could be a real deterrent
9 because that's a local individual. (Inaudible.)

10 COMMISSIONER WALDHEIM: Most of the time they
11 are locals.

12 COMMISSIONER THOMAS: If you come back here in a
13 month and say, we thought about this problem and here
14 is our law enforcement plan, that would be doing --

15 ELIZABETH NORTON: All right. Thank you.

16 CHAIR SPITLER: I heard off Consent all but
17 LA-89 to 91? Do you want to take the rest off?

18 COMMISSIONER THOMAS: 89 to 91 -- that's
19 correct.

20 COMMISSIONER WALDHEIM: That is correct.

21 CHAIR SPITLER: Why don't we go ahead and take a
22 five-minute break here, come back and we will finish
23 up.

24 (Break taken in proceedings.)

25 CHAIR SPITLER: I think the next grant here is

253

1 OR-2-MO-22, the Modoc National Forest -- Mendocino
2 National Forest, OR-2-ME-52 through 56.

3 JACK HORNER: I'm Jack Horner, the forest
4 recreation officer.

5 CHAIR SPITLER: Hold on, Jack. Margie, do you
6 have the mic?

7 Okay. Try again.

8 JACK HORNER: Commissioners, my name is Jack
9 Horner. I'm the forest recreation officer for the
10 Mendocino National Forest, and we very much appreciate
11 the opportunity to speak to you this afternoon.
12 Mendocino takes this process very seriously. We know
13 it's a very competitive process. And the four OHV
14 managers behind me here against the wall are the ones
15 that put together our grant application each other and
16 put together an excellent product we think.

17 I would like to thank the Division also for
18 their efforts in making the process better. I know
19 we've got a long ways to go. I guess the pain we feel
20 now, hopefully be our gain in the long run when the
21 system is known for year after year so that things run
22 really smooth.

23 We do have a few times that we'd like to go over
24 on the scoring sheets that we would like to bring to
25 your attention, which we think might make a difference

254

1 in the scores. On page 120 of the scoring book for the
2 Mendocino, the facilities operations maintenance, the
3 second criteria there talks about the application
4 demonstrates the implications of not funding the
5 proposed project, taking into consideration a number of
6 items there.

7 We wanted to point out that our use on the
8 Mendocino continues to increase and with that increase,
9 if the funding does not increase proportionally, what
10 we find is we start getting behind in facility
11 maintenance, and that becomes a problem because then we
12 are having to replace facilities sooner and the costs
13 just continue going up.

14 We have five miles of barriers in our Fowl
15 Springs area where we are protecting cultural resource
16 sites and botanical sites. We have barriers around our
17 Middle Creek area on the Upper Lakeside. We've got a
18 lot of facilities that need to be maintained and
19 protected. So that particular item, instead of a 20.6
20 points on that, we'd recommend that you bump it up to
21 25 points.

22 On the last criteria for this facility operation
23 maintenance, talks about the application demonstrates
24 participation by volunteers. We think the number of
25 volunteers that Mendocino has is a tremendous number

255

1 that maybe didn't get quite considered to its full
2 value. Some of you have probably been out with us when
3 Hummer Helps had a big celebration along with Tread
4 Lightly to help replace facilities at our North Fork
5 Campground, which is part of the OHV program there.

6 We have RAC, the county RAC programs, which help
7 provide trail maintenance, which help provide other
8 facility replacement for us. We've got peer glider
9 groups that use the area also and help us as
10 volunteers. We've -- the Mendocino is very serious
11 about partnerships and volunteers. We internally have
12 a competition each year of 20,000 starting and \$20,000
13 last year. Jeff Applegate was able to get, I believe,
14 five or 6,000 of that 20,000 to be -- to work with
15 other partners to do some facility maintenance in the
16 Fowl Springs area. This Mike Berman was successful in
17 getting six to 8,000 to work on a project on the Upper
18 Lake district, and those are internal Forest Service
19 dollars that we are trying to instill in a new culture
20 on the Mendocino where we don't get things done only
21 through the appropriated dollars because those are
22 shrinking, as we all know, the federal dollars are. So
23 we're looking for as many partners as possible. So
24 we're trying to change the mind set of our employees to
25 look for partnerships to get our work done.

256

1 We have a very active campground host program,
2 adopt a trail program, and we had three inmate camps
3 that we get a lot of volunteer hours, on their part, to
4 help us out, and we really appreciate that.

5 If you look at all of those extras, we think
6 that instead of the 10.6 points that we got on that
7 item, we'd like to see it bumped up to 15, which would
8 move it from 86 points up to 95 points. And at 95
9 points that should be 100 percent funding, that would
10 be our recommendation to you, of 228,000.

11 For the trails maintenance program, if you'd
12 look at page 123 on the second criteria, the
13 application demonstrates implication of not funding;
14 same thing again, where we think that the point scoring
15 of 12.6 points didn't possibly consider some of the
16 things that we're dealing with. As we get more and
17 more use on our trails, we're finding that the trails
18 will continue to -- will go from green to red -- green
19 to yellow to red, unless we've got lots of trail
20 maintenance going on on a regular basis to keep that
21 from going there.

22 We've got -- if trails aren't maintained to the
23 proper standards, then we find that people think it's
24 okay to go out on their own and create their own
25 trails, and then we've got more of a maintenance

257

1 problem. We've got equipment that the Commission and
2 Division have funded for us, and we need to maintain
3 those pieces of equipment. The Sweco Trail Machine
4 that we have worked on this year only cost \$4,000 to
5 get the parts repaired. So things are, as you all know
6 from buying gas lately, things are going up and the
7 cost of doing business is a lot higher. So we're
8 recommending 20 points instead of the 25 on that one to
9 bring that one up to 20.

10 The next one down talks about application
11 demonstrates the proposed project support for unique
12 recreation opportunity. Mendocino -- and I can't swear
13 to you, but I think the Mendocino probably has more
14 Endurals and other events of an OHV nature than any
15 other forest. We have five Endurals and one dual sport
16 event. Those average anywhere from 200 to 400
17 participants for each event. What we're finding is the
18 cost of doing business for that is very expensive. We
19 want to continue that, but we also want to be able to
20 maintain our trails so that those events are able to
21 use all of our 256 miles of designated trails on the
22 forest.

23 If that particular item was moved up from a
24 three rating to a 15 rating for all of those good
25 events we're holding and all of the users we get to

258

1 come to our forest, then you see an increase from 68
2 points up to 88, which could result in a change from
3 the 147,000 proposed by the Division up to 208,000.

4 On law enforcement, if you look on page -- I
5 can't see it. It looks like 21, but I don't think
6 that's right, 121, the second criteria there is rated
7 at, I believe, a nine. And it is talking about
8 demonstrates what will happen if not funding this.
9 We're recommending that -- we're having a hard time
10 printing enough maps to keep up with the use that we're
11 getting on the Mendocino. We're printing maps just
12 about every other year, and the cost is going pretty
13 high on those things. We'd like to get into a regular
14 basis of printing those more often, but costs, just
15 like I said, keep going on.

16 During Thanksgiving week alone, Falk Springs
17 area has 3,000 to 5,000 visitors on a yearly basis.
18 They spend Thanksgiving week there. They get their
19 turkey cookers out there, and they're having a great
20 time. Then at Christmastime, we get a large number of
21 people coming back. That use has a lot of law
22 enforcement issues that they bring with it, so.

23 CHAIR SPITLER: Can I just interrupt very quick.
24 I know you have traveled an incredible distance to get
25 here and have been sitting all day, and I want to hear

259

1 everything you have to say, but I also just want to
2 give you --

3 JACK HORNER: Would you like to get out of here?

4 CHAIR SPITLER: Well, we have to be out of the
5 room at some point and I want to make sure we have a
6 chance to get through everything. I'm not trying to
7 cut you short, but if you could be a little cognizant
8 of that, that would be great.

9 JACK HORNER: I'm at the last point. The one
10 other thing in that particular item was we're
11 developing some private land trespass issues from
12 private land on the BLM land on the Forest Service land
13 where people are creating their own events, and we're
14 trying to deal with those law enforcement issues now.

15 The next one is talking about unique situations.
16 The Fander tract was just acquired by the Mendocino at
17 23,000 acres. That particular tract has a multitude of
18 roads and we are in the process of trying to instill in
19 the locals that you can't hunt on national forest land
20 on your OHV, on your quad off road without some
21 problems. And so we have some major law enforcement
22 issues that we're working on there, and we're trying to
23 get dealt with.

24 If you change the rating on the scoring on
25 those, we would suggest it bumps up to 85 points, which
260

1 would in effect bring it from 136,000 up to 186,000.
2 We would really like you to consider looking at that
3 opportunity.

4 The restoration grant, last one, is we will
5 gladly go on to the Consent Calendar on that particular
6 one. Not gladly, we'd like to get as much money as we
7 could for restoration. But we also want to be true to
8 our word and do what we say we're going to do. And
9 we're thinking that with the funding that we got in
10 2005 to do restoration projects, plus what is
11 recommended by the Division for 2006, plus all of the
12 other work that's associated right now with the route
13 designation process, we think we will have a plateful,
14 so we will stick with the Consent Calendar on that
15 particular restoration grant. Any questions?

16 CHAIR SPITLER: I love you guys from Mendocino.
17 You guys drive all the way out here, and sit here all
18 day, you've got the highest scores of any forest across
19 the board, you're still willing to come up here and
20 tell us the scores are too low and they should be
21 higher. You guys do a good job.

22 Let's go ahead and do public comment.

23 DON AMADOR: Mr. Chairman, Commissioners, I
24 don't have to sing the accolades of the Mendocino but,
25 just wanted it go on record supporting the staff

261

1 recommendation on 53 at 174,000, but I want to spend
2 just a moment on number 54, the trail maintenance.

3 As some of you may not know, the Mendocino is
4 the destination area in the wintertime for wheeled
5 vehicles. When the Sierra shuts down in the
6 wintertime, the recreation, including many CORVA
7 members, come to the Mendocino in the wintertime,
8 November through March, because they're -- not if
9 they're bugging Commissioner Thomas.

10 COMMISSIONER THOMAS: No, I go there.

11 DON AMADOR: But they're coming down to the
12 Mendocino because it's below the snow line.

13 COMMISSIONER THOMAS: I ride my bike up there.
14 It's a good shot.

15 DON AMADOR: I'm encouraging you to support full
16 funding at 268,000. I'm hoping my good friend, Ryan
17 Henson from the Wilderness will come up and support
18 that full funding, as well; don't know, but I'm hoping
19 that he will.

20 The 55, the LE, we support 147,000; and go with
21 staff recommendations on 56, the restoration grant at
22 479. Thank you.

23 NICOLAS HARRIS: Nicholas Harris, American
24 Motorcycle Association. I can let you guess, but
25 obviously we all know, like Don said, this is a very,

262

1 very good place for all of our members. We have a
2 number of events that have happened there for years.
3 You know we had a big fire a few years ago, and they
4 really did a very admirable job about getting
5 everything back together. They work -- still work very
6 well with the riding community, and I've been out there
7 and seen the guys handgliding. There is a lot of
8 different activities going on in that area.

9 I wanted to support staff for number 53, wanted
10 to go on record supporting full funding for 54 and
11 staff for 55, and I was going to say at least 350 on
12 56, but it sounds like they wanted to go with staff and
13 they think they could use the money, so I would more
14 than happy to support the staff recommendation for
15 that, as well. Thank you.

16 RYAN HENSON: Ryan Henson, California Wilderness
17 Coalition. I have a tremendous bias. I grow up next
18 to the Mendocino National Forest. I saw its OHV
19 program come, you know, along way from the days in the
20 1970s when it looked like the movie road warrior to
21 what it is today.

22 I think that the Mendocino -- I believe that all
23 of its grant applications today should be funded at the
24 levels requested. For example, number ME-53, 228,000;
25 ME-54, 208,000; ME-55, 186,000. Now, when it comes to

263

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 restoration, the Mendocino -- I think that they should
2 take the full amount that they requested. They agreed,
3 in collaboration with a lot of us, to do a large amount
4 of road closures. They have a lot of work to do. I
5 think that whether they're too shy to admit it or not,
6 they need the money. So I hope that you would consider
7 granting the full amount that they requested, 737,000
8 dollars.

9 Lastly, I'd like to explain why a wilderness
10 group would support the full proposal of a group -- a
11 forest OHV program. The reason why is that the
12 Mendocino has done an excellent job of keeping its OHV
13 activities in the southern part of the forest. There
14 are very few conflicts between other recreation users.
15 There are very few wilderness trespass incidents. And
16 I've visited the Snow Mountain in the wilderness areas
17 many, many, many, many times. And frankly I can count
18 on one hand the number of times I've seen vehicle
19 tracks in some of those places. They do a great job of
20 recreational segregation and provide a good time for
21 everyone. So I think they deserve to be awarded and to
22 be able to keep up this kind of good work, so thank
23 you.

24 CHAIR SPITLER: Mr. Henson, I had a clarifying
25 question.

264

1 RYAN HENSON: Yes.

2 CHAIR SPITLER: Is it true that you are
3 Mr. Amador's good friend.

4 RYAN HENSON: I'd like to think that I'm
5 everyone's friend, that I can disagree without being
6 disagreeable.

7 CHAIR SPITLER: I'll leave it at that. Thank
8 you.

9 COMMISSIONER PRIZMICH: I did note that he
10 winced when you said that.

11 CHAIR SPITLER: He did a little bit, let the
12 record so reflect.

13 DAVE PICKETT: Dave Pickett, District 36,
14 Motorcycle Sports Committee. On O&M or LE-53, Division
15 recommendation. On 54, I would like to go with the
16 full support funding they were asking for of 268,000.
17 This area is unique. They put it on the ground. They
18 make it happen. Usage numbers are very, very high, and
19 they have an excellent track record.

20 On ME-55, department recommendations. And for
21 Mr. Thomas, I know personally of 31 citations issued.
22 I was a witness, so they're doing their job. And on
23 ME-56, 400,000 for that restoration. Thank you.

24 CHAIR SPITLER: Thank you.

25 If there is no other public comments.

265

1 DON KLUSMAN: Are you saying I'm not the public
2 anymore? Don Klusman, California Four-Wheel Drive
3 Association.

4 On 53, staff recommendation; 54, we would ask to
5 get as close to full funding as you can because they
6 need the money for the trails; 55, staff
7 recommendation; 56, full funding.

8 CHAIR SPITLER: Thank you.

9 Okay. I'm feeling the love towards Mendocino; I
10 don't know about the rest of you all. But I could see
11 us sticking with the Consent Calendar for 53, but I
12 think the other things should coming off, and we ought
13 to take a harder look at them. Commissioners?

14 COMMISSIONER THOMAS: Fine.

15 CHAIR SPITLER: Okay.

16 COMMISSIONER WALDHEIM: Mr. Chairman, I'll just
17 put my numbers on there so then you guys can massage
18 it. The one that you pulled off, 54, I have it at
19 147,400. So how we're going to do that, to pull it
20 off, just trying to figure out the difference because
21 we need to make sure staff has a clear way of doing
22 that. So it's got -- I've got to change that number to
23 what are you thinking about on 54, 55 just for the sake
24 of changing the number. If the numbers are not the
25 same, that means it's off. What number are you

266

1 thinking about?

2 CHAIR SPITLER: I don't know. I have to look
3 more carefully.

4 COMMISSIONER WALDHEIM: So I'm going to put
5 268,000 then. And then on number 55, the law
6 enforcement, what are you thinking there?

7 CHAIR SPITLER: Still have to look at it more
8 carefully.

9 COMMISSIONER WALDHEIM: So I'm going to put
10 248,000, then that will get it out of the shoot, and
11 basically the restoration, that one I'm changing to
12 669.

13 CHAIR SPITLER: Okay. Other discussion from
14 Commissioners on Mendocino? Thank you all for making
15 the trip and very good work.

16 Modoc National Forest, OR-2-MO-22. Anyone from
17 Modoc here? Anyone from the public want to comment on
18 the Modoc?

19 Okay. Do you want to talk about the Modoc?

20 DON KLUSMAN: Yes, sir. Don Klusman, California
21 Four-Wheel Drive Association.

22 Modoc National Forest is as far north as you can
23 get. Yes, Ed, they have snow; yes, Ed, they have
24 summer, but they have very little snow. I would take
25 to see this taken offer of Consent. I'm not prepared

267

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 to give you a funding level. The \$12,000 sounds in the
2 ballpark, but I would like for the law enforcement
3 people to look at their PAR report and so forth, and we
4 can talk about it in November.

5 CHAIR SPITLER: I'm fine with this one on
6 Consent.

7 COMMISSIONER THOMAS: Just because you're a long
8 way from Sacramento, doesn't mean you get screwed. I'm
9 going to go with Don. Let's pull it off of Consent.
10 Maybe, Don, you can make it on your responsibility to
11 get a reasonable number there?

12 COMMISSIONER WALDHEIM: What number do you want
13 to put in there? Give me a number.

14 COMMISSIONER THOMAS: Let's do 50 percent for
15 now.

16 COMMISSIONER WALDHEIM: 6,000.

17 COMMISSIONER THOMAS: 6,000 bucks.

18 CHAIR SPITLER: Okay.

19 COMMISSIONER WALDHEIM: That way it shows up.

20 CHAIR SPITLER: OR-2-SW-30 through 34, the
21 Pacific Southwest Region.

22 Dr. Farrington and Dr. Gray.

23 RICH FARRINGTON: Good afternoon, my name is
24 Rich Farrington. I'm the U.S. Forest Service, Regional
25 Motorized Recreation Program Leader.

268

1 Mr. Chairman, Commissioners, and Deputy Director
2 Greene and staff, thank you for this opportunity to
3 address you. I would like to say that I would be
4 agreeable to the staff recommendation and Consent on
5 line 65, SW-30 and line 69, SW-34.

6 The line 66 is our proposal for funding our
7 statewide route designation effort, which we had
8 previously discussed and presented to the Commission.
9 The Commission and the department had signed a
10 memorandum of intent with us in August 2003. This will
11 be requesting a third year of the four-year plan. I
12 see that the score we received is 74. I have some
13 thoughts I'd like to share and was going to offer up my
14 own scoring, which would bring my score up to 99 out of
15 100.

16 CHAIR SPITLER: Do it briefly, Rich.

17 RICH FARRINGTON: I think the areas where I
18 was -- where this application was scored low is in that
19 of volunteers, and I think this is a -- it's a little
20 bit of a unique situation where each national forest is
21 working through this process at different time frames.
22 But we've had a considerable amount of volunteer effort
23 to bring us and comment on our route inventory maps.
24 Some of those forests that have really engaged the
25 public are Plumas, Tahoe, El Dorado, Sequoia,

269

1 Stanislaus, Inyo, and that would bring that score up to
2 20.

3 Sustaining the opportunity and will it solve the
4 problem, cross country travel is a growing problem. I
5 think that this project as was supported by three or
6 four members of the environmental community and three
7 or four members of the OHV community in August 2003
8 when this was presented to the Commission and adopted,
9 it's going to develop a sustainable network of trails
10 and roads that are what I call bulletproof. They're
11 going to be reviewed for the environmental conditions,
12 and we'll work with the public to make sure that, as
13 best as we can, we're meeting their goals for
14 recreational opportunity. And it will prevent some of
15 the pretty dramatic resource damage that we're getting
16 from vehicles going across country. And one of the
17 photos that I've selected from this past spring, we've
18 got a Hummer that's buried up to its axles in a
19 pristine meadow, no trail anywhere to be seen, kicking
20 mud into a local creek. And it's just sort of typical
21 of some of the types of damage that we're getting.
22 But.

23 We think with a designated system where we've
24 got clear maps, where the public knows where they can
25 go and recreate and we can avoid these kinds of

270

1 dramatic resource impacts, that's going to be of huge
2 value. We'll solve the problem. And by the way, that
3 would give me a score of 25 and sustain the
4 opportunities. Give me a score of 30, and that all
5 adds up to 99. So that would give me, according to the
6 formula in the book --

7 CHAIR SPITLER: Okay, Rich.

8 RICH FARRINGTON: That's on page 17 of 22.

9 CHAIR SPITLER: We've got you.

10 RICH FARRINGTON: Two million dollars.

11 I would like to let the regional ecologist,
12 Diana Craig, speak to the other two applications.

13 DIANA CRAIG: Hi, good afternoon. I'm Diana
14 Craig. I'm the regional wildlife ecologist with the
15 U.S. Forest Service in our regional office in Vallejo,
16 and again thanks. I also thank the Commission and
17 Division and the persistent public people that are
18 still here for allowing me to participate in this
19 process.

20 I know this has been a real difficult day, and I
21 think change is always really difficult, but I think we
22 are moving in the right direction. I really appreciate
23 the work the Division has done to try and get this
24 process more standardized. And I've gone through a lot
25 of processes on both sides of grants. On criteria, I

271

1 know it's really difficult, but it does help us focus
2 our efforts.

3 I have, again, the two remaining grants from
4 this Pacific Southwest Regional office, number 33 and
5 number 32.

6 I'll do 33 first, if that's okay. This is the
7 scientific research project. This study is -- this is
8 the forest study that we've been doing for the past
9 couple of years. I think these are trying to answer
10 questions that we have -- all agencies, our agencies,
11 the Commission, the Division, and even BLM have had
12 questions on these issues that we're going to be
13 addressing here.

14 Like, Rich, I believe that the some of the
15 scoring could be higher, so I respectfully submit that
16 for 33, the scoring could be slightly higher on three
17 criteria. I won't go into much detail. I don't want
18 to waste -- or spend a lot of time on this, but I do
19 believe that the project to study design is very well
20 documented, has very well the methodology, the goals
21 are realistic. That score could be higher. I believe
22 that there's an efficient use of funds, especially with
23 having the four research projects being conducted
24 together. There is a lot of synergy happening between
25 the four projects. And the last criteria number five,

272

1 that we have a good past history of performance and
2 lots of experience with the research that we're working
3 with. So I would submit that the project criteria
4 total score could be 94, which would bring it up to a
5 90 percent funding on that one.

6 On the second project, which is the resource
7 management project, this project has two components,
8 one is regional ecologist support to the region for a
9 number -- for the forest and for the research projects
10 route designation and those types of efforts. The
11 other piece is getting our region-wide monitoring
12 project in place. And, again, I think that this
13 project scored low. It scored below the 50 percent
14 cutoff, and I think that it does deserve a few more
15 points with regard to the innovative approach that
16 we're proceeding. It's a new process. We are actually
17 going to publish this process. It demonstrates that
18 we're going to reduce -- we're going to address issues.
19 It's the whole purpose of doing the monitoring, and
20 then we do have a lot of volunteer participation from
21 most of the people, many of the people in this room in
22 addition to other folks that we're working with. So I
23 believe that the score could go up to 61 points, which
24 is a 55 percent funding. So that's what I would
25 recommend, and I would be happy to answer any

273

1 questions.

2 CHAIR SPITLER: Thank you. Stick around, we
3 might have questions.

4 Let's go ahead and do public comments on these.

5 DON AMADOR: Don Amador, Blue Ribbon Coalition;
6 30, support staff at 162,250. For the regional
7 planning, we want to give conditional support for the
8 staff recommendation I think of 1.2. We have some
9 concerns on step two. We don't want to see any
10 arbitrary closures happen without due process; trying
11 to work through that. So want to give conditional
12 support at this time; 32, support staff
13 recommendations; and 33 support staff at 750,000.
14 Number 34, support \$20,000 only for the aerial over
15 flights. I'm not sure that we need to pay for
16 enforcement specialists. Thank you.

17 CHAIR SPITLER: Thank you.

18 JOHN STEWART: John Stewart with the California
19 Association of Four-Wheel Drive Clubs.

20 I'd like to really speak to the one -- the
21 SW-31. The region requested two million and the staff
22 allocation is 1.3 million. This particular grant is
23 for the route designation efforts and the planning that
24 goes along with it. Cal Four-Wheel believes that
25 planning portion is critical. It's very important, and

274

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 we would like to see that figure bumped up as much as
2 possible, realizing, yes, there are funding constraints
3 to go around and something is going to have to cut
4 somewhere, but overall we highly support this grant to
5 be funded as much as possible. Thank you.

6 CHAIR SPITLER: Thanks.

7 DAVE PICKETT: Dave Pickett, District 36.

8 On number 30, 32, 33, 34, I'm going to go with
9 Division recommendations.

10 On number 31, I'm going to stand on my same
11 position as last year. I do not feel that it's fair
12 that the OHV community has to fund designated trail
13 inventory process when the rest of the United States
14 does not. So therefore I urge zero funding on SW-31.
15 Thank you.

16 CHAIR SPITLER: Thank you.

17 NICK HARRIS: At least there's a little variety.
18 Nick Harris, AMA, and I support staff on 30. On 31, I
19 come up here and supported this grant a number of years
20 in a row, and we did bring up a couple of issues
21 yesterday at the stakeholders meeting -- at least two
22 of you were there -- and I'm still supporting the
23 concept. I'm a little worried in some of the forests
24 how it's being delivered, but I'm definitely interested
25 in supporting staff's recommendations; 32, staff

275

1 recommendation; 33, staff; and on 34, I do feel like
2 it's a little bit high. At least the aerial over
3 flights, this seems like we get a lot of bang for our
4 buck on that. At this point, I'm ready to support the
5 20,000 was identified for the aerial over flights.
6 Thank you.

7 CHAIR SPITLER: Thank you.

8 DON KLUSMAN: Don Klusman, California Four-Wheel
9 Drive Association. Number 30, we support staff
10 recommendation on it. Number 31, as John alluded to --
11 he didn't give you a figure, I'll give you a figure,
12 two million we would like to see; 32, we'd like that
13 one be pulled and considered in November; 33, I'm a
14 little confused, we have three different figures. One
15 of the spreadsheets we came out with says staff
16 recommendation was 825, and that's what we were
17 prepared to support, so -- and now it says 750. I
18 don't know which one was a misprint, but I would go
19 with the 825 on that one.

20 DEPUTY DIRECTOR GREENE: Don, I'm sorry, which
21 ones again?

22 DON KLUSMAN: On 33.

23 CHAIR SPITLER: I think 750 is the updated
24 figure.

25 DON KLUSMAN: Okay. I would like to see it at

276

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 825. On 34, I'm going to go along with \$20,000. I
2 don't think we need to fund an L.A. officer just to go
3 out and try to raise fines and so forth, and that's the
4 way I read that. If that's -- I mean I encourage the
5 Forest Service to do that, but I don't see that we need
6 to fund that. That's something that the agency needs
7 to go out and push along. And we talked about this at
8 length many times. They need to work in collaboration
9 with BLM to get that done. Thank you.

10 CHAIR SPITLER: Thank you.

11 KAREN SCHAMBERG: Karen Schamberg, PEER.

12 I would support -- on 30, I would support staff
13 recommendation. On 31, route designation, support the
14 two million. We have a commitment to two million.
15 Route designation is possibly the most important thing
16 that this program is doing right now, and I think we
17 need to, you know, fulfill our commitment and show
18 our -- the public and the Forest Service that we are
19 committed to route designation; 32, I would like that
20 pulled. I think at least 100,000 for that one. Staff
21 recommends zero, but I think we need to reconsider
22 that; 33, I agree with Don with the earlier
23 recommendation of 825,000; and don't really have an
24 opinion on 34.

25 CHAIR SPITLER: Thank you.

277

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 COMMISSIONER THOMAS: Well, I'd like to strongly
2 support the 187 in terms of its law enforcement side,
3 that would be 34, in that finally someone will be doing
4 the forward-looking planning, charging, developing of
5 regulations, procedures, training for the entire 19
6 forests of California. We've been talking about it as
7 long as I've been on this Commission, and we haven't
8 done very much. And I think the feds have finally
9 stepped up to the plate and are proposing to do that,
10 so I'm going to recommend that we pull that item for
11 full funding.

12 On the two million for the deal is a deal, I
13 think we -- if you make -- if you sign agreements that
14 say you're going to pay somebody, you better pay them,
15 so I'm going to support the two million, and I would
16 ask that it be pulled and put on in its full value.

17 COMMISSIONER WALDHEIM: Starting from the top
18 number 30, going to go with Consent 162,250; number 31,
19 two million; number 32, 88,000; number 33, 825,000;
20 number 34, 84,150.

21 CHAIR SPITLER: I think we'll probably end up
22 discussing all of these in November, so we'll just go
23 ahead and take them all off and bring them back up for
24 a fuller discussion in November.

25 OR-2-P-73 through P-77 Plumas National Forest.

278

1 DEB SCHWENBERG: Hello, again, my name is Deb
2 Schwenberg, and I'm the new player on the block, also
3 like to put in a little bit of levity in my
4 presentation, so please bear with me.

5 The Plumas is really pleased to have been funded
6 for or recommended for funding for every application
7 that we put in this year, but we would like to request
8 that you reconsider our restoration grant. We feel
9 that we scored more points than what we were given in
10 the staff's recommendations, and the reason being that
11 our forest hydrologists work very hard to demonstrate
12 law enforcement's effort by putting -- using the
13 barricades, doing monitoring patrols, incorporating the
14 use of other kinds of Forest Service employees to
15 patrol and to monitor all of these restoration projects
16 to ensure that they are maintained, and that there are
17 no intrusions into something that's been obliterated.

18 Secondly, we use quite a considerable number of
19 partners in our efforts, and you can see in our East
20 Side grants, which is the Lake Davis Road realignment
21 and the Last Chance Creek area, that there are
22 considerable amounts of partner dollars being leveraged
23 with this request. The Meadow Valley request is the
24 larger of the three, and in that request, it's going to
25 be leveraging funds that come from a Quincy library

279

1 group, Timbers Vale to help us get some of these dead
2 end berms obliterated that are causing some problems
3 out there.

4 What I'd like to remind people that no one
5 probably is really familiar with is that our
6 hydrologist mentioned to us that 28 percent of the our
7 state water supply comes out of the Plumas Forest
8 watershed. As such it's really proved just how
9 important water quality, prevention of sedimentation,
10 erosion and OHV damage is in our forest. And with the
11 Meadow Valley project in particular, the one that
12 doesn't seem to have sufficient amounts of funding,
13 this project is going to have dual importance and dual
14 impacts that will benefit the community as a whole.
15 Not only will it provide fire protection as a
16 defensible profile zone for fuels reduction, but this
17 project will also reduce the amount of OHV damage and
18 sedimentation and water quality problems that result
19 from unmanaged use in those areas. This is in a
20 wildlife -- or a wildlife urban interface, wild land
21 urban interface, so there are quite a number of people
22 that leave right outside their backyards and head out
23 into the hills. We've got a considerable number of
24 user-created trails. And with a funding of this
25 project, we'll be able to obliterate those dead end

280

1 ferns in which we have a lot of resource damage and be
2 able to concentrate the OHV use in that community onto
3 areas that we can sustain and that would be managed.

4 So with that I'd like to thank you again for
5 considering us for funding for the other projects, and
6 please ask that you consider funding this one more
7 fully. Thank you.

8 CHAIR SPITLER: Thank you. Ms. Milligan.

9 SYLVIA MILLIGAN: Yes, I'm Sylvia Milligan and
10 I'm chairperson of Recreation Outdoors Coalition, and
11 Plumas is my neighbor. And I represent a lot of people
12 that do recreate on the Plumas. It's an excellent
13 forest, very user friendly, provides a lot of
14 opportunities. And so I pretty much am for everything
15 you have here. I would like you to take another look
16 at that restoration because the particular areas she's
17 talking about has a lot of waterways that feed into the
18 Feather River, so there is a lot of effect on the land
19 and the resources in that area, so if you would kind of
20 look at that once again. Other than that, we would go
21 with staff's recommendations. Thank you.

22 DON KLUSMAN: Don Klusman, California Four-Wheel
23 Drive Association. I know you guys want me to lose
24 weight because I've come up and down those steps 500
25 times today.

281

1 All of them, except for the restoration one, we
2 go with staff recommendation. The restoration one, I
3 would ask that it be looked at for full funding. As
4 mentioned, there are a lot of tributaries that go into
5 Feather River. I fish the Feather River. I don't want
6 to see it muddied up, even though there is no salmon
7 there right now, but anyway. All the rest of them, I'd
8 like to see as staff recommendation, but I would like
9 to see the restoration at full funding or as close to
10 it as possible. Thank you.

11 One other thing while we're on these grants. I
12 know the Commission has a lot to look at. One of the
13 things is you have set targets, and we're adjusting all
14 over place here, and we will be in November. Remember,
15 we need to set priorities, and I hope that a lot of
16 these smaller grants don't fall off the end when you
17 come to a certain level, that's all you can fund. Keep
18 that in mind, please, especially for the northern
19 forests and beyond it. Thank you.

20 RYAN HENSON: Ryan Henson, California Wilderness
21 Coalition. I too would urge full funding for the
22 restoration proposal P-76, actually for the reasons
23 that Don Klusman and Sylvia Milligan said. There are
24 important streams that flow into the Feather River.
25 It's also a fairly beautiful spot, and I think it could

282

1 be even more wonderful and important to wildlife and
2 people once it's restored. Thank you.

3 DAVE PICKETT: Dave Pickett, District 36,
4 Motorcycle Sports Committee P-73, 74, 75, 76, 77 per
5 staff recommendations. I think they make sense. Thank
6 you.

7 CHAIR SPITLER: Okay.

8 Mr. LaFranchi, will you offer public comment?

9 COUNSEL LaFRANCHI: What do you want me to say?

10 COMMISSIONER PRIZMICH: Spoken like a true
11 lawyer.

12 CHAIR SPITLER: I'm feeling the love here for
13 that restoration project. I think that one is going to
14 have to come off. I think the first two, P-73 and 74
15 are probably okay on Consent.

16 COMMISSIONER THOMAS: Yes.

17 COMMISSIONER WALDHEIM: P-73, P-74 agreed.

18 P-75, 13,300, summer only; 76, 315,000; 77, 20,000.

19 And where is the lady -- what was her name? What was
20 your name?

21 DEB SCHWENBERG: Deb.

22 COMMISSIONER WALDHEIM: If I can ask you one
23 thing. When you kill somebody, one stab or one shot
24 will take care of it. But when you would have multiple
25 stabs, it would really hurt. When you make your

283

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 presentations, resource damage, you know, OHV portray
2 that the whole place is totally out of control. You
3 only have 32 miles of single track trails is all you've
4 got. We've got 3200 miles of roads. So are you
5 telling me that the roads are in such a bad shape that
6 you guys haven't done the maintenance to make sure that
7 the runoff is properly done?

8 DEB SCHWENBERG: No, this area that we were
9 asking for the restoration, two of the grant requests
10 realigned roads to remove them from either stream
11 channels or areas that are susceptible to erosion. One
12 is on a lakeshore that provides fishing access down to
13 the lake.

14 COMMISSIONER WALDHEIM: We're giving you the
15 350,000; we're thinking about doing that. But I want
16 to make sure that you're properly maintaining the
17 trails systems and you got the facility maintenance.
18 We're going with staff recommendation.

19 DEB SCHWENBERG: Yes.

20 COMMISSIONER WALDHEIM: But I just have a hard
21 problem when you keep talking about OHV damage, OHV
22 damage, OHV damage. It gets a little bit old.

23 DEB SCHWENBERG: We have considerable use of
24 OHVs, whether it's single track, quads, ATVs.

25 COMMISSIONER WALDHEIM: Thirty-two miles.

284

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 DEB SCHWENBERG: But designated. Those are
2 usually on our forest system roads, but we have 3500
3 segments presently inventoried under your OHV inventory
4 at the moment.

5 COMMISSIONER WALDHEIM: On the 32, the reason I
6 went only with 22,000 on the item number 77 is because
7 on your Waldheim budget, you only show \$33,000 that you
8 have expensed that you have budgeted for LEO, so.

9 DEB SCHWENBERG: For law enforcement.

10 COMMISSIONER WALDHEIM: So that's more than
11 adequate.

12 DEB SCHWENBERG: The purpose of this law
13 enforcement is to help us improve our wilderness
14 patrolling, and I understand you're taking out winter
15 patrolling as part of this. We have a wilderness that
16 is largely patrolled during the wintertime, Bucks Lake
17 wilderness, and it's surrounded by snow and groomed
18 trails. So we had some wilderness intrusions last year
19 that were eliminated through increased patrols and
20 signing. But we also have a wild and scenic river
21 which is close to OHV use, except for four locations
22 and penetrations that are allowed by our forest plan
23 into it, so we do have considerable patrolling that has
24 to be done. And we have a limited number of law
25 enforcement officers presently on the forest employed

285

1 full time, so that means it falls largely on the backs
2 of the FPOs, our recreation technicians, and others
3 that are certified for law enforcement.

4 COMMISSIONER WALDHEIM: Thank you.

5 DEB SCHWENBERG: So this contributes to more of
6 their time being on the ground patrolling.

7 CHAIR SPITLER: Do you have a priority of the
8 equipment? It sounds like you were okay with staff.
9 Do you have a priority of the equipment for law
10 enforcement?

11 DEB SCHWENBERG: We would like full funding for
12 the equipment, but that's a perfect world.

13 CHAIR SPITLER: But that doesn't answer my
14 question.

15 DEB SCHWENBERG: Ideally what we would like with
16 the equipment request is what staff has funded, because
17 that would provide us with a trailer that was
18 identified as being necessary during one of our
19 reviews. It would provide us with a quad, which we do
20 not have for recreation. And it would provide us with
21 a single track motorcycle that will allow to us do
22 single foot patrol in the lower Foothill area, so the
23 15,000 is good.

24 COMMISSIONER THOMAS: I would note that it looks
25 like there is no citations for wilderness, no warnings

286

1 for wilderness, yet 69 cold reports. And no trespass
2 citations, no pristine warnings, so why should we --

3 DEB SCHWENBERG: We have not perceived trespass
4 as an issue; however, we did find that there were cold
5 calls for the wilderness where we did see signs of
6 tracks. But as I stated, we found that by increasing
7 our patrols and presence and signing, we were able to
8 eliminate the wintertime wilderness penetrations. And
9 then during the summer months, we also employ a
10 wilderness ranger, whose job it is to patrol that and
11 to eliminate any kind of intrusions by vehicles into
12 our wilderness.

13 COMMISSIONER THOMAS: But you didn't warn
14 anybody or didn't cite anyone?

15 DEB SCHWENBERG: We didn't see anyone. We saw
16 evidence of them being there, but did in the see
17 anyone.

18 COMMISSIONER THOMAS: Have you thought about
19 doing over flight?

20 DEB SCHWENBERG: No, that hasn't been discussed
21 in your forest previously.

22 COMMISSIONER THOMAS: What do you have think
23 about that? If you haven't been able to see anybody
24 and spent all this money last year and the year before,
25 and we know they're out there because there are the

287

1 cold reports, but we can't see them. What would be
2 your solution?

3 DEB SCHWENBERG: Our solution is to increase
4 presence, to further our education efforts. We found
5 that most of the people that were actually doing the
6 wilderness intrusions were on snowmobiles hauling
7 someone on a snow board up the hill so that they could
8 board down the hill. So we found that by increasing
9 signage and the presence in our staging area, we were
10 able to eliminate people leaving. That boundary of our
11 wilderness right there was a little bit obscured, so it
12 was hard to tell where that perimeter was. So we felt
13 that increasing the signage there, we were able to
14 eliminate the problem. We don't perceive that we will
15 have continued intrusion problems; however, we're
16 finding that we have other types of vehicle problems,
17 particularly around our recreation areas that are
18 closed by our forest order for OHV use.

19 COMMISSIONER THOMAS: That's a little bit like
20 saying we eliminated the speed problem on Highway 70 by
21 putting up a speed sign; is that what you're saying?

22 DEB SCHWENBERG: No, I'm saying by showing an
23 increase in presence, we're able to eliminate a lot
24 more of the problem because it's not occurring at night
25 time in our forest, we're finding that it's occurring

288

1 during the day. I don't know of anyone who wants to
2 snowboard in the middle of the night.

3 COMMISSIONER THOMAS: Well, why are there no
4 warnings on the floor? Why did you not log any
5 warnings if you saw people doing this and you talked
6 with them and said --

7 DEB SCHWENBERG: Like I said, we did not see
8 people doing this. We were either told by volunteers
9 or told by people who worked there or who had parked in
10 the lot, that this is what they witnessed. So, of
11 course, it means that it was a cold report, not one
12 that we witnessed in person.

13 COMMISSIONER THOMAS: Okay.

14 CHAIR SPITLER: Thank you.

15 COMMISSIONER WALDHEIM: Mr. Chairman, the
16 equipment grant on page 36 is for the ATV, the Honda
17 and trailer, and that comes up to the 13,000. I don't
18 know how staff got the 15,400, doesn't make any sense.
19 You can't do anything with the balance.

20 CHIEF JENKINS: You add ten percent.

21 CHAIR SPITLER: Any other comments on Plumas
22 National Forest?

23 Okay. Shasta-Trinity National Forest,
24 OR-2-SH-39, 40 and 41.

25 JOHN SKYLAR: Good afternoon, I'm John Skylar,

289

1 the public usage staff officer for the Shasta-Trinity
2 National Forest. We're a 2.3 million acre forest that
3 is part of the northwest forest plan. We have some
4 unique situations there. Our applications are focussed
5 in two areas, the Chappie Shasta OHV area, which we
6 jointly manage with the Bureau of Land Management,
7 which was referred to earlier today, and also the Pogon
8 Creek snowmobile area, which is east of Mt. Shasta. We
9 have three applications in front of you today. In
10 summary, for application 39, we would be -- we're okay
11 with the staff recommendation on that one.

12 For applications 40 and 41, we would like those
13 reconsidered, and I'll go into that in detail. For
14 application 40, which is a resource monitoring proposal
15 in both the Chappie Shasta OHV area and the Pogon Creek
16 Snowmobile area. When we look at the scoring, we think
17 overall scoring is low. My scoring of it would put it
18 in the realm of 60 to 70. And specifically we would
19 ask you to take a look at the criteria of innovation.
20 There we got four zeros and a five. And, again, you
21 know, data collection and specifically data collection
22 for the northwest forest plan, may not appear too
23 innovative, but we need hard data to support the
24 decisions we make.

25 One thing we are doing is cross training OHV

290

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 technicians to collect biological and soils
2 information, so I think that is somewhat innovative.
3 And also in the other areas, we're looking at the
4 timing of the monitoring, so we get real data, real
5 time data. That's all I have on number 40.

6 For 41, again, I think the scoring is too slow
7 on that. And when I score it, I put it in the realm of
8 70 to 80. Specifically the implications of not funding
9 the proposal, I think it is well spelled out in terms
10 of reduced services, facilities deterioration, basic
11 weed expansion, and other unwanted effects, so we ask
12 you to take another look at that one.

13 Second criteria that should be relooked at is
14 one of enhancing services. We have a safety training
15 area that would be affected by lack of funding and
16 facilities themselves.

17 And then the last criteria I'd like to have you
18 take a look at is the participation by volunteers. We
19 documented we have two hosts. We have sites where the
20 hosts can stay. We have clubs donating both sweat
21 equity and facilities for the management of the Chappie
22 Shasta area, so we would like that to be looked at
23 again.

24 I have some numbers for you that might help. I
25 have pulled out the snow part of items 40 and 41, so

291

1 when you pull out the snow of 40 it comes in at 26,300.

2 And for 41, you pull the snow out, it comes to 22,500.

3 That's all I have.

4 CHAIR SPITLER: Thank you.

5 Okay. Public comment.

6 DAVE PICKETT: Dave Pickett, District 37,
7 Motorcycle Sports Committee. On recommendation 39 and
8 number 40, Division recommendations.

9 Mr. Waldheim, I would like to have number 41
10 pulled for consideration in November. I would hate to
11 see that infrastructure go to pot due to lack of
12 funding.

13 COMMISSIONER WALDHEIM: Give me a dollar.

14 DAVE PICKETT: Twenty K. It's a unique area,
15 and as the gentleman prior to me indicated, there is
16 huge user participation in that area, witnessed to by
17 myself many times, very nice little area there. Thank
18 you very much.

19 DON KLUSMAN: Don Klusman, California Four-Wheel
20 Drive Association.

21 On 39, we agree with staff recommendation. On
22 40, we would like to see the 29,000 there. On 41, I'm
23 like Mr. Pickett, I'm a little complex there, but I'll
24 go with the 20,000. One of the things that was
25 mentioned in the presentation was the training area.

292

1 To my knowledge in dealing with the clubs up in that
2 area, that training area hasn't been utilized because
3 of conflicts with Forest Service regulations and so
4 forth, that our clubs cannot use it because we cannot
5 get insurance for that type of an event, and they won't
6 self-insure it. So there's a little conflict there
7 that needs to be looked at, so I'd ask that one be
8 pulled.

9 DON AMADOR: Don Amador, Blue Ribbon Coalition.

10 On 39, the trail maintenance, we support staff
11 at 35; spent quite a bit of time up there this summer
12 with the spotted owl studies, and not only just the
13 Shasta Chappie also along Highway 36 in the Platina
14 area, a lot of the Redding and valley folks coming and
15 using that area now, getting a lot of use.

16 The restoration grant we support at 29,000.
17 Again, I believe they supplied enough of a nexus there
18 for to us support that. And for 41, we recommend also
19 the 20,000. Thank you.

20 COMMISSIONER WALDHEIM: Mr. Chairman, number 39,
21 staff recommendation, so I guess that can go on
22 Consent; number 40, 20,000; number 41, 20,000. That
23 pulls it off of Consent.

24 CHAIR SPITLER: All right. Any comments?

25 COMMISSIONER THOMAS: I don't know if I agree

293

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 with those numbers.

2 COMMISSIONER WALDHEIM: It's just to pull it off
3 of Consent.

4 CHAIR SPITLER: Yes, it's just to pull it off of
5 Consent. We will have 39 on Consent, and 40 and 41
6 will come off.

7 Let's get through Six Rivers and take a short
8 break and hopefully come back and finish up.

9 OR-2-SR-29 through 32, Six Rivers National
10 Forest. Anyone from the Six Rivers here?

11 Let's to public comment here on Six Rivers.

12 DON AMADOR: I think Ray McCray, the
13 recreational officer, is out busy trying to deal with
14 some hunting issues up there and ATV. So I apologize
15 for him not being here.

16 The Six Rivers trail maintenance, we recommend
17 30,000. As some you may know, they have a 70-mile
18 designate trail system up there. One of the few that
19 actually has EA completed on it. It's a popular area
20 now with particularly the valley folks and hasn't
21 gotten funded for the last couple of years. We talk a
22 lot about designating trails and maintaining them, here
23 we have a designated trail system. I'd like you to
24 consider funding that at 30,000.

25 Law enforcement, they have again some ATV issues

294

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 up there, particularly in the Lasik areas, trespass.
2 I'd like to recommend 17,000 funding for law
3 enforcement on the southern end, particularly the Six
4 Rivers. Been up there and seen it myself, they need
5 some help there.

6 And restoration grant, again, I think it
7 complicates their OHV program, and recommend that at
8 23,000. Thank you.

9 CHAIR SPITLER: Thank you.

10 COMMISSIONER WALDHEIM: What about 32?
11 Mr. Amador, what about 32?

12 DON AMADOR: I've got to look. Go ahead.

13 RYAN HENSON: Ryan Henson, California Wilderness
14 Coalition. I also had a long conversation with Ray
15 McCray, the LEG coordinator for the Six Rivers. I'm
16 very familiar with the problems the Six Rivers has with
17 cross country dirt bike travel and quad travel and
18 whatnot, particularly in the Mt. Lasik area. It's a
19 really terrific place, very sensitive botanically and
20 geologically. Unfortunately for it, it's fairly wide
21 open naturally, just wide open. And so it takes a lot
22 of boulders and a lot of other kinds of barriers to
23 keep people out.

24 Frankly, they should be asking for a lot more
25 for restoration under SR-30. Yes, I'm sorry, SR-31

295

1 than 23,000. The only answer in Mt. Lasik over time is
2 I think pretty much boulder the whole area off. But in
3 addition to that, the --

4 COMMISSIONER THOMAS: What are you recommending?
5 What are you recommending, full funding for 31?

6 RYAN HENSON: For number 31, certainly full
7 funding, yes.

8 COMMISSIONER THOMAS: Tell us what you're
9 recommending.

10 RYAN HENSON: I'd like to work with them next
11 year to try to come up with something a little more
12 aggressive.

13 Also their law enforcement grant has to be
14 funded. There is an emergency order that's been issued
15 to restrict vehicle travel at Mt. Lasik. Without law
16 enforcement, it's worthless. So please support that at
17 the full 17,000, SR-30.

18 Also, the trail maintenance plays right into
19 that, SR-29, with the \$18,000 that they requested. Ray
20 convinced me that if they maintain their trails
21 properly, people will go there and not Mt. Lasik.

22 Lastly, the Smith River National Recreation area
23 is truly a tremendous place. The Smith River is
24 California's, I'd say, cleanest river. I think it's
25 our -- it's the only true long undammed river in

296

1 California. And as I understand it, project SR-32
2 would continue the route designation effort in the
3 Smith River National Recreation area. So I encourage
4 you to fund that. The open forest is broke, by the
5 way, they really are broke. So I encourage you to fund
6 that at the 117,000 that they requested. Thank you.

7 DON AMADOR: You asked plea on the 32?

8 CHAIR SPITLER: Yes.

9 DON AMADOR: Don Amador on Blue Ribbon.

10 On 32, we recommend to go with staff on 76,000.
11 Thank you.

12 COMMISSIONER WALDHEIM: Mr. Chairman, Six Rivers
13 number 29, \$30,000; number 30, \$7,000. That's
14 enforcement -- 17, you said 17,000, sorry about that,
15 17,000. Thank you, I stand corrected. Number 31,
16 21,000. And number 32, \$105,000.

17 CHAIR SPITLER: Sounds like all of those are
18 coming off of Consent. Those are all different than
19 the staff recommendations, so we'll go ahead and yank
20 those off and discuss them move in November.

21 Any more comments on Six Rivers?

22 COMMISSIONER THOMAS: No, I want to win the
23 lottery, so let's hurry.

24 CHAIR SPITLER: Let's take a short break here,
25 come back and we will finish up.

297

1 (Break taken in proceedings.)

2 CHAIR SPITLER: Next up on the list is
3 Stanislaus National Forest OR-2-ST-63 through 69. I
4 understand Mr. Kermeen is here from Stanislaus.
5 Mr. Kermeen, before you get started, can you just
6 clarify something for me. Is it Stanislaus or
7 Stanislaus.

8 BRIAN KERMEEN: Stanislaus.

9 CHAIR SPITLER: Thank you.

10 BRIAN KERMEEN: Now, that we got that out of
11 way, and it's happy hour, I hope you're still feeling
12 the love. I haven't heard that for an hour or so.

13 I'm Brian Kermeen, I'm a landscape architect and
14 recreation planner with the forest. I am here to
15 represent the forest today. I'm not the most
16 knowledgeable person. They're working on the hurricane
17 relief effort, so I may not be able to answer some of
18 the detailed questions, but I certainly understand the
19 forest in the context.

20 We've got seven grants, as you're aware. We've
21 been trying to improve our program here with limited
22 funding over the last several years. I think we've
23 been successful at that. Unfortunately, we didn't rank
24 real well on the scoring this year. I would like to
25 get into the details of that as Rich did. By the way,

298

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 I counted 102 on ours, he only get 99. Unfortunately
2 it took four projects to get to 102 collectively.

3 One thing, I did look at the scoring. On many
4 items there was a range from five to 20 on a couple,
5 which indicates to me that some people may not have
6 seen the content, that was not so clear in the
7 document. Being new to the document myself, I have
8 confess it could have been written better. But I
9 believe the projects are of higher quality than maybe
10 we characterized the way that they were presented.

11 We accept the Consent on number 66, which is the
12 development grant. We'd like to have it all funded.
13 We'd like to have the toilet. We have a watershed
14 there, too, Tuolumne River watershed, but we'll accept
15 that as our own project that at this point had funding
16 associated with it.

17 The other six projects we'd like to have removed
18 from the Consent and reconsidered, especially the law
19 enforcement and restoration projects. As we enter step
20 two of our route designation process, it's really
21 critical that we have law enforcement presence out
22 there. And without some funding, that's going to be
23 very difficult for us. Big picture, that I want to
24 leave you with here, the Sierra National Forest south
25 of us missed the deadline due to an accident; weren't

299

1 able to get their grants accepted. And if ours strike
2 out, we've got close to a 200-mile stretch of the
3 Sierra Nevada directly east of the Bay Area, 12 million
4 people, without the assistance of funding. So I'd like
5 you to take that into consideration for our forest as
6 well, because county partners, Calaveras County and
7 Tuolumne County, they also weren't very successful in
8 the ranking. So thank you very much. I'll try to
9 answer questions if there are any.

10 CHAIR SPITLER: Stick around, we might have
11 questions.

12 Is there anyone at all from the public who would
13 like to comment on the Stanislaus National Forest?

14 JUDITH SPENCER: Judith Spencer, CORE. I had
15 done rescoring, too, but now it's been done to death,
16 so I don't think I'll go there.

17 I want to speak in particular about the law
18 enforcement and restoration request for this forest.
19 One of the things -- and I have to admit it wasn't the
20 best written grant I've never seen, but most of the
21 content was there. I guess maybe it wasn't in the
22 right place.

23 But one thing that was really evident is their
24 pairing the law enforcement issues with the restoration
25 projects that they're proposing. So I'm hoping that

300

1 insofar as possible, their restoration requests can be
2 funded. I don't have a particular dollar amount to
3 suggest, but three of them in particular are so ken to
4 the interface issue because of the residential area and
5 because of the environmental stuff that's there, that's
6 the Cedar Ridge restoration project, Lions Lake and Day
7 Flat, all of those are near residential areas, all of
8 them have significant environmental issues. And so the
9 restoration that they're proposing particularly in
10 those three areas, but it's true for the others they
11 suggest as well, that they're going to head off some
12 real problems of conflict with residences if they get
13 the restoration done, which is closing some
14 user-created trails, so areas that have been taken
15 barren with overuse and that kind of thing. So I
16 strongly suggest that you fund the restoration insofar
17 as possible.

18 And the other thing about the law enforcement --
19 and one thing I meant to say this morning when I was
20 speaking about the Calaveras County Sheriff's
21 Department, is that we have such great cooperation
22 between the sheriff's department and the Forest Service
23 now. So that there is a real I guess synergism. One
24 would say we're going to let a lot of bang for our buck
25 if the Forest Service is funded for law enforcement.

301

1 And when they sent information out to the public and
2 listed their priorities, law enforcement was on the
3 top. So they are truly dedicated and interested in
4 keeping use on designated routes. They're designated
5 not just in the interface, but they're designated at
6 the Granite project in the Roberlin district, all of
7 the trails in the Summit district are already
8 designated. And if we can keep it up so that these are
9 covered, then as we move into the full forest
10 designation process, I think we're going to be in good
11 shape. If we drop the ball now, we're going to be in
12 big trouble because use is way up all over the forest.
13 And I believe --

14 I did bring a little bit of information about
15 the PAR. There were 556 warnings and 131 citations in
16 their PAR. And what they're proposing with law
17 enforcement is to include LEO presence on every
18 district for particular times, not just across the
19 board, but to use that time as -- you know, either on
20 weekends, holidays, they know when the use is up most,
21 and that's where we're going to get arrests if they're
22 needed and more citations, and then, of course, to
23 buffer that with the FPOs, as well. So I hope you'll
24 look at those two things. I think I'll let the other
25 ride, and hope that we can get them to write a better

302

1 grant proposal next year. Thank you.

2 CHAIR SPITLER: Thank you.

3 COMMISSIONER THOMAS: I've got a question for
4 you. What was the dollar amount that we were short on
5 the county grant?

6 JUDITH SPENCER: Let's see, the half-time
7 position on the county I believe was 39,000.

8 COMMISSIONER THOMAS: There was a total grant of
9 39,000.

10 JUDITH SPENCER: That was for the half-time
11 position.

12 CHAIR SPITLER: The one that was thrown out for
13 the 68.

14 JUDITH SPENCER: And the 68,000 was for the
15 full-time position.

16 COMMISSIONER THOMAS: So of a sudden, we feel
17 that the innovation of some of these other forests of
18 contracting with the county was a good idea, perhaps we
19 just increase the Stanislaus grant by \$68,000, and then
20 go ahead and contract. So I'll ask that of the
21 Stanislaus. It might get the same result through a
22 different door.

23 JUDITH SPENCER: One of the things that we might
24 not get, and I'm not sure it -- I'm pretty sure the
25 full-time position is predicated on grant funds and

303

1 keeping the same deputy who stayed with us all day
2 today, would be a really important issue for the --

3 COMMISSIONER THOMAS: I'm trying to get there.

4 JUDITH SPENCER: And that could work through the
5 contract. Obviously, I don't understand that, so.

6 Okay. Any other questions?

7 CHAIR SPITLER: Thank you.

8 DON AMADOR: Don Amador, got all these new
9 friends I don't know what to do.

10 Starting with 63, the law enforcement grant, I
11 mean obviously I think the 325,000, that was just a bit
12 absurd, but we would support 125,000 and they can work
13 out their law enforcement however they want, is
14 certainly adequate for what they're doing there, but
15 important to fund them at least at 125,000.

16 The restoration grant, we go with \$80,000 for
17 that. The grant number 65, the resource management, we
18 support staff at zero. Number 66, the development of a
19 new staging area, at least recommend 30,000 for that.
20 They're planning on putting a new toilet there, so when
21 Judith comes up, she has a place to go and so does the
22 rest of it. So I would like to at least recommend
23 30,000 at least for 66, if not the full 56 or 59,000
24 that was recommended.

25 Number 67, support staff at zero. Number 68,

304

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 support staff at zero. And 69, because I think we do
2 need to take care of our infrastructure, we support
3 full funding at 28,000. Thank you.

4 MARCUS LIBKIND: Marcus Libkind, Snowlands
5 Network. We've gone through a lot today, and what I
6 realize is that, you know, people think we ought to
7 increase this, we ought to increase that, but the pot
8 of money is fixed. So then the question comes up, what
9 do you do when you increase some of it and then reduce
10 everybody by a fixed percentage to get there. Or
11 someone at a break said to me, well, no, you find out
12 the forests that, you know, they have less people, so
13 they really don't need what they say they need.

14 I don't know what the solution is, but I want to
15 make sure that for winter, law enforcement is funded.
16 And I'm concerned about Ed saying, well, I don't want
17 to fund any winter stuff. I mean that worries me.
18 Last year that's what happened. They moved the
19 snowmobile trail grooming to the Division, and then
20 there was essentially zero for winter and for snow last
21 year.

22 I don't know what's going to happen. I probably
23 wouldn't even be here in November, because I have other
24 obligations on Fridays in November, but I think
25 Stanislaus needs to be funded for law enforcement. I

305

1 don't know which number, I didn't bring the paper up.
2 But I think there's a bigger thing that needs to be
3 considered is how to make sure everything that deserves
4 funding gets funded at least at some level, and we
5 don't have some blanket, "We're not funding winter law
6 enforcement." Thank you.

7 COMMISSIONER WALDHEIM: Mr. Chairman, I need to
8 have the record corrected. I did not say not funding
9 winter. I said what pot is going to pay for it. Are
10 we it going take it out of the pressure cooker or are
11 we going to take it from the hot oven. I don't know
12 which one it is. I agree we need to fund it, but we
13 need to figure out is it coming out of the support
14 budget or coming from the cooperative agreements
15 budget. I did not say not fund it.

16 JUDITH SPENCER: I'm sneaking back. I forgot
17 something. It's late in the day.

18 CHAIR SPITLER: You waited here. I think you
19 earned that right.

20 JUDITH SPENCER: I did forget to say that I do
21 strongly support part of the planning asks -- that
22 supports the forest wide stakeholders group. They are
23 making a difference. They're apart of the reason that
24 the cooperation that developed in the interface among
25 off-roaders and homeowners and hikers is spreading in

306

1 our forest, and the stakeholder is group is one of
2 those reasons. And as we move forward in the
3 designation process, I think we need to keep that
4 going. So at least the part of it that supports the
5 stakeholders group and their moderator or mediator -- I
6 don't know what that position is.

7 COMMISSIONER WALDHEIM: Facilitator.

8 JUDITH SPENCER: That's what I meant. Thank you
9 very much. Thank you for letting me say that.

10 CHAIR SPITLER: Okay. I think that was -- I'm
11 okay with the staff recommendations on 68, 69 and 65.
12 The other ones I'd like to pull off and discuss more in
13 November. I think the restoration is particularly
14 important and the law enforcement, and I also think
15 it's really important to make sure there are some
16 funding for the facilitator who finally brokered a
17 solution on the interface. I think we need to keep
18 that going. I would suggest 65, 68 and 69 stay on
19 Consent and the rest come off.

20 COMMISSIONER WALDHEIM: Mr. Chairman, you're
21 jumping on me. Number 63, I'm recommending 150,000, so
22 that means it comes off Consent. Number 64, I'm
23 recommending 214,000, so that goes off Consent. Number
24 65, I had agreed with staff recommendations. So are
25 you changing that?

307

1 CHAIR SPITLER: No.

2 COMMISSIONER WALDHEIM: That stays on Consent
3 then. Number 66, staff said 26,000, I had put down
4 zero, but we've had some testimony from Mr. Amador that
5 was looking for 30,000 trying to do that rest room, so
6 I'm willing to put it in, so it goes off of 30,000, put
7 that in there, so that goes off Consent. Number 67, I
8 had put down \$10,000, so that goes off Consent. And
9 the 68 I had agreed with the staff, but do you want to
10 keep it that way?

11 CHAIR SPITLER: I agree.

12 COMMISSIONER WALDHEIM: Okay. And number 69, I
13 had agreed with staff.

14 CHAIR SPITLER: Okay. Any other discussion from
15 Commissioners?

16 COMMISSIONER THOMAS: Just that I'm going to
17 increase the ultimate enforcement budget to include the
18 county's money.

19 COMMISSIONER WALDHEIM: So how much money do you
20 want?

21 COMMISSIONER THOMAS: In the amount of 68,000.
22 I don't know where that would come from at the moment.

23 COMMISSIONER WALDHEIM: You've got 150 now, so
24 you want to add 60,000 to that because I already went
25 to 150.

308

1 COMMISSIONER THOMAS: That number may work, but
2 we need to have a discussion so -- but whatever it is,
3 we're going to -- at least at this end, we're going to
4 reserve 68,000 for pass through.

5 COMMISSIONER PRIZMICH: Does that go to
6 Calaveras or Tuolumne, do you know?

7 COMMISSIONER THOMAS: I think it's Calaveras. I
8 want to make sure it's Calaveras. Tuolumne comes in
9 and has the same proposal, we can deal with Tuolumne at
10 the same time, and perhaps somebody will talk to
11 Tuolumne and suggest that.

12 CHAIR SPITLER: Okay. Anything else on
13 Stanislaus? Ready for the final grant of the day.
14 Tahoe National Forest OR-2-T-93 through T-96.

15 DAVE MICHAELS: Hello, I'm Dave Michaels. I'm
16 the forest trails specialist on the Tahoe National
17 Forest. Waited all day to be here in front of you and
18 you're probably all waited all day to see me sit down
19 and we can go home. So in the interest of time, I'll
20 review these numerically.

21 We support staff recommendations on the T-93
22 grant, the law enforcement grant. But request that the
23 other three grants be taken off the Consent Calendar
24 and that we do other considerations with them.

25 Specifically the T-94 grant originally was -- a
309

1 couple of weeks ago, it was -- staff recommendation was
2 106,600 and then it was dropped down to 83,200 by what
3 the Division has as a math error, a duplication of
4 32,000 some dollars. In reality, that is not really a
5 duplication. You open the grant, you'll see one was --
6 what it was, was the district split that cost in half
7 between half of it go to conservation and half of it go
8 to non-CE. And so I don't have -- the person who
9 actually put that spreadsheet together is not here and
10 can't be reached by phone, but I know that the district
11 has, you know, somewhere around 60,000 that they need
12 to run their program there, and so these one for some
13 30,000, they split it in half. So I think that is an
14 error that's there. We can bring you -- at the
15 November meeting, if you so choose, we can bring you,
16 you know, those figures that are correct, but.

17 CHAIR SPITLER: I would just suggest you work
18 that out with staff in advance of the meeting.

19 DAVE MICHAELS: Okay. So then we request that
20 that be considered to put back in, that 32,000 to add
21 to the 83,000 for a total of \$115,000 for the 94 grant.

22 For the T-95 grant, the facilities operations
23 and maintenance, we have some concerns about the
24 scoring on those. I won't go -- elaborate a great deal
25 on them, but the score, the large spread in some of the

310

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 scores that are there, and we feel in particular the
2 ones that deal with the implications of not funding the
3 program and also some of the volunteers, that we
4 believe our grant demonstrates that we were successful
5 in that and should have a higher score. And I think if
6 Commissioners were able to read those, they agree with
7 our understanding that. We're not asking to go to 99
8 on this. Just raise it up about -- we had raised it up
9 here about 20 points. In doing so, it brings that
10 figure to 75,000 or so for our facilities program.

11 As far as the T-96 grant, the restoration grant,
12 we would like to be fully funded at the restoration
13 level. We're working hard at integrating restoration
14 into our standard way of work over the last couple of
15 years here now, in particular with the funding, and
16 have these projects kind of staggered with the way
17 they're to be implemented and could certainly utilize
18 the entire roughly 134,000 some dollars. Thank you.

19 CHAIR SPITLER: Okay. Public comment on Tahoe
20 National Forest.

21 MARCUS LIBKIND: Marcus Libkind, Snowland
22 Network. Maybe next you start at the end of the list
23 and move up. That way I won't have to wait for Tahoe,
24 also, anyway.

25 I did look at the PAR report at the end, and

311

1 you'll notice that they have no citations for OSV
2 intrusions and maybe there is a good reason. I think
3 Tahoe National Forest may have the best winter law
4 enforcement plan or thing going on in California.
5 During the winter, I literally get e-mails every week
6 or other week from -- I think his name is Jeff Bailey,
7 who is the winter rec officer, whatever his -- LEO, and
8 he's out there. He's out there on the weekends. He's
9 out there mid week. He's out at Donner Summit. He's
10 out at Pole Creek, places that are closed. And while
11 he may not physically be there when someone tries to
12 come in, when I go to these places, rarely do I see
13 snowmobile tracks. I wouldn't say never; I have. In
14 fact, I've been in Round Valley near Donner Summit with
15 snowmobilers coming up to me at Peter Grub Hut. But
16 for the most part, they have a wonderful -- they're
17 doing a wonderful job, and I wanted you to know that
18 because maybe the statistics at the end really don't
19 show it. Thank you.

20 DON KLUSMAN: Last time you're going to hear
21 from me. Don Klusman, California Four-Wheel Drive
22 Association. Don't clap too loud, Paul. We're going
23 to change the name of this forest to A Tahoe Forest, so
24 it gets up on the list further.

25 On 94 -- 93, the law enforcement, we would like

312

1 to go with staff recommendation. And I know there has
2 been some discussion about cutting that. The Tahoe
3 Forest, as Mr. Libkind just said, does a magnificent
4 job of law enforcement. The PAR reports, I don't have
5 a lot of faith in any of them. But I know firsthand
6 because this is a forest I recreate in, our association
7 recreates in, and we have excellent -- and like I say,
8 I know in our event their being there that there were
9 tickets written, and whether there was accounting
10 problems or whatever, I don't know.

11 The other thing is with the increased law
12 enforcement that you have provided along with the
13 county and the Forest Service on the El Dorado, the
14 renegades are moving over onto the Tahoe Forest because
15 the Four Ice Trail is equal too or tougher than the
16 Rubicon Trail. And we're seeing it because we have the
17 adopt a trail on that -- four of our clubs have it. We
18 do the maintenance on it. We see a lot of degradation
19 happening from outlaw people, and the Tahoe is trying
20 their best -- I mean they have been down at the
21 trailhead writing tickets or giving warnings or
22 whatever to allow these vehicles that are not street
23 legal, that are not even green stickers, because
24 they're your extreme buggy vehicles or extreme
25 four-wheel drive vehicles because they're coming off

313

SCRIBE REPORTING

916-492-1010

866-457-1010

FAX 916-492-1222

1 the Rubicon because the law enforcement over there is
2 push being them off. So I would encourage you to go
3 with staff funding on that of the 158,000.

4 The trail maintenance one, here again, I'm a
5 little bit confused. I understand I guess it was a
6 math error. I'm prepared to go with the 106,600 which
7 was originally with staff recommendation. If there is
8 a mathematical error, the way I see it, there isn't,
9 but someone may know better, but I would like to see
10 that trail funding at 106,600 or real close to it, one
11 of the two.

12 The FO, I would like to go at 75,000. The Tahoe
13 National Forest has many restrooms that were put in
14 with OHV funds, has many staging areas for both
15 four-wheel drives and snowmobiles and single track
16 because they got the Prosser area, they got the Meadow
17 Lake area, they got the Downeyville area. It is a
18 mecca of OHV use. They have went out there and put the
19 facilities in, and we have supplied some of the money
20 for it and so forth, but I'd like to see more money put
21 into those facilities; otherwise, we're going to
22 replace them one way or the other in a few years.
23 People are still going to expect those restrooms out
24 there, and that's the big thing is the pumping of the
25 restrooms. So I would ask for 75,000 there.

314

1 And on the restoration, I would go with 135,000.

2 Thank you.

3 DON AMADOR: Don Amador, Blue Ribbon.

4 Quickly, I don't have to go into all of the
5 stuff that Tahoe does. It's a great forest, very
6 popular.

7 On grant 93, we support the staff at 158,000;
8 94, which is the trail maintenance, you know, I think
9 Don alluded to the fact that there's a lot of areas on
10 the Tahoe, whether you're going all the way from Forest
11 Hill, Prosser, Forde Ice, all the way to Plumas,
12 Downeyville area where you have a lot of trail use, a
13 lot of recreational use, not only in this area but in
14 between. And I saw one number of 128 that the staff
15 put in somewhere, and because it is such an extensively
16 used forest, I would like to see the trail maintenance
17 at 128,000; 95, which is the FO&M, which we support it
18 actually at 100,000, which is more than Cal Four, but,
19 again, popular forest a lot of use. The numbers speak
20 for themselves. And 96, we would go with staff. I
21 think they made enough of a nexus there that there's
22 OHV use occurring on some of these spur roads accessing
23 fishing areas. So I think they've done their job
24 there. So we recommend 82,000, which is I think is the
25 staff recommendation.

315

1 DAVE PICKETT: Dave Pickett, District 36,
2 Motorcycle Sports Committee. On OR-2-T-93, Division
3 recommendations; on T-94, Mr. Waldheim, I'd like to
4 have that one pulled if possible. I think that
5 deserves a little more look-see on it. On T-95,
6 Division recommendation. And can I request that 96 be
7 pulled? I have a question about that that possibly
8 Lahontan Regional Water Quality Board or Department of
9 Fish and Game should be involved in the restoration of
10 that area. I understand OHV use is limited in that
11 area or nonexistence, and damage may have been caused
12 by fishing and related activities. Thank you very
13 much.

14 CHAIR SPITLER: Thank you.

15 RYAN HENSON: Ryan Henson, California Wilderness
16 Coalition. We've studied the restoration grant T-96,
17 it will benefit the Truckee River and other important
18 places. I hope you will fund to the level requested by
19 the Forest Service, \$148,000.

20 CHAIR SPITLER: Thank you. Okay, Commissioners?

21 COMMISSIONER WALDHEIM: Mr. Chairman, on 93, I
22 have put in 50,000; but when you look at the PAR report
23 and staff report, I'm just wondering if we shouldn't
24 just go with staff recommendation on that one. I don't
25 know what the Chair's wish is on that.

316

1 CHAIR SPITLER: Fine.

2 COMMISSIONER THOMAS: Is the Stanislaus happy
3 with the 518 -- I mean the Tahoe?

4 DAVE MICHAELS: I'm sorry, what was that?

5 COMMISSIONER THOMAS: Are you happy with 158 on
6 the law enforcement number?

7 DAVE MICHAELS: We can live with 158, staff
8 recommendations.

9 COMMISSIONER THOMAS: It's an election question.
10 Do you want to elect the Consent Calendar or try for
11 more.

12 DAVE MICHAELS: The Consent Calendar for the law
13 enforcement grant.

14 COMMISSIONER THOMAS: If others want to add
15 something to it, if you want to add, you can. But you
16 go on Consent, you run -- the chances are very good
17 you're going to get what you ask for.

18 DAVE MICHAELS: Well then, we'll take it off the
19 calendar and get more.

20 COMMISSIONER WALDHEIM: Now, you're being
21 greedy. It's not going to happen.

22 DAVE MICHAELS: The Consent Calendar is fine as
23 I stated earlier.

24 COMMISSIONER THOMAS: Very good. You'll do
25 better there.

317

1 COMMISSIONER WALDHEIM: Number 94. I'm going
2 with 106,600. That goes off the Consent. Staff
3 changed it to 83, I'm going to keep the 106,000. The
4 number 95, staff said 54, but we have some folks that
5 one says 54, the other one said 100, the other one said
6 75. I don't know what the Chair's wish on that is. I
7 had gone on Consent. Klusman said 75, Pickett said 54,
8 and Amador said 100, so I don't know what you want to
9 do.

10 CHAIR SPITLER: Keep it on Consent.

11 COMMISSIONER WALDHEIM: Okay. Stays on 54,400.
12 Then on 96, Mr. Klusman hit right on what I had said,
13 \$135,000, and Pickett said \$81,000, and so I'm putting
14 in 135,000, so that goes off of Consent.

15 COMMISSIONER THOMAS: We can add money there.
16 That fund is not short. It doesn't matter.

17 CHAIR SPITLER: Okay. Anything else?

18 COMMISSIONER WALDHEIM: Not on grants.

19 CHAIR SPITLER: A couple of other items here.

20 I understand that the sheriff outside found a
21 set of keys, so if anyone is missing their keys, you
22 might want to check with him. We skipped an item this
23 morning on the agenda, which we should take up now.
24 It's the approval of minutes from April 15.

25 COMMISSIONER WALDHEIM: I move to approve

318

1 minutes.

2 CHAIR SPITLER: Discussion? All in favor, aye.

3 (Commissioners simultaneously voting.)

4 CHAIR SPITLER: Opposed?

5 (No comments from Commissioners.)

6 CHAIR SPITLER: Okay. Any other items to
7 discuss before we adjourn? Okay.

8 Is there a motion to adjourn?

9 COMMISSIONER THOMAS: So moved.

10 CHAIR SPITLER: Second.

11 COMMISSIONER PRIZMICH: Second.

12 CHAIR SPITLER: All those in favor.

13 (Commissioners simultaneously voting.)

14 CHAIR SPITLER: Meeting adjourned. Thank you
15 very much for coming today.

16 (Meeting adjourned at 6:02 p.m.)

17 --oOo--

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

--oOo--

STATE OF CALIFORNIA) ss.
)
COUNTY OF SACRAMENTO)

I, CHERYL L. KYLE, a Certified Shorthand Reporter in and for the State of California, duly commissioned and a disinterested person, certify:

That the foregoing transcript was taken before me at the time and place herein set forth;

That the statements of all parties made at the time of the proceeding were recorded stenographically by me to the best of my ability and were thereafter transcribed into typewriting;

That the foregoing transcript is a record of the statements of all parties made at the time of the proceeding.

IN WITNESS WHEREOF, I subscribe my name on this 24th day of October, 2005.

Cheryl L. Kyle, CSR No. 7014
Certified Shorthand Reporter
In and for the
County of Sacramento,
State of California

Ref. No. 25594