

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

MEETING MINUTES
BOARD OF SUPERVISORS' CHAMBERS
RIVERSIDE COUNTY ADMINISTRATIVE CENTER
4080 LEMON STREET, FIRST FLOOR
RIVERSIDE, CALIFORNIA

OCTOBER 21, 2005

(MINUTES APPROVED DECEMBER 8, 2005 AS PRESENTED.)

COMMISSIONERS PRESENT

Paul Spitler, Chair
Judith Anderson, Member
Edward Waldheim, Member

COMMISSIONERS ABSENT

John Brissenden, Member
Robert Chavez, Vice Chair
Michael F. Prizmich, Member
Harold Thomas, Member

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
Julie D. Hom, Staff Park and Recreation Specialist, OHMVR Division
David Quijada, Associate Park and Recreation Specialist, OHMVR Division
Larry Bellucci, Associate Park and Recreation Specialist, OHMVR Division
Barbara Greenwood, Associate Park and Recreation Specialist, OHMVR Division
Patrick Rodriguez, Associate Park and Recreation Specialist, OHMVR Division
Aaron Freitas, Project Manager, Web Development, OHMVR Division
Kathy Dolinar, District Superintendent, Ocotillo Wells SVRA
Leda Seals, Administrative Officer, Ocotillo Wells SVRA
Vicki Perez, Administrative Assistant, OHMVR Division
Sandra J. Elder, Commission Assistant, OHMVR Division

OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT

William Jenkins, Deputy Attorney General

REGISTERED VISITORS

Mike Ahrens, BLM Barstow Field Office
Jim Weigand, BLM California State Office, Sacramento
Virgil Mink, Cleveland NF
Rich Watt, Inyo NF
Mark Daniel, Inyo NF
George Barnes, Sierra Club California
Mike Marquart, BLM
Todd Ellsworth, Inyo NF
Linda Lunsford, California City
Eric Hurtado, California City
Jim Burrell, California City
Michael Antonicci, Cathedral City
John Stewart, California Four Week Drive Club, Inc.
Rich Williams, BLM Bishop Field Office
Eric Outfleet, Madera County Sheriff's Office
Bob Ham, County of Imperial
Karen McKinley, USFS, Los Padres NF, Mt. Pinos Ranger District
Rob Roudabush, BLM, California Desert Field Office
Alan Stern, BLM, California Desert Field Office
Jason Fried, California Wilderness Coalition
Chris Horgua, Stewards of the Sequoia
Eric Lamb, Calaveras County Sheriff's Office
George Paniagua, California Off Road Vehicle Association
Deryl Trotter, Los Angeles County Sheriff's Office
Kim Floyd, Sierra Club
Mark McNay, Imperial County Sheriff's Office
Fred Wiley, California/Nevada Snowmobile Association
Tom Kaucher, US Forest Service
Dale Mondary, Town of Yucca Valley Police Department
Jim Williams, Town of Yucca Valley Police Department
Dave Pickett, American Motorcycle Association, #36, M/C Sports Committee
Nika Lepak, BLM Bakersfield Field Office
David Jones, San Bernardino NF Association
Doud Ran, BLM Needles Field Office
Jason Moore, BLM Needles Field Office
Anne Carey, Cleveland NF
Nilolai Ferrell, Cleveland NF

OHMVR Commission
Minutes
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Dave Jennings, Los Angeles County sheriff's Office
Roger Wallace, Los Angeles County Sheriff's Office
Marcelle Mun, Los Angeles County Sheriff's Office
Neil Hamada, BLM El Centro Field Office
Craig Beck, BLM Ridgecrest Field Office
Chris Evans, San Bernardino NF
Don Trammell, Trails Unlimited, F.S.
Aurora Kerr, Coachella Valley Association of Governments
Harold Soens, San Diego Off Road Association, American Motorcycle Assn. 38
Elena Misquez, BLM Palm Springs
Nora Bruennel, BLM Palm Springs
Patrick Donnelly, Student Conservation Association
Mona Daniels, BLM Palm Springs
Jim McGarvie, Off-road Business Association
C. J. Stewart, California Trail Users Coalition
Pete Conaty, Pete Conaty & Associates, Sacramento
Don Winiz, San Bernardino NF Association – OHV – Volunteers
Ben von Dielingen, San Bernardino NF Assn., OHV Education Outreach
Coordinator
Raina Fulton, Angeles NF
Geary W. Hund, The Wilderness Society
Nicil Ervin, Desert Protective Council
Terry Weiner, Desert Protective Council
Lacy Kelly, San Bernardino NF Association
Cindy Szloboda, Camp Fire USA
Joe Zarki, NPS, Joshua Tree NP
J. W. Fuller, Community ORV Watch
Paul Slavik, San Bernardino NF Association Ed Outreach
Kathleen Mick, USFS, Vallejo
James Keeler, BLM Sacramento
Tom Tammone, California Trail Users Coalition
Cheryl L. Kyle, Kyle Reporting, Inc., Sacramento

CALL TO ORDER

Chair Spitler called the meeting to order at 8:40 a.m. in the Board of Supervisors' Chambers, Riverside County Administrative Center, 4080 Lemon Street, First Floor, Riverside, California.

PLEDGE OF ALLEGIANCE

Chair Spitler led the meeting attendees in the Pledge of Allegiance.

OHMVR Commission
Minutes
October 21, 2005

ROLL CALL

The following Commission Members were present:

Paul J. Spitler, Chair
Judith A. Anderson, Member
Edward H. Waldheim, Member

The following Commission Members were absent:

Robert F. Chavez, Vice-Chair
John E. Brissenden, Member
Michael F. Prizmich, Member
Harold M. Thomas, Member

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STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION Commission

PUBLIC HEARING

FRIDAY, OCTOBER 21, 2005

8:40 a.m. to 4:41 p.m.

HELD IN

RIVERSIDE COUNTY BUILDING

RIVERSIDE, CALIFORNIA

Reported by CHERYL L. KYLE, CSR No. 7014

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1 OCTOBER 21, 2005, RIVERSIDE, CALIFORNIA

2 --oOo--

3 CHAIR SPITLER: Welcome to the most
4 technologically sophisticated Commission meeting ever.

5 This is the meeting of the Southern California
6 Grant Subcommittee of the OHV Commission. We'll start
7 today's meeting with the Pledge of Allegiance.

8 (Pledged the Flag.)

9 CHAIR SPITLER: Okay. If we can have roll call?

10 MS. ELDER: Judith Anderson?

11 COMMISSION ANDERSON: Present.

12 MS. ELDER: John Brissenden, Robert Chavez,
13 Paul Spitler?

14 CHAIR SPITLER: Here.

15 MS. ELDER: Harold Thomas, Michael Prizmich,
16 Ed Waldheim.

17 COMMISSIONER WALDHEIM: Present.

18 CHAIR SPITLER: This is scary. What you all
19 can't see is I have a TV screen in front of me here.
20 Oh, that's great, so you guys are all watching on TV.
21 So I can't pick my nose or something. Maybe you can
22 turn this monitor off. I don't need to look at myself.

23 The purpose of today's meeting is to discuss the
24 Southern California grant applications. Any person or
25 organization wishing to speak, if you could fill out a

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1 green form. Sandy, can you raise your hand? Just talk
2 to Sandy and get a green form if you want to talk about
3 items on the agenda. If you're talking about items off
4 today's agenda, you can do that at eleven o'clock at
5 the public comment period.

6 COMMISSIONER WALDHEIM: Mr. Chairman, do the
7 agencies have to fill out a form, too, or will they
8 automatically come up?

9 CHAIR SPITLER: We will call up the agencies.
10 They don't have to fill out a form.

11 COMMISSIONER WALDHEIM: Thank you.

12 CHAIR SPITLER: I just want to start -- let me
13 back up.

14 The goal today's meeting is not to take any
15 final action on grants. All we will be doing today is
16 establishing items for the Consent Calendar for the
17 November 18/19 meeting in Sacramento. That's the
18 meeting where the Commission will make final grant
19 allocations. So our purpose today is to hear from
20 grant applicants and to hear from the public their
21 views on the grants and determine which of the grants
22 the Commission feels should go on the Consent Calendar
23 for the November meeting and which should be off to be
24 discussed further at that meeting.

25 I want to just start by saying a few words about

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1 the process thus far. As many of you know, we've used
2 a new grant evaluation process this year that in my
3 five years on the Commission has never seen a process
4 like this used before. Since I've been here I've seen
5 maybe a handful of grants rejected for technical
6 reasons.

7 This year, the total of 39 grants totaling \$14
8 million were rejected by staff as being ineligible. I
9 reviewed the reasons that the grant applications were
10 thrown out. They were half for law enforcement grants.
11 Six applicants thrown out because they were missing
12 notice of exemptions. Five others were allowed into
13 the process without notice of exemptions. Six
14 applications thrown out because of incomplete
15 environment review data sheets. Five others allowed to
16 submit late environmental review data sheets. One
17 application was thrown out because the applicant
18 applied in the wrong grant category. Others were told
19 to switch categories. Thirteen applications thrown out
20 because of incomplete public review processes; at least
21 three others allowed without the required review
22 processes. Numerous applications allowed with missing
23 NEPA documentation, despite regulations to the
24 contrary. Numerous applications allowed with
25 incomplete project cost deliverable sheets, despite

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1 good word for us and all of the things that we do for
2 recreation here. Thanks for being with us, Rob.

3 CHAIR SPITLER: Commissioner Anderson.

4 COMMISSIONER ANDERSON: I'm sorry, I missed the
5 Northern California meeting, but you're going to have
6 to excuse me and let me catch up a little bit.

7 I have some questions for staff on the process
8 and procedures that were used in assigning numbers
9 within the evaluation scheme. And I don't know if you
10 want the whole list of questions, or do you want me to
11 take them one at a time?

12 DEPUTY DIRECTOR GREENE: Whatever you prefer to.

13 COMMISSIONER ANDERSON: Okay. Can you tell me
14 whether or not the staff were the same on all of the
15 grant applications?

16 DEPUTY DIRECTOR GREENE: In the project
17 categories they were all the same. The same staff for
18 law enforcement reviewed all of the law enforcement
19 grants, and project by project, yes.

20 COMMISSIONER ANDERSON: So there was one group
21 of staff reviewing law enforcement, another group
22 reviewing restoration, another group reviewing -- okay.
23 So within the categories they were the same.

24 Are the staff recommendations listed in the same
25 order?

6

1 DEPUTY DIRECTOR GREENE: The staff
2 determinations, which appear on the sheet --

3 COMMISSIONER ANDERSON: Yes, in the columns,
4 one, two, three, four, five, those are always in the
5 same order from the same staff person?

6 DEPUTY DIRECTOR GREENE: No, they are not.

7 COMMISSIONER ANDERSON: They are not.

8 DEPUTY DIRECTOR GREENE: No, they are not.

9 COMMISSIONER ANDERSON: So the order in which
10 they are appearing may be somewhat random?

11 DEPUTY DIRECTOR GREENE: That's correct.

12 COMMISSIONER ANDERSON: Okay. Did the staff
13 discuss these as a group? The group, for example,
14 those looking at all of the law enforcement grants, did
15 they discuss the grants as a group and then arrive at
16 their independent evaluations?

17 DEPUTY DIRECTOR GREENE: That's correct, they
18 did. They had a discussion. They collectively had the
19 grant -- read the grant in the project, and then had a
20 discussion and then independently voted. And as you
21 can see, Judith, the high and low scores --

22 COMMISSIONER ANDERSON: Yes, I noticed that. My
23 next question kind of relates to something that Paul
24 just said, whether or not the staff had any contacts
25 with applicants. And apparently in some cases but not

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1 in all.

2 DEPUTY DIRECTOR GREENE: No, there was
3 consistency thought the entire process -- or at least
4 we tried. There were cases, and, again, I think we
5 said at the last meeting, the key zero in this process
6 all along is to try to be consistent, but to try more
7 importantly where if and were there were mistakes that
8 were made, to right those mistakes for those grant
9 applicants that perhaps we didn't recognize that some
10 documentation was present or was not. So, again, my
11 apologies recognizing that this is the first year of a
12 different and competitive process.

13 To that end, what we did was we initially went
14 through the grant, and where documentation, original
15 documentation was present, we were able then to ask --
16 if we did not have complete clarification, we were able
17 to ask for clarification, as a result did so. So that
18 clarification was provided. In the absence of any of
19 the documentation, we could not ask for clarification
20 on something that did not exist.

21 COMMISSIONER ANDERSON: Okay.

22 CHAIR SPITLER: And with all due respect, I
23 think that that's actually not what happened. A
24 cursory review of the grants shows numerous instances
25 where documentation was asked to be clarified where

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1 that documentation in fact didn't exist.

2 DEPUTY DIRECTOR GREENE: And as I said, Chairman
3 Spitler, I think that in some instances there was a
4 request for clarification, and you're right, in some
5 instances, perhaps clarification wasn't needed because
6 we end up finding that documentation.

7 Again, there was never any intent for any
8 malice. Recognizing that we were working within a
9 competitive process, which was different this year from
10 other years, so we tried in all instances to remain as
11 consistent as possible. Recognizing with 199 projects
12 that, yes, there were in this first year going to be
13 some mistakes, and I think those apologies have been
14 made.

15 COMMISSIONER ANDERSON: I want to cycle back to
16 your evaluation process.

17 Was there any place within this evaluation where
18 you clearly took note of prior years of experience and
19 the record? Because in looking through them, I
20 couldn't find where that component was evaluated.

21 DEPUTY DIRECTOR GREENE: No, that's a good point
22 to recognize. What we did in the January and
23 February meetings when we brought forth the criteria to
24 the Commission, and then the subsequent public meetings
25 that we had to try and get input on this process, this

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1 year that criteria was not in there for past
2 performance.

3 We recognize and think there is a need in future
4 years, and again looking as we go into permanent regs
5 would we ask that we had and have been discussing with
6 some of the locals, as well as the federal agencies, to
7 make sure that year to year that criteria, when it's
8 appropriate for rule making -- the Commission would
9 address this year in the December or January final
10 meeting -- that we have that opportunity to address
11 those criteria and get those criteria changed.

12 So in the future years, I think absolutely that
13 needs to be something that is addressed, but it was not
14 done this year. Although, in certain instances, I
15 think -- you know, for instance, you'll see as you move
16 down on the score sheet, there were cases where we did
17 ask about for instance similar comparable previous
18 experience. So we were able to incorporate some of it,
19 but specifically the criteria, looking at that one
20 section, no, that was not done this year. Perhaps it
21 will be looked at for next year.

22 COMMISSIONER ANDERSON: Okay. That's been a
23 fairly important personal criteria of mine. One last
24 question relating to the scoring scheme.

25 Prior to your starting on these, did you conduct

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1 any training of staff or establish rubrics for deciding
2 on what the numbers were going to be?

3 CHIEF JENKINS: Yes, we did. And I remember
4 specifically -- I was fairly new to the Commission at
5 the time. And what we did is we took some sample
6 grants applications; took the team and put them in a
7 room and had them basically go through the process,
8 score, then kind of go back and debrief and asked why
9 did you choose this score in this application and
10 really kind of vetted that out with a number of grants.
11 Actually, I think we spent at least one day doing that,
12 maybe two. Do you recall, Julie? I wasn't there the
13 second day.

14 We spent a lot of time making sure that the team
15 had the process down, how they were going to step
16 through this process before we actually started working
17 on scoring this year's grants.

18 COMMISSIONER ANDERSON: Okay. By a rubric, I'm
19 talking about a specific kind of number assignment.
20 For example, if the application had several components,
21 one in one location and another component in another
22 location, and say they were both restoration grants,
23 for example -- I'll take my example, if one of those
24 components was quite well described and the other
25 component was not well described, did you have a

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1 description, a written description of how to handle
2 that situation in terms of point assignments? Because
3 there could be great inconsistencies in scoring if you
4 didn't have some of those decisions thought out ahead
5 of time about what to do.

6 I'm cycling back to my own experience as a
7 teacher where when you're looking at a whole lot of
8 documents by students and you're trying to evaluate --
9 well, mathematics proof, for example, there are certain
10 items that were required, and if they weren't there,
11 then you deducted one, two, three points depending on
12 how many were missing.

13 Did you have that kind of a written description
14 of how you would assign points? And that's what I mean
15 by rubric.

16 CHIEF JENKINS: The descriptions -- as far as
17 the specific rubric that you're looking for, I don't
18 think we have what you are describing. What we did was
19 try to make sure that we vetted out those list of
20 criteria so that everybody had a clear understanding of
21 what that criteria was referring to. Some of the --

22 I know various people have commented to me as
23 they looked through those score sheets, why is there
24 such a discrepancy in some instances between one scorer
25 and another. And there is partially due to the fact

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1 that we wanted to have a wide variety of skill sets on
2 our team. And so there were law enforcement, resource
3 people, various specialists on the teams. And then in
4 order to overcome that kind of discrepancy between
5 scoring, is why we did have the system in place to
6 throw out the high and low score and try to come that
7 common ground.

8 COMMISSIONER ANDERSON: And my last question
9 kind of related to that, and it relates back again to
10 training. One of the things that happens in the
11 process of going through a lot of grant applications is
12 that people learn how to do the process as they're
13 doing it. And there tends to be less consistencies in
14 the first applications that are evaluated than in the
15 last ones.

16 And I was wondering if the first grants that you
17 did, if you went back and perhaps reviewed those
18 numbers assignments and checked them again to see
19 whether or not your evaluators would arrive at the same
20 conclusion near the end of the process as the numbers
21 they had given in the beginning? Yes, no?

22 CHIEF JENKINS: Trying to get my button to work
23 there.

24 Yes, we did. And I'm familiar with that. I
25 teach at the college, and I've been through that

13

1 process where you grade, you know, 50 papers and the
2 last one gets a much greater grade than the first one.
3 Recognizing that, yes, we did take that the opportunity
4 to go back and make sure we were being consistent. So
5 we did take advantage of that process. I would have to
6 sit down with the team and come up with specifics about
7 how many were re-reviewed or whatnot, but I know that
8 that did occur.

9 COMMISSIONER ANDERSON: Okay.

10 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
11 I also know that in the beginning of the process, we
12 actually -- we did try and do some dummy grants so that
13 you would get used to the practice of what it felt like
14 and how you would move through that process. To speak
15 exactly to what you're referring, is to make sure that,
16 yeah, there was that consistency all the way through,
17 so that was done.

18 COMMISSIONER ANDERSON: Usually the training
19 component involves not having everyone arrive at the
20 identical scores, but at scores which are at least
21 quite closely clustered. And some of the grant
22 applications where out of ten points possible, when the
23 range is one person gives them a ten and somebody else
24 gives them a zero. It seems to me that there's
25 something missing within the training process that

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1 that's still happening. Not that if you don't want
2 different skill sets, but the evaluations need to be
3 made on a consistent training basis.

4 DEPUTY DIRECTOR GREENE: Absolutely, and point
5 well taken. And certainly as we go into this next
6 year -- actually, we just recently have new grant staff
7 that are with us, and that will certainly occur again
8 as we go through next year, as well.

9 I just would like to make sure that I clarify
10 something, and that is in no way, shape, or form did I
11 want to have any thought that perhaps we didn't look
12 back at previous. I think if you look at the
13 criteria -- and, again, making sure that in those
14 meetings that we had, in particular the Commission
15 meetings where the Commissioners shared some of those
16 criteria that were important to them, that we did speak
17 to similar comparable past experience. So I just want
18 to make sure that you're clear on that point. That it
19 was not that we didn't -- certainly did not look at
20 past experience, but that we don't have -- we did not
21 have a specific item on the score sheet that was
22 incorporated into each one of those criteria within the
23 score sheet. So I just wanted to make sure that you
24 were clear on that.

25 COMMISSIONER ANDERSON: Fine, but I would, maybe

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1 the word I guess is offer, my suggestions and services
2 to assist you in what I think would be a better rubric
3 to avoid some of these problems in the future. I'm not
4 an expert in this field, but I think maybe I can help
5 you.

6 DEPUTY DIRECTOR GREENE: Certainly, we'll
7 welcome that help and look forward to your
8 participation.

9 COMMISSIONER ANDERSON: I'm done.

10 CHAIR SPITLER: Any comments from Commissioners?

11 COMMISSIONER WALDHEIM: Yes, Mr. Chairman, I
12 just want to take the opportunity to let the public
13 know that outside Los Angeles County Parks and
14 Recreation has provided funds to have three more maps
15 done. They're outside. If anyone needs boxes to take
16 with you, let me know, I have them back in the pickup
17 truck. I want to thank Los Angeles County Parks and
18 Recreation for providing the funding to get these maps.
19 And with the Jawbone map, we pretty well have covered
20 the desert. Palm Springs office is in the back of the
21 San Bernardino maps. So anybody who has any changes or
22 corrections, please let me know because we're working
23 already on a second printing to fine tune these maps.
24 The last thing I want to say, Mr. Chairman, I
25 want the public to know that as we go through these

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1 grants, we -- personally, I've already come where I
2 think we should be, but we're still a million dollars
3 over, actually \$1.3 million on O&M. We're \$700,000
4 over in enforcement.

5 So I'm really after this meeting is over, I
6 really ask the public to go back and really look
7 seriously at these grants, and if you've got some ideas
8 how we could cut or where we should cut, I welcome your
9 input. You can e-mail me your ideas, so we can do it.
10 Because when November comes, we will be at the target.
11 So cuts will be made, and I want to make sure that we
12 have some input from you where you think we should go.
13 Of course, there will be a public hearing again in
14 November, but any homework we can do ahead of time, I'm
15 always willing to get it. There's two or three of you
16 that have gone through and given me your input, but the
17 lot -- the rest of the people have not really given us
18 their inputs -- or any Commissioner. Give your input
19 to any of the Commissioners up here because it's a
20 public process, and I want to make sure we have you in
21 there all the way through to the November meeting.
22 Thank you.

23 CHAIR SPITLER: I think that's an important
24 point to note, for the members of the public who aren't
25 aware, the Commission at its public meeting this

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1 January established funding targets for each category
2 of grants, that is, conservation, enforcement,
3 restoration, and other. And the Commission is going to
4 hold itself to those funding levels; that is,
5 \$1.4 million for conservation, \$7.3 million for
6 restoration, \$3.0 million for law enforcement, and \$6.3
7 million for other, which includes \$2 million for route
8 designation.

9 So if the Commission does not meet its funding
10 targets in restricted categories, such as restoration,
11 those monies -- as opposed to past practices when those
12 monies were diverted to nonrestoration uses -- this
13 year the Commission will not be diverting those funds
14 to other uses. So if we can't reach our funding
15 requirement of \$7.3 million for restoration, we simply
16 won't be allocating that money in this year's grant
17 cycle, and that money will roll over to future grant
18 years.

19 COMMISSIONER WALDHEIM: Mr. Chairman, I would
20 like to add also if Julie could roll the chart -- can
21 we put the chart up on the board and scroll it down to
22 the bottom, Julie, please? Who is running that?

23 Aaron, run it all the way to the bottom to show
24 the box. Show the box so the public knows what
25 Mr. Spitler is talking about. Keep pointing to the box

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1 where we have the funding. There you go, on the
2 bottom, that yellow one, just move it over a little
3 bit. There you go.

4 Okay. You see that box over there it says 1.4,
5 3 million, 7.3, and 6.3 million, that is where we will
6 be putting in the amounts for the north and the south
7 and the balances. What I told you right now where I'm
8 at personally is that I'm already over what I think we
9 are doing. And we've got to do some fine tuning. And
10 that's the one that really has me concerned because we
11 want to make sure everybody is covered on the issue.
12 I'm \$1.6 million over on non-CESA. I'm \$287,000
13 restoration; \$668,000 law enforcement, and I've got
14 516,000 left over on conservation.

15 So this is -- there is no magic for us
16 Commissioners to do this. We either have your help or
17 we will do the job, and we will get there. But I'd
18 rather have you participating with us, rather than the
19 other way around.

20 I think that pretty well sets the ground rules,
21 Mr. Chairman, where we're going.

22 CHAIR SPITLER: Okay.

23 COMMISSIONER WALDHEIM: One more thing, sorry
24 about that. There is a difference if you show them the
25 staff line. Did we show -- Aaron, go up again. Are we

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1 showing Consent on these sheets or will you be doing
2 Consent? How will you be showing that? Are you going
3 to make a yes or no? Just put a yes, forget about the
4 no.

5 So staff will be putting a yes on the right
6 column -- do you see the column on the sheet up there
7 on the monitor, that column that he has highlighted for
8 you, he will put a yes where there is a Consent.

9 So what that means is it will go to our
10 November meeting as a Consent item. However anyone in
11 the public who wishes to pull that Consent item can ask
12 the Chair or a Commissioner to pull that. Is that the
13 way we're going to run it, Mr. Spitler?

14 CHAIR SPITLER: That's right.

15 COMMISSIONER WALDHEIM: So we will pull that for
16 the meeting up in November and discuss it further.

17 However, if no Commissioner or no public asks
18 the Commission to pull an item, we will not be spending
19 much time or any time on that Consent item at the
20 November meeting. That should make the process go a
21 lot quicker. Who knows maybe with luck we'll be out of
22 there on Friday, instead of having to do it on Saturday
23 also. But the meeting is Friday and Saturday is how
24 it's publically announced at this point.

25 And staff, legal staff, is still -- if we finish

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1 early on Friday, are we within the public process to
2 adjourn just in one day? Say we get the job done in
3 one day instead of the two days as the public
4 announced?

5 CHAIR SPITLER: Cross that bridge when we come
6 to it.

7 COMMISSIONER WALDHEIM: Well, we can adjourn and
8 not have to do it on Saturday or do we legally have to
9 have a meeting on Saturday.

10 COUNSEL JENKINS: If there is no business, you
11 can adjourn.

12 COMMISSIONER WALDHEIM: Okay. If there is no
13 business, we can adjourn according to legal counsel.
14 So hopefully we'll get it done fast and you get home
15 earlier.

16 CHAIR SPITLER: And whether or not we finish
17 early, of course, will depend on how much communicating
18 certain Commissioners do during the grants meetings.

19 COMMISSIONER WALDHEIM: Mr. Chairman, you've got
20 to make a caveat on that.

21 CHAIR SPITLER: I understand it's --
22 (Simultaneously speaking.)

23 COMMISSIONER WALDHEIM: Remember, Tim made it
24 very clear that we cannot communicate between us, so
25 otherwise we're going to jail.

1 CHAIR SPITLER: All right. There's one other
2 item of business I want to complete before we get into
3 the grants, and that is there's a very important body
4 operating in Southern California that the Commission
5 has the opportunity to appoint members to, and that is
6 the Imperial Sand Dunes Technical Review Team. And
7 this is a group that provides important recommendations
8 to Bureau of Land managers regarding managers of the
9 dunes. They have an array of I note presidents and
10 vice-presidents, and the Commissions is absent in our
11 appointment of members to the Dunes.

12 So I would like to appoint Commissioner Waldheim
13 to the TRT to represent the OHV Commission.

14 COMMISSIONER WALDHEIM: Mr. Chairman, which TRT
15 are you talking about, because we have two now? We
16 have the Dumont Dunes TRT and we have the Imperial Sand
17 Dunes TRT.

18 CHAIR SPITLER: Excuse me, Dumont Dunes, Dumont
19 Dunes TRT. Excuse me, my mistake.

20 COMMISSIONER WALDHEIM: Mr. Chairman, do we have
21 somebody appointed from this chair to the TRT in
22 Imperial?

23 CHAIR SPITLER: I don't know.

24 COMMISSIONER WALDHEIM: Staff?

25 CHAIR SPITLER: Before we go off on a side track

22

1 here, let's get back to the grants.

2 And the first grant is a grant that was
3 originally rejected by staff, and recently staff
4 reversed itself and now tells us that the grant is
5 eligible, Madera County Sheriff. Anyone from Madera
6 County who has made the trip down?

7 ERIC OUTFLEET: Good morning, Mr. Chairman, and
8 members of the Commission. It's been a very
9 interesting year I think for many applicants. I
10 thought our experience was somewhat unique, and I'm
11 somewhat disappointed to hear that it was more wide
12 spread.

13 I support what staff is attempting to do in
14 creating a more objective program and process. I think
15 we need that, and I spoke in favor of that in February.
16 The wheels came off a little bit this year, I think. I
17 am pleased with the consideration of staff's assessment
18 of our grant. I think I understand the basis of that
19 reassessment, and I would agree with it obviously.

20 Our grants in the past years have been minimal,
21 maybe about \$10,000. This year we asked for
22 significantly more 35,000 total, which included
23 an \$8,000 safety grant. But the heart of our program
24 really is enforcement, and that program is \$27,000.
25 Staff's assessment and scoring has indicated that a

23

1 \$17,000 award might be reasonable or appropriate given
2 the level of information provided.

3 We think that that's a workable program. But
4 what we specifically addressed in our grant, was that
5 the \$10,000 award, just based on the management
6 overhead and general operations, is almost insufficient
7 to field a team. So while there's going to be great
8 difficulty in paring down projects, sometimes it's
9 important to recognize the smallest grants are the ones
10 that have the least amount of flexibility in
11 reductions.

12 If you have any questions about the specific
13 application, I'll be happy to discuss it. We are
14 pleased with the progress we've made in the three years
15 of this program. We continue to provide effective and
16 high visibility law enforcement, with enforcement being
17 citations as well as safety contacts. And we have this
18 year begun to bring in our assists on patrol as routine
19 and regular volunteers supporting this program. So the
20 internal inputs for the program from the County of
21 Madera are significant, and we are pleased to have
22 opportunity to continue the program with the staff
23 concurrence and with the Commission's appropriations.
24 Any questions, I'd be happy to answer.

25 CHAIR SPITLER: Thank you. We will do public

24

1 comment first, and stick around if there are any
2 questions.

3 Okay. Public comments. Jim McGarvie, followed
4 by John Stewart, and Jason Fried.

5 MEMBER OF THE PUBLIC: Jim McGarvie passes.

6 JOHN STEWART: Good morning, Commissioners, John
7 Stewart, California Association of 4-Wheel Drive Clubs.
8 From Cal 4-Wheel, we support this grant for Madera
9 County. We find it's very appropriate, and we're glad
10 to see it back in here because it is an important area,
11 and their efforts on law enforcement are critical in
12 providing recreation for the public. Thank you.

13 CHAIR SPITLER: Jason Stewart? Excuse me, Jason
14 Fried. Anyone else? Anyone else from the public want
15 to comment on Madera County?

16 Staff, question on this grant. I notice that
17 the grant was originally rejected because the applicant
18 did not file a notice of exemption. Can you tell me
19 why it was brought back into the process?

20 DEPUTY DIRECTOR GREENE: I believe that that
21 actually was an oversight that had been included, and
22 again, as I said, my apologies that there are going to
23 be places where perhaps something was an oversight, but
24 we went back, and we'll continue to go back to make
25 sure that everything that we do is solid, and that it

25

1 is in fact every applicant has the opportunity, when
2 the information is there, to be able to move forward.
3 So that's why Madera -- and, again, my apologies to
4 Madera County, but I appreciate the fact that the
5 information was there.

6 CHAIR SPITLER: So if a notice of exemption
7 wasn't included with the original application, would
8 that application de facto be thrown out?

9 DEPUTY DIRECTOR GREENE: No, it would not be if
10 there was reference to it and we could ask for
11 clarification, then we move forward in doing so.

12 CHAIR SPITLER: Okay. Do you have a date on
13 that notice of exemption?

14 DEPUTY DIRECTOR GREENE: Not with us right at
15 this point. We can provide that for you later,
16 Mr. Spitler.

17 CHAIR SPITLER: Perhaps the applicant could
18 clarify that for us.

19 ERIC OUTFLEET: This question was central to my
20 series of questions at the training in February, I
21 believe it was February. I specifically tried to lock
22 down this issue, and the question that you ask, what
23 was the date of the exemption. We've done it every
24 year for each application. This year, based on what we
25 thought were instructions, we did not, and specifically

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1 because we understood law enforcement was statutorily
2 exempt, therefore, I assume, not required. That's why
3 we got that instruction, I assumed. Otherwise, I would
4 normally include it. Even our planning staff always
5 scratches their head when we ask for one. They're
6 always provided it. This year, I took it that we did
7 not. So perhaps it's true that the staff has a copy of
8 an existing one that we had previously made.

9 CHAIR SPITLER: I guess, staff, I'm a little
10 confused because you just said that there was notice of
11 exemption included, but the applicant just said there
12 wasn't.

13 DEPUTY DIRECTOR GREENE: When we had the
14 opportunity to clarify, we did so. Each applicant --
15 again it was always incorrect to assume because we made
16 it very clear that this was the first year and that
17 changes were made, and that it was incumbent upon the
18 grant applicants where they had questions to pose those
19 questions to the website where the Q and A occurred,
20 and everything was clearly stated in that.

21 CHAIR SPITLER: I guess I'm still not hearing an
22 answer to the question because your answer was that the
23 staff had -- that the applicant had included a notice
24 of exemption of an unknown date, but this applicant is
25 telling us he didn't do a notice of exemption.

27

1 MR. LaFRANCHI: Chairman, if I may?

2 CHAIR SPITLER: Actually, the question is for
3 the Deputy Director.

4 DEPUTY DIRECTOR GREENE: That's fine. I don't
5 have the application right in front of me. I will go
6 ahead and get it for your perusal and provide you an
7 answer.

8 CHAIR SPITLER: But you're sure that notice of
9 exemption was included with that application?

10 DEPUTY DIRECTOR GREENE: Chair Spitler, I just
11 stated that I thought -- I spoke, given what I
12 remember. I will ask for the application to be brought
13 up so I can look at it specifically and provide you
14 that information.

15 CHAIR SPITLER: Maybe we will revisit this one
16 later in the day. We'll put this on hold and come back
17 to this. There seems like there are some unanswered
18 questions here.

19 Any other questions or comments from
20 Commissioners?

21 COMMISSIONER ANDERSON: I have one.

22 Is this a first-time applicant?

23 DEPUTY DIRECTOR GREENE: No, it's not. Madera
24 County Sheriff has been before the Commission in the
25 past.

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1 explain to them the local laws, what is asked of them,
2 where they can ride, where they can't ride, and where
3 they can enjoy their recreation.

4 Last year we started a Cow Palace program where
5 we sent two of our officers to MSF training, Motorcycle
6 Safety Foundation, where we had a desire in the
7 community to have a program where we can teach youth
8 proper and safe operation of OHV vehicles. Since we
9 started the program, we've had over 50 students
10 graduate from the program, and we're anticipating our
11 goal is to reach 200 by the end of this year.

12 Our volunteer hours have been raised over
13 previous year. We have over 15 members now. They
14 assist in the maintenance of the OHV areas, our search
15 and rescue missions, and our education program. Our
16 call volume this year is approximately 20 percent more
17 than last year. We have an aggressive stance on DUI
18 enforcement for OHV riders recklessly consuming alcohol
19 beverages and riding in the area. We've had several
20 fatalities, and all those violators have been dealt
21 with accordingly. We have a good strong interagency
22 cooperation with our friends with the BLM and the
23 sheriff's department.

24 Because our areas is so vast and yet kind of a
25 checkerboard, where we kind of intertwine areas, and

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1 one side of a campground may be a city and the other
2 might be a county, we're usually one of the closest
3 emergency units to respond and provide 24-hour service
4 on most of the three-day holidays. We've seen enormous
5 increase in volume of OHV visitors in our community,
6 and we're here basically to ask, can we have more money
7 to help with our program for this next year so we can
8 maintain and manage this successful OHV program. Thank
9 you.

10 CHAIR SPITLER: Thank you. Stick around, we
11 might have questions for you. We'll go to public
12 comment.

13 COMMISSIONER WALDHEIM: Mr. Chairman, could I
14 have the fire chief also say what he's done on the
15 emergency rescue thing? I think it's unique in the
16 city, and have them talk about it.

17 MIKE ANTONUCCI: Good morning, Commission. Mike
18 Antonucci, I'm the fire chief of California City. We
19 have a unique program interface with the police
20 department. We have sworn officers that are a part of
21 the police department that are paramedics and fire
22 fighters. So when we're out there with enforcement,
23 we're also doing the medical aspect of the fire safety
24 of it. We run a helicopter airship, which is the only
25 public safety ship in the East Kern. On a regular

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1 basis, they can bring the ships down, the sheriff's
2 department can from Bakersfield, but ours is around.
3 We've seen the increase just in search and rescue in
4 the entire East Kern area that we're being called for
5 going up and up in volume. And as you know, with the
6 costs of running a helicopter with the fuel costs, it's
7 astronomical, but yet we can't turn down those missions
8 because people are lost and we find them all the time
9 and spot them from the ground crews, especially in the
10 dark. So the interface is really important, and the
11 amount of call volume and taking away from our
12 primarily responsibility, which is the citizens of our
13 city, has to be covered somehow. And that's kind of
14 why the whole thing overlaps, and why this is such an
15 important grant for us to take into. Thank you.

16 CHAIR SPITLER: Thanks.

17 COMMISSIONER WALDHEIM: Mr. Chairman, I don't
18 know why, but the chief of police is sitting back
19 there. She's being very shy, Linda Lunsford. I want
20 to thank her for coming here with us, so we have the
21 chief, the boss here, too.

22 CHAIR SPITLER: Let's do public comment. Jim
23 McGarvie, followed by John Stewart, and Jason Fried.

24 MEMBER OF THE AUDIENCE: Pass.

25 MEMBER OF THE PUBLIC: Pass.

1 grant. If you have any questions, I'll be happy to
2 answer. If not, I'll move on.

3 CHAIR SPITLER: Thank you. Anyone else want to
4 comment on the California City grants?

5 Commissioner Anderson.

6 COMMISSIONER ANDERSON: Yes, I have a question.

7 On page 50 of 193 in the book describing it,
8 your emergency response area, the black and white
9 reproduction didn't tell me where the red line, where
10 the red outline is. Can you give me a picture of what
11 that red outline might be on the map that was
12 submitted? There's two pages that looks like this.

13 ERIC HURTADO: Yes, just one moment. I have a
14 copy of that, but I believe I have another map that may
15 help maybe clarify that, if I may.

16 COMMISSIONER ANDERSON: If you can just give me,
17 like, is -- your response area obviously goes outside
18 the designated California City boundaries. Could you
19 tell me if it runs up towards -- I don't know, which
20 way northwest, northeast, south, all of the above?

21 ERIC HURTADO: Basically all of the above,
22 ma'am.

23 COMMISSIONER ANDERSON: So practically
24 everything that's included within the map then.

25 ERIC HURTADO: On the map, it probably

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1 encompasses about 90 percent of our area that we
2 respond to.

3 COMMISSIONER ANDERSON: Okay.

4 ERIC HURTADO: Our city, the OHV area itself is
5 185 square miles.

6 COMMISSIONER ANDERSON: No, I understand the
7 data. I'm trying to understand which way it went. So
8 over the desert tortoise natural area and then to the
9 southeast and then up in the Rands. Do you cross --
10 what is that -- 14? Do you do anything on the other
11 side of Highway 14?

12 ERIC HURTADO: No, ma'am. Highway 14 was our
13 normal boundary. We will cross the boundary if there
14 is a mutual aid assist needed. But we do go all the
15 way out to 395 on the east side.

16 COMMISSIONER ANDERSON: Thank you. That's all.

17 CHAIR SPITLER: I have a question. Why is your
18 city so big?

19 ERIC HURTADO: I don't know. All I know is it's
20 the third largest city in California and apparently
21 something that was developed in the '60s, and I moved
22 there afterwards.

23 CHAIR SPITLER: Okay. Thank you.

24 COMMISSIONER WALDHEIM: Mr. Chairman, I would
25 like to recommend that we go for the \$217,000 for this

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1 grant. My purpose of this is that California City
2 is -- Mr. Ham keeps correcting me that Imperial County
3 also does it, but California City is one of those
4 cities that welcome our off-road vehicle community.
5 They make everything possible that we have a safe and
6 enjoyable visit. It's a family event for people to
7 come to, and so they're a no nonsense type of
8 enforcement. They use officer discretion very well,
9 and lately they're coming in the Rands now to help us
10 with the BLM, which is short of staffing, and we will
11 also see them out in Randsburg, so they cover a
12 tremendous amount of area. And with the helicopter,
13 the fire captain told us that it makes it's really
14 positive. It's a win/win for everybody. And when you
15 look at the numbers of 279,000 people have come to our
16 city to recreate, and it's going through the roof.
17 That was just where it was last year. This year, it's
18 just going to go through the roof. So I'm going to
19 recommend the \$217,000 as requested.

20 CHAIR SPITLER: We will take OR-741 off of
21 Consent. OR-743 is okay?

22 COMMISSIONER WALDHEIM: Yes, Mr. Chair, the
23 4,000 would go on Consent, \$4,400 that staff
24 recommended.

25 CHAIR SPITLER: Okay. Thank you. Any other

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1 comments on that one?

2 If we do have public comments, actually if you
3 could -- I'll go ahead and let you this time, but next
4 time step up when I call you so we don't.

5 GEORGE PANNELL: You didn't call me up. Good
6 morning, my name is George Pannell, California Off-Road
7 Vehicle Association. And my basic comment is due to
8 the heavy use of California City area, I'd like to see
9 as a public safety issue that California City gets
10 fully funded. Thanks.

11 CHAIR SPITLER: Okay.

12 OR-734 Campfire USA. Anyone from Campfire here?

13 We will go to public comments. Jim McGarvie,
14 followed by John Stewart, and Jason Fried.

15 MEMBER OF THE PUBLIC: Pass.

16 MEMBER OF THE PUBLIC: Pass.

17 MEMBER OF THE PUBLIC: Pass.

18 CHAIR SPITLER: Okay. Tom Tammone.

19 TOM TAMMONE: Tom Tammone, California Trail User
20 Coalition. I just wanted to express full support for
21 this grant. Being an educator, you know, my flavor
22 goes more towards sound awareness, but I support these
23 on-the-ground activities. It supports people becoming
24 responsible riders at a critical. It did very well in
25 scoring, which I think it should. If the Commission

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1 can't see its way clear to fully funding it, at least
2 I'd like to see it left on Consent. Thanks.

3 CHAIR SPITLER: Comments from Commissioners?

4 COMMISSIONER WALDHEIM: Mr. Chairman, yes, we
5 would pull that off Consent.

6 CHAIR SPITLER: Okay. OR-727, the Cathedral
7 Police Department. Is anyone here from Cathedral City?

8 Okay. We will go to public comments. Then
9 Jim McGarvie, followed by John Stewart, and Jason
10 Fried.

11 MEMBER OF THE PUBLIC: Pass.

12 MEMBER OF THE PUBLIC: Pass.

13 MEMBER OF THE PUBLIC: Pass.

14 COMMISSIONER WALDHEIM: Mr. Chairman, we'll go
15 with Consent Calendar to accept staff's recommendation.

16 CHAIR SPITLER: That was OR-727, Cathedral City.
17 OR-747, Imperial County Sheriff.

18 MARK McNAY: Good morning to the Commission, I'm
19 Sergeant Mark McNay with the Imperial County Sheriff's
20 Department, here on behalf of the sheriff of Imperial
21 County, Harold D. Carter and answer any questions.

22 First of all, Imperial County is Imperial
23 County. That's -- we all know what's going on down
24 there. It's come to my attention though here just this
25 morning that there are some questions about the Heber

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1 Dunes OH -- SVRA, and I'm here to answer any of those
2 questions. But before we get to that, a little
3 explanation about Heber Dunes. Heber Dunes has always
4 been an area of OHV area for the locals in Imperial
5 County, 343 acres of a pile of sand surrounded by trees
6 out in the middle of alfalfa fields, and so that's
7 basically where a lot of the local folks go.

8 Because of the explosion in population of the
9 popularity the OHV motorized activities, we have more
10 activities out there, more OHV activity out there all
11 the time. But it's also known as the local party
12 place. And basically in the last 15 years that I've
13 been with the Imperial County, it's always been a party
14 place at nighttime for non-OHV activities. So
15 basically you could always count -- I think we could
16 say it's a hornet's nest, let's say. But now that the
17 State has come in, they want to take a little bit more
18 control, which is great, the sheriff's office supports
19 more control of that area to get rid of the non-OHV
20 activities out there, the ones that are just basically
21 partying. And so now that we've been trying to clean
22 it up, it's now becoming a buzzing nest, and a buzz
23 apparently here before the Commission and the State.

24 I just spoke with the sheriff -- well, first of
25 all, I was just approached by one of the solutions by

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1 the State Parks Department from Ahkatia Wells. One of
2 the solutions, I guess, is apparently to fence the area
3 off and basically close that portion down at nighttime.
4 I spoke with the sheriff about fifteen minutes ago, and
5 he said that he would not have a problem with assisting
6 State Parks in directing our patrol division at
7 nighttime, whatever the scheduled time is, to go in,
8 clear that place out because of a lack of rangers being
9 able to come down there and do that job, we would have
10 no problem of clearing it out and locking the gates if
11 that's what was necessary.

12 I think we, from the last couple of years -- as
13 you all know, I was running and helped develop the
14 off-highway vehicle enforcement safety team for the
15 department. I'm no longer with that division right now
16 for the last three weeks, but I'm here because
17 basically no one else could attend. We were preparing
18 for the large holiday next weekend, but I was glad to
19 come up and speak and answer any questions I possibly
20 can. So at this time, if anybody has any questions.

21 CHAIR SPITLER: Stick around, we'll do public
22 comment and we'll come back to you.

23 Bob Ham, followed by Harold Soens and Neil
24 Hamada.

25 BOB HAM: Good morning, Bob Ham, County of

1 Imperial. We'd like to recommend full funding for this
2 project. As you recall this is -- this sort of became
3 a poster child for local law enforcement cooperating
4 with BLM. It was only about four or five years ago
5 when the sheriff first came in with a grant request to
6 try to get things under control when it became a
7 national situation, everything was -- everything you
8 could possibly imagine was going on, and BLM with their
9 ranger staff was not able to control things. As a
10 matter of fact, that year the request the sheriff came
11 in with was for a quarter of a million dollars, as I
12 recall. When he left he had half a million dollars and
13 that proved to be very astute on the part of the
14 Commission to raise it because that proved to be about
15 the right number.

16 We are getting things under control. We don't
17 see the national headlines anymore. But with less --
18 with the staff recommendation, we're not going to be
19 able to make it. The sheriff has made it clear, and
20 the county has made it clear to him, we just don't have
21 the resources. The county gets what the state gives
22 us. On the big weekends, Imperial County plays host to
23 most of Southern California, and the population more
24 than doubles. We do need the help if we're going to
25 keep the order there.

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1 I'm a little bit concerned. Some of the
2 Commissioners have mentioned the process of approval
3 and how they rate the grants. I looked at a couple of
4 them I was a little bit baffled. One question, the
5 application demonstrates that not funding the proposed
6 project results in negative outcomes, public health and
7 safety harm. And we got 11 or 12 out of 20 points on
8 that loss of recreation opportunity. As I said, this
9 was a national incident when it was not under control.

10 I think there's a difference with writing
11 skills. We're a small county. It looks as though
12 these are graded like a sophomore essay contest, in how
13 you write rather than really what the need is, and we
14 do need it. This particular year, you all are aware,
15 there are higher fuel prices that's going to limit very
16 much, even with full funding, what the sheriff is able
17 to do. The county has put a surcharge on every agency
18 that runs vehicles to compensate for the higher fuel.
19 The sheriff happens to use most of the vehicles, and
20 when he goes out to the dunes and they're operating out
21 there, they burn an awful lot of fuel. So that's going
22 to be an additional burden. Please, we need to keep
23 this program going, full funding. Thank you.

24 CHAIR SPITLER: Harold Soens, followed by Neil
25 Hamada.

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1 them, with Mark, the OVEST team in our incident command
2 system. We want to make sure that they receive funding
3 so that we continue to have a positive change in
4 bringing the dunes back to this family atmosphere that
5 it's moving towards.

6 Also, the rating system talks about a loss of
7 recreational opportunity, and we don't want to see that
8 any further in the Imperial Sand Dunes. The
9 Competition Hill area right now is off limits at night,
10 and we don't want to see any other closures for those
11 reasons that the Competition Hill area was closed.
12 With the continued presence of the sheriff's department
13 in our area, it maintains a family atmosphere and keeps
14 the recreation area open for OHV use.

15 CHAIR SPITLER: All right. Thank you.

16 Jim McGarvie, followed by John Stewart, and
17 Jason Fried.

18 JIM MCGARVIE: Good morning, Commissioners, my
19 name is Jim McGarvie. I'm with the Off-Road Business
20 Association. I appreciate the opportunity to comment
21 this morning. The Off-Road Business Association
22 recommends full funding for this application. I
23 believe four or five years ago when the sheriff first
24 came before you to request \$250,000, I was the first to
25 stand up in what became a long line of users

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1 recommending a \$500,000 grant reward, which in its
2 infinite wisdom the Commission subsequently approved.
3 I think that proved to be the right decision then. I
4 think now in view of inflation and increased expenses,
5 a minimum of the full funding requested would be
6 appropriate.

7 Keep in mind, please, that this project benefits
8 to a large extent the users of this area. It's not
9 specifically law enforcement aimed at the off-roader.
10 The primary problem of law enforcement in the dunes as
11 any of these LEOs will tell you, is not the off-roader,
12 it's the partying group that decides that our park is a
13 good place for them to party. Thanks to increased law
14 enforcement by the sheriff and by the BLM, that
15 situation is largely under control. I'd like to see
16 that continue.

17 I'm also standing up here representing the
18 American Sand Association. Unfortunately, the whims of
19 the calendar resulted in the American Sand Association
20 board of directors meeting today in San Diego, and
21 nobody from that organization is able to be here. They
22 asked me to speak on their behalf. The American Sand
23 Association also recommends full funding for this
24 application. Thank you very much.

25 CHAIR SPITLER: Thank you.

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1 is one of the larger counties in the state, and they
2 are hard pressed to satisfy the public requirements.
3 Thank you.

4 CHAIR SPITLER: All right. Thank you. Okay
5 Jason Fried followed by Terry Weiner.

6 MEMBER OF THE PUBLIC: Pass.

7 CHAIR SPITLER: Terry Weiner.

8 COMMISSIONER WALDHEIM: Again, folks, please
9 come up here because we're spending a lot of time
10 waiting for people come up here. Start lining up so we
11 can get one right after the other.

12 TERRY WEINER: Good morning, my name is Terry
13 Weiner, and I'm the conservation coordinator of
14 Imperial County for the Desert Protective Council, and
15 I'd like to thank the Imperial County sheriff for the
16 good work they do out there, enforcing problems with
17 resource violations, as well.

18 We would like to support the entire request for
19 the law enforcement portion of their grant. We do not
20 support the request for equipment. The OHV Division
21 has put a lot of money in previous years into equipment
22 for the Imperial County sheriffs, and we think that we
23 just would rather see them put the money into the
24 staff. I'd like to say that in parts of the BLM Desert
25 District area of the El Centro field office, which is

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1 vast, Imperial County sheriff does a remarkably good
2 job of covering the territory BLM law enforcement isn't
3 able to cover. And I've seen them out in Indian Pass
4 where we have a lot of cultural sites and out by the
5 Colorado River near Walters Campground area protecting
6 the resources. Thank you.

7 CHAIR SPITLER: Thank you. Any other member of
8 the public wish to comment on this grant?

9 Okay. Commissioner Anderson.

10 COMMISSIONER ANDERSON: Could you describe to
11 me, Ms. Weiner asked about the equipment budget, can
12 you tell me what the command center conversion is?

13 MARK McNAY: The command center conversion is a
14 conversion of a motor home that the sheriff's office
15 bought themselves without grant money, and we use that
16 command center for six of our major holiday incidents
17 out in the Imperial Sand Dunes. That conversion was
18 simply taking a 32-foot Bouncer motor home and taking
19 out the back end, the bedroom in the back end, and
20 putting in work space for law enforcement with
21 computers so they can do their reports out in the
22 field, and also basically it has a bank of radios so we
23 can have instant -- it's like a mobile mini command
24 center is basically what it is. And we not only use --
25 we've had this motor home for -- I believe it's three

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1 years now, and we just recently got it converted. But
2 we've been using it all three of those years to use it
3 as support, personnel support while during these
4 incidents.

5 While I was doing the -- I was a sergeant in
6 charge of the off-road program, they liked what I did
7 so much, they went and piled on the boating program, as
8 well, which is mirrored, and it turns out that the
9 boating program, a lot of people who bring boats during
10 the summertime, also throw in a three wheeler or a
11 motorcycle, and they're tearing up the BLM and private
12 lands up near the Colorado River. We also use that
13 motor home during those command incidents as well for
14 increased operations out there, so basically it's a
15 support vehicle with a couple of radios in the back.

16 COMMISSIONER ANDERSON: Did I hear you say that
17 you had just finished the conversion?

18 MARK McNAY: Yes, the conversion has been
19 finished already.

20 COMMISSIONER ANDERSON: So you'd like to fund
21 this item that you finished already?

22 MARK McNAY: It is a funding thing in the grant
23 or was it a --

24 COMMISSIONER ANDERSON: Well, it's listed as an
25 item under equipment within your application.

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1 public, and that's the point of this meeting, is to
2 provide the Commissioners with really clear, clear
3 examples or where you feel that perhaps could be where
4 staff made their determination, but that was actually
5 you know something different that's going on the
6 ground, based on the criteria, not just it's a great
7 place. Because I think we all would love to be able to
8 fund everything in this state, but please keep in mind,
9 that there were \$48 million worth of requests for \$18
10 million.

11 So it is a competitive process where that grant
12 applicant had to really work hard to really say this is
13 why I deserve these funds and really make the case. So
14 I hope today that we can keep that in mind as everybody
15 obviously cares deeply about the areas that they're
16 speaking on, but that if you do keep in mind that
17 perhaps it would be -- specifically it would be helpful
18 to be specific about what it is that you see needs to
19 be addressed. Thank you.

20 CHAIR SPITLER: Okay. OR-752, Los Angeles
21 County Sheriff. Anyone from Los Angeles County here?

22 ROGER WALLACE: Good morning, Mr. Chairman, I'm
23 Sergeant Roger Wallace from Santa Clarita Sheriff's
24 station.

25 DAVE JENNINGS: I'm Deputy Dave Jennings from

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1 Palmdale Sheriff's station on behalf of Leroy D. Baca,
2 Sheriff of Los Angeles County. This is our third grant
3 application to the Commission, and we would like to
4 thank the Commissioners and the staff for providing
5 funding for this badly needed enforcement effort. In
6 Los Angeles County, we have both Palmdale station and
7 Santa Clarita station are very large areas. Santa
8 Clarita patrols approximately 650 square miles, where
9 Palmdale station is approximately 725 square miles.

10 In the past two years, Santa Clarita station
11 applied solely by itself for an application. This year
12 we filed a joint application with Palmdale and Santa
13 Clarita Station. We feel like we have submitted a
14 conservative grant request considering the large
15 increase in OHV activity in our areas. With that, we
16 respectfully recognize that the Commission and staff
17 have some very difficult decisions to make with the
18 budget cuts; however, we respectfully request that our
19 grant be fully funded.

20 CHAIR SPITLER: Thank you.

21 Public comments, Jim McGarvie, followed by John
22 Stewart and Jason Fried.

23 MEMBER OF THE AUDIENCE: Pass.

24 JOHN STEWART: John Stewart, California
25 Association of 4-Wheel Drive Clubs. From Cal 4-Wheels'

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1 perspective we've looked at this and support staff
2 recommendations. Thank you.

3 CHAIR SPITLER: Thank you.

4 JASON FRIED: Jason Fried, Alliance for
5 Responsible Recreation. We also support staff
6 recommendations for this one.

7 CHAIR SPITLER: Thank you. George Paniagua.

8 GEORGE PANIAGUA: It's my understanding that
9 L.A. County has no OHV opportunity; therefore, I do not
10 support their grant. Thank you.

11 CHAIR SPITLER: Thank you. Okay. Any other
12 members of the public wish to comment on L.A. County
13 sheriff? Okay. I think we'll take this one off
14 Consent and discuss it further.

15 COMMISSIONER WALDHEIM: I'd like to add also,
16 Mr. Chairman, that recently the Board of Supervisors
17 under the -- they're going to be approving a \$70,000
18 grant from the in lieu funds for the sheriff, so, yeah,
19 they're going to do that. I'm not too happy about it,
20 but it's good that they're doing something because
21 we're still looking for a site. Los Angeles County
22 still has to come up with a site, and so that's where
23 we want to concentrate on.

24 I'm going to recommend -- I'm going to put
25 \$55,000 because Parks and Recreation Department made it

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1 very clear to me, said, Waldheim, you better give them
2 something. So I'm going to go with \$55,000 on this
3 one, but we're taking it off of Consent.

4 CHAIR SPITLER: Okay. Thank you.

5 OR-753, Town of Yucca Valley. This is another
6 recent addition to the grants program. Staff, perhaps
7 you could comment on why this grant was originally
8 rejected and then included? Staff?

9 CHIEF JENKINS: I'm sorry, I was listening to
10 somebody else. What was the question?

11 CHAIR SPITLER: I note that this grant was
12 originally rejected and later included. I was just
13 asking for your comments on why that was.

14 CHIEF JENKINS: Yucca Valley, correct?

15 DEPUTY DIRECTOR GREENE: My apologies, Chairman
16 Spitler, that would be a case of where there was some
17 confusion about the requirement for the environmental
18 documentation. And upon further review, it was
19 determined that, in fact, Yucca Valley should be
20 included within the packet.

21 CHAIR SPITLER: Thank you. Gentlemen.

22 DALE MONDARY: My name is Dale Mondary. I'm a
23 sergeant with the San Bernardino County Sheriff's
24 Department and working for the Town of Yucca Valley is
25 one of our contract cities. With me is Captain Jim

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1 Williams who serves as the chief of police. And I
2 would like to say, I didn't think I'd recognize Daphne
3 this morning, I thought for sure she would have had all
4 of her hair pulled out from dealing with this grant
5 process.

6 We do support the process the way that it's
7 working, even though initially we were declined. And
8 maybe that's what I get for sitting for two days next
9 to Madera County because I was under the same
10 impression that under the law enforcement that we were
11 categorically exempt. However, now that we're back on
12 the item here, one of the things that I want to
13 emphasize is last year the Town of Yucca Valley
14 received their first grant. And we've been fairly
15 successful in the things that we have wanted to
16 accomplish. We're still working under that grant. We
17 have an entire community of environmentalists, property
18 owners, ORV enthusiasts who are -- BLM, other agencies
19 are involved in our process.

20 We've had what we felt was enough success or so
21 much success our calls for services are increasing
22 simply because the public is more aware of our program
23 that we're doing, and some of our OHV riders are
24 actually moving out into the unincorporated areas of
25 the entire Morango Basin, which includes more Morango

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1 Valley, Johnson Valley, Joshua Tree, 29 Palms. And in
2 our grant request, the Town of Yucca Valley felt that
3 they're not -- one of the things that they're trying to
4 do with our problem is not just pushing it into another
5 community. And so we've actually increased our
6 enforcement area to include the entire Morango Basin.
7 And I just want to make sure that the Commission is
8 well aware of this. And the town also has plans for
9 next year's grant cycle, they're going to be applying
10 for a planning grant where they have property already
11 set aside to develop an ORV program for recreation use,
12 as well.

13 JIM WILLIAMS: Good morning, Chair Spitler and
14 fellow Commission members and staff. I am Captain Jim
15 Williams of the San Bernardino County Sheriff's
16 Department. And in my capacity, I serve as the
17 commander for our Morango Basin Station located at
18 Joshua Tree, and I'm also the contracted Chief of
19 Police for the towns of Yucca Valley and the City of
20 29 Palms.

21 Sergeant Mondary indicated this year our grant
22 OHV plan had been to expand, if you will, our
23 enforcement activity throughout the entire Morango
24 Basin. That's an area of approximately 5200 square
25 miles of our patrol jurisdiction. We interface closely

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1 with both the National Parks Service, the Joshua Tree
2 National Park, and the Bureau of Land Management both
3 from their Palm Springs office and Barstow offices.
4 Our area also borders Johnson Valley OHV Recreation
5 Area, which I believe is the largest in the State of
6 California. As such, we do have large amounts of OHV
7 activity throughout the Morango Basin. Unfortunately,
8 BLM staffing currently out of their Barstow office is
9 such that they cannot fill their resident post in the
10 Morango Basin. That, in fact, leaves us as the primary
11 interface with both the community, the OHV riders on
12 both the county lands, local lands, and the state
13 lands -- or federal lands, I'm sorry, that BLM is
14 responsible for.

15 I think it's important to know that we have
16 recognized since day one -- we've only been involved
17 recently over the last two years -- that we understand
18 that we can't solve this strictly from a law
19 enforcement standpoint. To that extent, over the past
20 year, we've had at least a half a dozen, probably
21 closer to ten community stakeholders meetings. And at
22 those meetings, we've had representatives of the OHV
23 users community, OHV user groups, OHV business owners,
24 environmental groups, local land owners, environmental
25 groups. And we have worked and come a long way in

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1 significant local participation, and we believe that in
2 this particular case, there's been just an exceptional
3 amount of effort on the part of the Town of Yucca
4 Valley and the participants involved up there. So we
5 support full funding for this grant.

6 CHAIR SPITLER: All right. Thank you. Terry
7 Weiner.

8 TERRY WEINER: I am speaking right now as a
9 private citizen, not for the Desert Protective Council,
10 but as a person who has spent quite a bit of time up in
11 the Morango Basin and attended a lot of meetings with
12 some of the residents there who participate in a group
13 called Community OHV Watch. I have heard an awful lot
14 about, and seen myself, the problems with rampant OHV
15 use in and amongst residential communities, as well as
16 out on the BLM land. And I've heard just amazing
17 wonderful things about what Sheriff Williams and all of
18 his crew out in Morango Basin have done, and that
19 people at a conference I attended last February up in
20 Morango Basin were feeling pretty discouraged and
21 hopeless at that point. But during the intervening
22 eight months, they actually have hope now that they can
23 have control over their lives in regard to impacts from
24 illegal ORV use, and it's really because of the work of
25 the San Bernardino County Sheriff. So we support full

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1 funding for every penny of this law enforcement grant.

2 Thank you.

3 CHAIR SPITLER: Thank you. Wayne Miller
4 followed by Jack Fuller.

5 WAYNE MILLER: Hi, I thought this was going to
6 be three minutes, so cut me off when you're ready. But
7 my name is Wayne Miller. I live at 57160 Mesa Drive in
8 the unincorporated area north of Yucca Valley known as
9 Yucca Mesa. I've lived there for seven years. This is
10 a very rural area with a lot of acreage owned by
11 absentee owners. In fact, there is approximately 800
12 acres of vacant privately owned land adjoining my
13 property that is used by illegal OHV riders as their
14 personal OHV park.

15 I am a member of the -- and represent the Yucca
16 Mesa Improvement Association, the Morango Basin
17 Horseman's Association, the Homestead Valley Community
18 Council, which is an umbrella organization for the
19 Johnson Valley Landers and Flamingo Height Community
20 Organizations. These organizations have more than 600
21 members. Each of these organizations have
22 overwhelmingly voted to support the sheriff's
23 department \$100,000 grant proposal for OHV law
24 enforcement personnel and equipment for the Morango
25 Basin area.

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1 A lot of the members of these community
2 organizations are senior citizens and feel threatened
3 by the illegal OHV riders that they encounter on or
4 near their property. These organizations have also
5 overwhelmingly voted to support the San Bernardino
6 County ordinance that is currently in draft form
7 awaiting consideration and approval by the County Board
8 of Supervisors.

9 Nothing gets these members more agitated than
10 the subject of illegal OHV riders. The stories that
11 I've heard from these members this past year would take
12 me three hours, not three minutes to relate. My
13 stories alone of the destruction of the neighboring
14 desert, the noise, the dust, and the damage to the road
15 caused by their racing up and down the washes and
16 private dirt roads in my neighborhood and the
17 trespassing on my signed property would take at least
18 an hour. You can imagine what happens when these
19 illegal OHV riders meet up with a horseback rider on a
20 trail or road. We have one MBH rider who received a
21 \$27,000 hospital bill as a result of such a meeting in
22 Joshua Tree.

23 I have approached numerous illegal riders and
24 tried to explain to them that what they're doing is not
25 only annoying but also illegal. Most often I am met

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1 with -- I saw a light blink. Most often I am met with
2 an unfavorable response and some hand signals. I feel,
3 however, that it's not the responsibility of private
4 citizens to enforce the OHV laws. With the OHV
5 manufacturers, retailers, and some local realtors
6 promoting the desert as a playground for OHV riders,
7 the situation can only get worse. I will say, though,
8 that even though illegal OHV rider complaints are a low
9 priority at the sheriff's department, and with their
10 limited resources they have responded on a few
11 occasions that has made a difference in the attitudes
12 of a few local illegal riders.

13 With this grant of \$100,000 and the designated
14 officers and vehicles, I can imagine a great
15 improvement in the quality of life for the county
16 residents in the Morango Basin. I respectfully request
17 that you consider giving the Morango Sheriff's
18 Department grant proposal a higher priority to fund the
19 \$100,000.

20 CHAIR SPITLER: Well done, thank you,
21 Mr. Miller. Jack Fuller.

22 JACK FULLER: Thank you, good morning. I'm Jack
23 Fuller, substituting for Victoria Fuller of the
24 Community ORV Watch of the Morango Basin.

25 The Community ORV Watch is a group of Morango

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1 Basin residents, businesses, homeowners associations,
2 and other community groups dedicated to protecting our
3 public lands, private property, and quality of life
4 from illegal ORV activity. We have representatives
5 from Morango Valley, Yucca Valley, Joshua Tree,
6 Landers, Yucca Mesa, 29 Palms and Wonder Valley. We
7 have organized neighborhood watch groups throughout the
8 basin and have worked closely and constructively with
9 local law enforcement, including the Barstow office of
10 the Bureau of Land Management, the BLM, and the San
11 Bernardino County Sheriff's Department.

12 We are happy to learn that the Division has
13 reversed their rejection of the Yucca Valley, San
14 Bernardino County Sheriff's request for \$100,000 in OHV
15 enforcement funds. We supported this grant this year
16 and the year before and continue to give our
17 wholehearted endorsement to Captain Williams and his
18 staff and their efforts to address the problems in that
19 area.

20 On the other hand, we understand that the
21 Division has determined to give this grant a low
22 priority. When we review the policies and criteria for
23 use of OHV grant funds, we find this determination to
24 be troubling. The multifaceted programs developed by
25 the sheriff's department to address the growing problem

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1 of illegal ORV use and accompanying trespass and
2 destruction of private property conflict between
3 neighbors, dust and noise complaints and related crimes
4 are beginning to have an effect.

5 Last year's grant enabled the department to
6 obtain needed equipment that would sit idle if this
7 year's request is not fully funded. Captain Williams
8 has brought together a diverse group of stakeholders,
9 including industry representatives, local residents and
10 environmental groups to design and produce a
11 multi-agency OHV brochure with maps and laws and safety
12 information. This is an unprecedented effort that
13 serves as a model for other areas.

14 There are plans to erect large format signage
15 and informational kiosks that will educate the public
16 about where they can and cannot ride and try to avoid
17 the kinds of conflicts that occur at every major
18 holiday weekend. Public education is an important
19 component to the overall approach to law enforcement,
20 and outreach to the schools have already begun.

21 Another important initiative is the coordination
22 of law enforcement. After many years of working
23 separately, the BLM and sheriff's department are
24 beginning to coordinate their efforts in an area that
25 is a checkerboard of public and private lands. The

1 grant request by the sheriff's department for the Yucca
2 Valley area must be funded in full in order to continue
3 the momentum that has been created to date and to
4 enable follow through on projects in the works. The
5 grant funds will be well spent because of the
6 demonstrated abilities of the sheriff's department, as
7 well as the communities' involvement and contribution
8 of thousands of volunteer hours to these efforts. We
9 urge the Commissioners to take a close look at this
10 application and decide to fund it in full. Sincerely,
11 Victoria Fuller for Community ORV Watch. Thank you.

12 CHAIR SPITLER: Thank you. Jim McGarvie,
13 followed by John Stewart, and Jason Fried.

14 MEMBER OF THE PUBLIC: Pass.

15 JOHN STEWART: Good morning, Commissioners, John
16 Stewart, California Association of 4-Wheel Drive Clubs.
17 This is a tough grant to really look at and to request
18 for full funding. I understand the need for law
19 enforcement, and I recognize from looking at the issue
20 that the town and the area has come a long way over the
21 past year at solving some issues. They've come
22 together with a good group that is working towards
23 solving problems.

24 However, this is still a local issue, and has
25 been pointed out by a previous speaker. It is a local

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1 issue. It is a private property rights issue, and to
2 that extent, the grant request as funded by your -- as
3 scored and funded by the staff or Division
4 recommendation there, I believe that is sufficient.
5 This is not something that -- where it's heavily
6 impacted by outside recreation coming in. This is
7 something where, yes, we need to address it, but we
8 need to address it at the local level and get the local
9 residents all working off of the same page to really
10 identify where the crux of the problem is. So right
11 now, Cal 4-Wheel supports staff recommendations. Thank
12 you.

13 CHAIR SPITLER: Thank you. Jason Fried.

14 JASON FRIED: Hi, Jason Fried, Alliance for
15 Responsible Recreation. First off, we'd like to thank
16 the staff and folks that have worked on this to get
17 this grant reconsidered. Just as a point of reference,
18 we were actually -- up until a day-and-a-half ago
19 expecting this not to be on the agenda, and we were
20 expecting to have people show up at eleven o'clock to
21 speak during the public forum. So there would actually
22 be more people here today to on this that I'm expecting
23 to show up in the next half hour or so that would have
24 actually addressed this issue.

25 If you were to ask me what grant in this process

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1 is a model that should be used, maybe not the writing
2 portion of it, but the program itself, this grant and
3 this program is that model. They work very well with
4 the community on all sides, the off-roaders in that
5 area, the environmentalists, the land owners,
6 businesses, everybody is part of the process here.
7 They work very well to come to a well-balanced approach
8 to how things need to be addressed on that issue.

9 I would disagree with the previous speaker that
10 it is a local problem. There are people who come from
11 outside of Morango Basin to do this. Part of the
12 reason why we're requesting full funding and why the
13 grant request is higher than last year was the program
14 was so effective in the Yucca Valley area that the rest
15 of the basin said why can't we have this. And the
16 sheriff's department said we will work to get the
17 funding to have a basin-wide effort, and that is why
18 the grant is more. You have actually heard people come
19 up here and say \$100,000, and if you look at your list
20 it actually says 67, that is in part because, from what
21 I understand, part of the grant were requests for
22 equipment and it was put in the wrong part, so the
23 staff took that request out.

24 We are actually requesting that you fund more
25 than what is -- the staff is telling you. The original

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1 grant actually had a \$100,000 request for more
2 equipment and for more officer time to deal with this
3 issue. So I would highly encourage you to give them
4 the original request, which was \$100,000, not what is
5 listed in the sheet that you have in front of you as
6 67. Like I said, this is a model program that should
7 be copied in other locations, and I hope that you will
8 give them more than the full funding on this paper, but
9 the actual full funding for their original grant
10 request. Thank you.

11 CHAIR SPITLER: Thank you. Any other members of
12 the public want to comment on this grant?

13 HAROLD SOENS: Yes, I'm sorry I didn't fill out
14 a sheet because I have Ed's sheet and it wasn't on
15 there. So my name is Harold Soens. I'm speaking on
16 behalf of -- I'm a member the Hilltoppers Motorcycle
17 Club that was established in 1945. It puts two
18 competitive events on in the Johnson Valley area and
19 one in 29 Palms. Although our grand prix in 29 Palms
20 is on private property, when we have a little trouble,
21 we call the sheriff, and they're right there working
22 with us. So as a member of this organization, I would
23 recommend full funding. Thank you.

24 CHAIR SPITLER: Thank you. I think we'll take
25 this one off.

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1 you are getting every year, so you have that. And that
2 was a law that has been changing. It's going to be
3 more critical because you'll be getting more where the
4 activity takes place is where you're going to get the
5 fees. So it's going to be a very important element for
6 you, for all of the counties.

7 DALE MONDARY: And we realize that, and you're
8 absolutely right because those fees will be based upon
9 where the activity occurs. And as you know, San
10 Bernardino County is the largest county in the
11 continental United States, and a large portion of that
12 is desert area, and there's a lot of OHV activity
13 throughout the entire county.

14 COMMISSIONER WALDHEIM: Having said that, Mr.
15 Chairman, I'm going to go with staff recommendation of
16 \$30,150. I'd like to see if we can just do Consent
17 because they have other ways of getting funds some
18 other places.

19 CHAIR SPITLER: I think we'll pull this one off
20 of Consent and discuss it further in November.

21 So let's take a short break, we'll come back and
22 finish up.

23 COMMISSIONER ANDERSON: Can I ask a question?

24 CHAIR SPITLER: Commission Anderson.

25 COMMISSIONER ANDERSON: Yes. Can you spend a

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1 couple of seconds clarifying the relationship between
2 the Town of Yucca Valley and the sheriff's department.
3 I notice that the sheriff's captain is also chief of
4 police, and the money appears to be going to the
5 sheriff's department, and I'm wondering how the local
6 community that's been praised by many members of the
7 public here in terms of getting a handle on this,
8 what's the formal relationship? Do you have some kind
9 of an MOU or something with the town council? Is the
10 town council elected or appointed?

11 DALE MONDARY: Yes, the town council is elected.
12 It is an incorporated city.

13 COMMISSIONER ANDERSON: It is incorporated?

14 DALE MONDARY: It is incorporated.

15 COMMISSIONER ANDERSON: Okay.

16 DALE MONDARY: City manager, town council. They
17 have contracted with the San Bernardino County
18 Sheriff's Department to provide their law enforcement.

19 COMMISSIONER ANDERSON: I see, okay.

20 DALE MONDARY: The money is actually going to
21 the town, and then they pay the bills.

22 COMMISSIONER ANDERSON: I see. Okay. So in the
23 capacities as Chief of Police, you're signing this
24 application?

25 DALE MONDARY: Yes.

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1 COMMISSIONER ANDERSON: All right. Thank you.

2 That's what I wanted to know.

3 CHAIR SPITLER: Okay. Let's go ahead and take a
4 short break and come back in about five minutes.

5 (Break taken in proceedings.)

6 CHAIR SPITLER: 761, 758 and 760, San Bernardino
7 County Sheriff. Anyone from the San Bernardino County
8 Sheriff's Department still here.

9 We'll go ahead and do public comment then. Dave
10 Pickett, followed by Jim McGarvie, and John Stewart.
11 Dave Pickett, Jim McGarvie, John Stewart.

12 JOHN STEWART: Good morning, John Stewart
13 California Association of 4-Wheel Drive Clubs. We've
14 reviewed this grant, and we find that San Bernardino
15 County is an important destination point for
16 recreation, and, as the previous speaker had noted, it
17 is one of the largest the counties in the States. But
18 we support the staff recommendations on these grants as
19 being appropriate. Thank you.

20 CHAIR SPITLER: Thank you. Jason Fried.

21 JASON FRIED: Much like the grant we just spoke
22 on behalf of, we actually recommend full support for
23 any of the San Bernardino County grants with the
24 sheriff's department. They are all doing wonderful
25 jobs for the people of the county. So I don't know if

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1 you just want to use that as my comment for the other
2 three or four grants that are for the county, but we
3 support full funding for all of their programs. Thank
4 you.

5 CHAIR SPITLER: Thank you. Terry Wayner,
6 followed by Kim Floyd. Terry Wayner? Okay, Kim Floyd.

7 KIM FLOYD: Thank you, representing the Sierra
8 Club for San Bernardino County and the Friends of
9 Juniper Flats. In the area south of Apple Valley,
10 adjacent to the San Bernardino National Forest, the
11 activities of the sheriff's efforts up in those areas
12 are very important to us, and the sheriffs have done a
13 good job of involving community members, property
14 owners, and others up there. And we support full
15 funding for the sheriff's law enforcement and equipment
16 request for San Bernardino County. Thank you.

17 CHAIR SPITLER: Thank you.

18 Any other public comments on these grants?

19 DAVE PICKETT: Good morning, Dave Pickett,
20 District 36, Motorcycle Sports Committee. On the three
21 grants that are before us, Division recommendations is
22 what we ask you to go with. Thank you.

23 CHAIR SPITLER: Thank you. Commissioners?

24 COMMISSIONER WALDHEIM: Yes, Mr. Chairman.

25 TERRY WEINER: Excuse me, I'm sorry, I may be

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1 out of order. I was out of room, and you called my
2 name. Am I too late to speak?

3 CHAIR SPITLER: Go ahead.

4 TERRY WEINER: Just briefly to augment what I
5 said earlier about the Yucca Valley -- Town of Yucca
6 Valley enforcement grant, it's impossible for them to
7 do their work without the funding of the San Bernardino
8 County sheriff. And since the BLM is so, so thinly
9 spread out that way, and so is the San Bernardino
10 County sheriff, we support full funding for the law
11 enforcement and the equipment, all of which they've
12 asked for. Thank you.

13 CHAIR SPITLER: Could you state your name for
14 the record?

15 TERRY WEINER: Terry Wayner.

16 CHAIR SPITLER: Okay. Commissioners?

17 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like
18 to go on OR-761 with Consent, 24,300; OR-758, 24,750,
19 Consent; OR-760 off of Consent and I'm going to go for
20 \$58,000 on that one. So two on Consent and one off.

21 CHAIR SPITLER: Okay. We'll pull 760 off of
22 Consent and discuss it in November.

23 Any other comments from Commissioners?

24 DEPUTY DIRECTOR GREENE: Just for clarification
25 purposes, therefore 761 and 758 are on Consent?

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1 CHAIR SPITLER: That's right.

2 Okay. That's all for the local agencies.

3 Before we get on to the federal grant, staff, did you
4 want to clarify that Madera County issue? Can we wrap
5 that one up and let Mr. Madera County go?

6 DEPUTY DIRECTOR GREENE: Commissioner Spitler,
7 if we could perhaps do that after lunch that would be
8 helpful.

9 CHAIR SPITLER: It looks like you're sticking
10 around. We will do it after lunch. Thanks.

11 I had just a few questions before we talk about
12 the federal applications, that I was unclear on from
13 the regulations, I'm hoping staff can help clarify for
14 me.

15 The first is regarding NEPA documentation, the
16 Regs, Section 4970.15(c) requires an applicant to
17 submit completed project-related NEPA compliance
18 documentation. Can staff just clarify what that
19 actually means for the various types of applications?
20 4970.15(c), maybe just walk through for each
21 application type what actually would suffice to fulfill
22 that requirement.

23 MR. LaFRANCHI: Each application type or
24 generally?

25 CHAIR SPITLER: Each application type.

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1 applicant would have completed at some point in time
2 some kind of a basic analysis. On the CEQA level, it's
3 an initial study. At the federal level, it's some kind
4 of a study or some kind of analysis that would identify
5 that there are no unusual circumstances which they
6 would tend to provide. But in cases where that may be
7 not quite as comprehensive, that was the purpose behind
8 the six questions, so that the agency would be required
9 to answer those six questions in terms of -- that are
10 provided for in the manual.

11 COMMISSIONER ANDERSON: What six questions?

12 MR. LaFRANCHI: That asks whether there are
13 unusual circumstances, such as wetlands habitats,
14 special species, et cetera.

15 CHAIR SPITLER: Sorry to interrupt. I'm
16 familiar with those. I guess that doesn't seem to
17 comport with the regulations which say submit
18 project-completed NEPA compliance documentation and the
19 responses required by section six of the application
20 instructions.

21 So I guess what I'm asking, does the applicant
22 need to provide a CE for projects that are -- that it
23 states are exempt?

24 MR. LaFRANCHI: Yes, that would be the general
25 requirement.

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1 CHAIR SPITLER: So if an applicant states a
2 project is exempt, they need to provide a signed CE?

3 MR. LaFRANCHI: Not necessarily. At the CEQA
4 level -- I'm not totally familiar offhand with the
5 NEPA, the federal level, but my understanding is it's
6 analogous -- which is they can elect to file or record
7 a notice, but it's not necessarily mandatory under the
8 law. So that they could provide other information in
9 those situations where they have elected to not file a
10 CE because they just elected not to for whatever reason
11 within their discretion. That's one of the reasons we
12 ask for those six questions so that we could flush that
13 out so that we and the Commission would have the
14 information necessary to complete its own CEQA analysis
15 as part of the decision process at the State level.

16 CHAIR SPITLER: So it might or might not file a
17 CE; it's not required, though, in your opinion.

18 MR. LaFRANCHI: Right, they might or might not
19 is the way we've been trying to -- as with the
20 sheriff's departments on the local levels, we've tried
21 to be as inclusive as we can recognizing that CEQA
22 doesn't mandate a notice of exemption. All it does is
23 triggers a statute of limitations, a shorter statute of
24 limitations, but they can elect to not file an NOE.
25 And from our perspective, in order to be as inclusive

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1 as we could be, we said if they didn't, but there's
2 some evidence of determination on their part that they
3 believe they're categorically exempt, then we would
4 accept that into the process.

5 CHAIR SPITLER: On the Wildlife Habitat Program,
6 4970.16(b), maybe the staff could just talk about the
7 process that it uses to review those to make sure that
8 they're sufficient, both in their submission and in
9 their implementation.

10 DEPUTY DIRECTOR GREENE: Christine.

11 CHRISTINE SNYDER: Hello, Christine Snyder, TRA.
12 We have an environmental review data sheet that's very
13 similar to an environmental review data sheet, and it's
14 the whip form of regulatory compliance, which is
15 included in every single grant application we review.
16 And we have a questionnaire, and it gets answered.

17 CHAIR SPITLER: The question was really how do
18 you ensure that the whips comply with the requirements
19 and also that they're being implemented properly?

20 CHRISTINE SNYDER: I'm sorry?

21 CHAIR SPITLER: The question really was how do
22 you make sure that the whips comply with the
23 requirements of the regulations and that they're being
24 implemented properly?

25 CHRISTINE SNYDER: And that they're implemented

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1 properly; is that the question?

2 Historically, what we've been doing for the past
3 five years is specifically looking to see where the
4 application meets the requirements of both the grant
5 application -- in both grant regs and the statutes.

6 CHAIR SPITLER: So the question was how do you
7 ensure that the whip is being implemented properly?

8 CHRISTINE SNYDER: That would be up to the
9 Division.

10 CHAIR SPITLER: Staff.

11 DEPUTY DIRECTOR GREENE: That would be part of
12 the performance and the site visit evaluation that when
13 we -- as we had indicated at the last meeting, as we go
14 into permanent regs and work with the agencies and the
15 locals to make sure that we try and address on those
16 site visits, but specifically all the criteria that are
17 set forth within the regulations to meet that.

18 CHAIR SPITLER: So can you talk about the
19 process that you've used in the past year to ensure
20 that the whips submitted say, for example, the last
21 year's grant cycle have been implemented over this past
22 year? My concern is that if the applicant submits on
23 paper something that looks like it meets the program
24 requirements but it's not implemented, what happens;
25 how is that discovered and what's the response?

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1 CHRISTINE SNYDER: Do you want me to take the
2 first crack?

3 One of the requirements of the whip is to look
4 at last year's monitoring plans, and that's our first
5 line of defense, if you will, to ensure that the
6 applicant has done what they said that they were going
7 to do. If we can look at the application from last
8 year and look at this year's application, and read the
9 monitoring report from this year to see what they've
10 done, that kind of forms the first line of checks and
11 balances that I believe you're getting at.

12 MR. LaFRANCHI: If I could just step up for a
13 moment. If you look at the regulation and the
14 requirements for whip, it includes a monitoring --
15 discussion about how they're going to monitor the
16 activity, and the application needs to include some
17 discussion about how they are implementing the program.
18 To a certain extent in any program there's a certain
19 amount of self certification involved, and we rely on
20 the veracity of the applications. And that's again why
21 it's so important that these applications be strong and
22 well articulated so that they explain, you know, how
23 they have carried out that program in the past.

24 It's not always possible to be able to devote
25 staff, as we all know, with budget restrictions and

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1 that sort of thing. And so we do have to rely heavily
2 on the applicants to explain how they intend to
3 implement the program, what they're monitoring plan is
4 going to be, and then explain in subsequent
5 applications how they have implemented, and then
6 hopefully back that up with staff field reviews as
7 staff can get out on the ground and actually see what's
8 going on either -- usually on a spot basis, just as
9 with fiscal audits or any other kind of follow-up
10 enforcement activities.

11 CHAIR SPITLER: What would be the staff's
12 response if the plans weren't being implemented
13 properly?

14 DEPUTY DIRECTOR GREENE: That would certainly be
15 a conversation either with the particular agency, and
16 as well as -- that's the importance of making sure that
17 we have the team working on the site visit and the
18 performance review and to be able to bring that
19 information back to the Commission for the following
20 grant cycle so that it is clearly defined within that
21 grant that on that site visit we have seen
22 inconsistencies in the actual application of
23 on-the-ground performance.

24 MR. LaFRANCHI: And I would just add that as
25 with a -- at least from my perception, from an

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1 enforcement perspective, as with a fiscal audit, if an
2 auditor goes out and finds that funds weren't spent
3 according to the grant agreement, they would write up a
4 finding, and we would request either those funds back
5 or else have them brought into compliance.

6 With a whip or habitat plan, would be the same
7 thing. If we find that an applicant is not, or
8 contractor is not, in compliance, we would cite them
9 for that and -- not cite them in the sense of give them
10 a ticket, but cite that and explain what would need to
11 be done, and we would -- if they aren't performing
12 those activities, we would have to take some action on
13 the funding side in terms of either cutting off the
14 funding or stopping -- something as extreme as stopping
15 enforcement of the agreement.

16 DEPUTY DIRECTOR GREENE: I think, Chairman
17 Spitler, this speaks to the entire process of trying
18 to -- trying to create a process where it is more
19 accountable, both for the applicant as well as for the
20 Division being able to provide that, and then as well
21 as for the Commission and being able to take all of
22 that information of what has been provided and what is
23 documented, and then to be able to make that final
24 allocation based on everything that is going on on the
25 ground, as well as that which is within the grant

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1 application. Because, again, we've got with 166
2 project types, you are looking at the need to try and
3 get out on the ground, but you also have those
4 limitations of staff. But that's where we need to be
5 able to provide as much information as we possibly can
6 to the Commission.

7 CHAIR SPITLER: So this is the last question on
8 that point. Maybe staff could just describe to the
9 Commission those areas in the past year where they
10 found inconsistencies with what the whip says on paper
11 and their implementation?

12 DEPUTY DIRECTOR GREENE: I don't have the
13 documentation with me at the time. Certainly would be
14 more than happy to provide that at the
15 November meeting.

16 CHAIR SPITLER: Okay. The last question is
17 regarding 4970.17, the Soil Conservation Program.
18 Applicants are required to submit evidence showing that
19 a soil conservation program for the area has been met.
20 Can staff describe how that process works?

21 CHRISTINE SNYDER: Hello, Chairman. This is
22 also part of the whip form that we fill out. And so
23 what we do is we look at the grant application, we look
24 at the monitoring that was done for last year, we look
25 at the previous grant application, and we make a

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1 determination of whether they're compliant with the
2 grant regulations.

3 CHAIR SPITLER: So for staff, if there's
4 evidence that a soil conservation program has not been
5 met, then that grant application would be ruled
6 ineligible according to the regulations 4970.17(a)?

7 CHRISTINE SNYDER: That's correct.

8 DEPUTY DIRECTOR GREENE: The important thing,
9 what we tried to do this year with the soil -- within
10 each one of the projects where the soil, based on 4917,
11 was the fact that we tried to provide a clear means by
12 which the grant applicant could clearly communicate
13 where that adherence was taking place or not.

14 Again, the importance is that it is difficult
15 for staff, when we've got as many as we do, so that's
16 why that's new form -- and there's been lots of
17 discussions about form this year. But that is the
18 importance of trying to provide those forms and that
19 clear indication to the staff of what is occurring on
20 the ground.

21 CHAIR SPITLER: I guess the question was if an
22 application shows that the soil conservation program
23 has not been met, as is required by the regulations,
24 would staff rule that that application is ineligible?

25 MR. LaFRANCHI: Yes, that would be the

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1 conclusion that should be reached.

2 CHAIR SPITLER: Thank you.

3 Okay. We are at the time where we do public
4 comment for items not on the today's agenda. Anyone
5 wishing to comment on an item not on today's agenda, if
6 you haven't filled out a blue form, please do so, and
7 hand it to Sandy Elder. And, again, these are just for
8 items not on today's agenda.

9 Start with David Pickett, followed by Harold
10 Soens, and Jim McGarvie.

11 DAVE PICKETT: Good morning, Dave Pickett,
12 District 36, Motorcycle Sports Committee. I have a
13 couple of comments I would like to make.

14 One, inside of the current State audit that just
15 came out, in it, it requested the OHV Commission to
16 submit an updated report 60 days from the August 17th
17 date of issuance. Has the Division -- excuse me, has
18 the Commission responded?

19 CHAIR SPITLER: This is your opportunity for
20 public comment. It's not a question-and-answer
21 session.

22 DAVE PICKETT: Okay. I would like the Division
23 to have that response available either in writing or at
24 on the website.

25 Another thing is inside one of the PRC codes

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1 there was supposed to have been a report put out
2 July 1st concerning a program report to the Governor,
3 Parks Wildlife Resources on the Committee of
4 Appropriations for each house and every two years. And
5 this program report is also to have two public
6 meetings. Has that been accomplished?

7 CHAIR SPITLER: Again, this is your opportunity
8 for public comment. It's not a question-and-answer
9 session.

10 DAVE PICKETT: I'm commenting publicly,
11 Chair Spitler.

12 Also, I would like to say that this new process
13 of points grading is a difficult process, and I would
14 like to compliment Division for hanging tough. I've
15 heard many people here and in Sacramento that are grant
16 recipients that are endorsing the project. They know
17 that there's some difficulties, and I appreciate them
18 hanging tough. And for Division staff, it's been a
19 tough road, but I appreciate it. We will get this
20 cleaned up and better for next year, so thank you for
21 your efforts.

22 CHAIR SPITLER: Thank you, Mr. Pickett.

23 Harold Soens, followed by Jim McGarvie.

24 HAROLD SOENS: Harold Soens, District
25 Legislative Officer for District 37. I'm in

1 Coalition, bought what's known as a type two sound
2 meter. You can pick these up for approximately \$300.
3 And any law enforcement agencies that has volunteers
4 can get involved in this kind of stuff. As a matter of
5 fact, if you've got a Quest 1400 meter, the microphone
6 on this is the same size as the microphone in law
7 enforcement meters, you could use the \$500 calibrator
8 to use for those meters to calibrate these, which makes
9 them extremely accurate.

10 And another advantage to doing this when you
11 have your volunteers using these in the field is it
12 frees up the law enforcement for actual law enforcement
13 use. We carry a sign and banner that says, "Free sound
14 checks. No tickets." That doesn't mean you can go
15 ride somewhere and not get a ticket. It just means you
16 can come to us, find out just how loud your OHV is, and
17 not worry about getting a ticket, just awareness.

18 Anyway, I got a banner I wanted to show
19 everyone. This is on my website, www.QuietBike.org.
20 Anybody can go on there and download a copy of this and
21 put their own logo on it for their own organization or
22 they can do whatever they want. That's the solution I
23 came up with. We set up these kiosks at various
24 different locations, at staging areas, at public
25 locations at certain times of the month. Right now

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1 we're doing the Wildomar OHV area and the
2 San Bernardino National Forest Association is basically
3 doing the same thing at the Pinnacle Staging area in
4 Lake Arrowhead, California.

5 But like I said, this is my solution to the
6 problem, and I would like to encourage staff and the
7 Commission to fund these type of efforts. Like I said,
8 I believe in direct on-the-ground contact. Thank you.

9 COMMISSIONER WALDHEIM: Mr. Chairman, I would
10 like to commend Tom for doing this awareness. He just
11 passed out a flyer. Every second Sunday and every
12 fourth Saturday of the month he's going to go out in
13 Wildomar, talk about being dedicated. And he's doing
14 everything in his power to make sure that the folks get
15 that sound down. So we commend all his work that he's
16 doing in this endeavor.

17 CHAIR SPITLER: Chris Horgan, followed by Jason
18 Fried.

19 CHRIS HORGAN: I'm Chris Horgan from Stewards of
20 the Sequoia. I'd like just to suggest that this
21 comment period that we're in right now be open to
22 agenda items. It's very difficult for the public to
23 have the time to come and spend an entire day here to
24 make comments on a specific item. So if you could
25 consider that in the future, it would be appreciated.

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1 CHAIR SPITLER: Thank you.

2 COMMISSIONER WALDHEIM: Mr. Chairman;
3 Mr. Horgan, it's me. Would you please explain to the
4 Commission on Sequoia Forest what you are doing on the
5 route designation? Could you just expand basically
6 because you've been in the forefront and tried to
7 identify as we go through the process the issues that
8 you have found that are troubling.

9 CHRIS HORGAN: Well, we've been going out and
10 checking all of the routes that are on the ground and
11 making sure that the routes are included in the
12 inventory. We found a number of routes that weren't
13 included in the inventory but actually had been
14 included in a prior Forest Service inventory.

15 We've been working with the Forest Service now
16 on their proposals of some closures, yet we haven't
17 gone through the inventory process. We're kind of
18 puzzled with that because we had understood this was a
19 designation process to design a system for now and
20 future, rather than a closure process. I guess that's
21 about it.

22 COMMISSIONER WALDHEIM: Expand on the proposal
23 of closure, what the reason for that is.

24 CHRIS HORGAN: They have a number of reasons.
25 It starts with resource damage, sedimentation,

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1 sensitive species, sensitive plants, historical areas.
2 I think there were eight, so I think there were three
3 more. The problems we see with those criteria is that
4 virtually no trail would be allowed to be open if they
5 were subject to that same criteria.

6 Also, the proposed closures are only to wheel
7 vehicles, to mountain bikes and motorized vehicles.
8 They're still going to be allowing horse and foot. So
9 if the real objective was to address those concerns,
10 then they should be disallowing all use because horse
11 and foot will still cause the same type of concerns.

12 COMMISSIONER WALDHEIM: What has the role of
13 maintenance had in this?

14 CHAIR SPITLER: Commissioner Waldheim, before we
15 go into back and forth here, we have other members of
16 the public wanting to speak.

17 COMMISSIONER WALDHEIM: Just one last thing and
18 I'm done.

19 What was the role of them wanting to close; had
20 maintenance been done it wouldn't be a problem.

21 CHRIS HORGAN: Many of the trails had reports on
22 them from prior years, and those reports had
23 recommended maintenance or other solutions to the
24 problems. And now it seems that the Forest is
25 absolving themselves of having not done their job in

1 performing maintenance and suddenly is suggesting
2 closer.

3 COMMISSIONER WALDHEIM: Mr. Chairman, I just
4 want to prove the point that no maintenance eventually
5 makes us lose trails, and this is why I'm so emphatic
6 about the maintenance of the trails. And this is a
7 perfect example. We are the losers.

8 CHAIR SPITLER: You've convinced yourself of
9 that.

10 COMMISSIONER WALDHEIM: I want to convince more
11 than myself.

12 CHAIR SPITLER: Thank you, Mr. Horgan. Jason
13 Fried followed by John Stewart.

14 JASON FRIED: Hi, Jason Fried, Alliance for
15 Responsible Recreation, once again.

16 I want to address the overall grant process, how
17 it's been working. First off, I commend the staff. I
18 know that you guys have a very difficult job. When I
19 was in college, I actually served on our student fees
20 board, which did the exact same process you guys do, so
21 I understand there is never enough money, and everyone
22 complains about how the process works. But I do have
23 some suggestions and some requests for future years and
24 also some comments about this year.

25 I understand the points process and how you need

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1 to assign points in order to figure out what gets what
2 priorities. Something that would be a help for the
3 agencies and the grantees and the general public would
4 be what exactly -- how did you come up with that score,
5 give us justifications. So if you come up and say,
6 well, there wasn't enough public comment period or
7 there wasn't something, I can come back up here and
8 say -- as a concerned citizen and say, well, they did
9 have enough public comment period, they had meetings on
10 such and such dates. It would give us the ability to
11 understand where your logic and where you're coming up
12 with. Maybe there's parts of the grant process, which
13 I guarantee you I don't know because I'm not the one
14 actually creating the process, and so they didn't
15 follow something. So if you give us more feedback, we
16 can then be better prepared and the Commissioners can
17 be better prepared to say, did they do this or maybe
18 they didn't do this. And it would give us during
19 public comment period a chance to respond to it.

20 Also, I am, you know, very concerned about the
21 attitude, well, we're going to fix stuff and we're
22 going to make it better for next year. Unfortunately,
23 there are a lot of sheriff's departments that are not
24 getting grant this year, that are not being
25 reconsidered. Some of them have just given up on the

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1 process and, you know, may not even be back next year,
2 which is a shame because unfortunately, which is
3 totally understandable, the sheriff's departments, they
4 have higher priorities in general. You know, they've
5 got the robberies, they've got the murders, they've got
6 other things that they need to take care of. And this
7 source of funding is the only source of funding that
8 they can really get that can give them to say, hey,
9 we're getting money it has to be spent to deal with
10 off-road vehicle problems that are in our areas and to
11 monitor and to police it. And I would hate to see that
12 their projects --

13 And actually there is one project in here you
14 have -- which is hard to read on your chart that was
15 handed out -- because all of the San Bernardino County
16 grants kind of got bunched in, you couldn't see which
17 actual department was in it, but you actually have
18 Victorville getting funding for equipment, but their
19 grant for officers was denied. And so I'm trying to
20 figure out, so they're going to have equipment sitting
21 in storage, but they're not going to have the ability
22 to have officers riding the equipment.

23 So we need to figure out ways to let these folks
24 have an appeals process; have a way to actually come to
25 you and say, hey, you said we don't qualify, here's

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1 where we think you're wrong, and actually have an
2 official appeals process mixed into this. So we need
3 to have that.

4 And my final comment, and I appreciate it every
5 year, you should probably have a review of what went
6 right and what went wrong with the grant cycle. And if
7 you're having a public comment period, please let us
8 know. We'd like to appear at that. If you're having
9 more than just, you know, write a letter, attend a
10 meeting and speak for four minutes and you're actually
11 going to put together a group of people outside of the
12 Division to talk about it, I volunteer myself to be in
13 that group, and would actually encourage you to do
14 that, so that way you get a better process years moving
15 forward. Thank you.

16 CHAIR SPITLER: Thank you. Okay we have two
17 Stewarts, first John, followed by CJ.

18 JOHN STEWART: Good morning, Commissioners.
19 John Stewart with the California Association of 4-Wheel
20 Drive Clubs. I would like to congratulate Deputy
21 Director Daphne Greene and the OHVRM Division staff for
22 implementing the new OHVRM grants process. This year
23 for the first time the grants are being reviewed under
24 a competitive process with objective evaluation
25 criteria and a storing system, as contrasted with past

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1 years when grants were reviewed under subjective
2 criteria and personal bias.

3 Indeed, the recently completed OHV audit faulted
4 the management of the grants program for its lack of an
5 objective evaluation criteria and scoring. It should
6 be noted that audits of other state grants programs,
7 even the Department of Parks and Recreation, have
8 revealed numerous flaws leading to waste of public
9 funds. Even with those flaws, the Department of Parks
10 and Recreation grants program was lauded as it does
11 employ objective evaluation and criteria. Much work
12 has yet to be accomplished.

13 With the Financial Integrity and State Managers'
14 Accountability Act of 1983, the Legislature declared it
15 to be the policy of the State of California that each
16 state agency must maintain effective systems of
17 internal accounting and administrative controls as
18 integral parts of its management practices that are to
19 be evaluated on an ongoing basis and promptly corrected
20 when weaknesses are detected.

21 As noted with the recent OHV audit, weaknesses
22 are apparent in funds management of the OHV Trust Fund.
23 The OHV Trust Fund public funds and subject to full
24 disclosure and accounting for correct expenditure.
25 After reviewing available documentation concerning the

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1 budget acts for recent years, there appears to be a
2 disconnect with applying OHV Trust funds in accordance
3 with governing statute.

4 I call on the Division to institute a complete
5 audit of the OHV Trust Fund to include an accounting of
6 funds received from the Department of Motor Vehicles,
7 the Motor Vehicle Fuel Tax and other sources of income
8 required by statute to be credited to the OHV Trust
9 Fund account. This audit should clearly display where
10 OHV Trust funds have been applied to achieve the goals
11 of the State program.

12 In addition, the OHMV audit pointed out other
13 discrepancies, and we're looking to see that these are
14 addressed. Recent modifications to the OHMV Act
15 required the Division to comply with various new
16 reporting requirements to assist in the designation of
17 corridors for statewide California trail system.

18 I call upon the Commission and the Division to
19 look and work together to develop a shared vision and
20 strategic plan where both the Division and Commission
21 work towards providing recreation for the people of the
22 State of California, a program that is not centered
23 around personal issues, personal biases, but something
24 that does work for the State of California and the
25 people. Thank you.

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1 CHAIR SPITLER: Thank you. Would the staff like
2 to respond to -- the member of the public called for a
3 complete audit of the Division. I just wondered if
4 staff will a respond to that.

5 DEPUTY DIRECTOR GREENE: Not at this time.

6 CHAIR SPITLER: Thank you. C.J. Stewart.

7 C.J. STEWART: I just want to speak on behalf of
8 the sound program. One other factor that we've added
9 in is if anybody does not pass the 96 decibel level for
10 the sound testing that Tom Tammone does, I've opened up
11 my sponsorship package with Big Gun, and those people
12 that do not pass that test will get a certificate for
13 50 percent off of a slip-on silencer that will make
14 their vehicle pass the dBs. That can save the end
15 users anywhere between \$150 and \$300 on the purchase of
16 that. So, Tom, fortunately, I don't believe he's
17 passed out very many of these. So a lot of people are
18 meeting the dB requirements on our legal OHV areas, and
19 that's it.

20 CHAIR SPITLER: Thank you.

21 C.J. STEWART: You're welcome.

22 CHAIR SPITLER: Any other members of the public
23 wish to comment on items not on the agenda? Okay.
24 Seeing none, we will go back to hearing on the grants.

25 OR-2-A 65 and 66, Angeles National Forest.

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1 TOM KAUCHER: Good morning, Tom Kaucher, Angeles
2 National Forest Program OHV Manager.

3 First, I'd like to say that I think the grant
4 application and criteria scoring went real well
5 considering another year of changes, but all in all I
6 think it went real good. I only found a couple of
7 inconsistencies in my scoring, but I don't think it was
8 really major. I was happy with a first year grant
9 application that we scored in the seventies. One thing
10 I did notice, looking at all of the other grants, that
11 there were very few people that scored above 80. So it
12 tells me that maybe there's a lot of inconsistencies or
13 problems with the grants.

14 So I further would agree that a report from the
15 staff in the future to tell the agencies and the Forest
16 what problems they saw within the applications would be
17 very helpful to us, possibly to improve our application
18 and to improve our program.

19 So at this time the Forest would go ahead and go
20 along with staff recommendations for our two grants 65
21 and 66.

22 CHAIR SPITLER: Thanks. Okay. We'll go to
23 public comment. Tom Tammone followed by Kim Floyd.

24 TOM TAMMONE: Tom Tammone, California Trail
25 Users Coalition. Excuse me, I've got a cold. I'd like

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1 to formally support Tom Kaucher and staff
2 recommendations and ask that this grant be left on
3 Consent. Thank you.

4 CHAIR SPITLER: Thank you.

5 KIM FLOYD: Kim Floyd, representing the Sierra
6 Club. I would like to request full funding for the law
7 enforcement portion of these grants for the Angeles
8 Forest. Thank you.

9 CHAIR SPITLER: Thank you. David Pickett
10 followed by Jim McGarvie. David Pickett, Jim McGarvie.
11 John Stewart followed by Jason Fried. Anyone else wish
12 to comment on this grant?

13 Okay. Sounds like there's agreement. We will
14 put this one on Consent?

15 COMMISSIONER WALDHEIM: Yes, Mr. Chairman, for
16 the record OR-2-A65 we're going with staff
17 recommendation of 154,700. On OR-2-A66, we're going
18 with staff recommendation, 177,450.

19 CHAIR SPITLER: Okay. We'll keep those on
20 Consent then.

21 DEPUTY DIRECTOR GREENE: May I just state, I
22 appreciate the comments. The only thing I would say to
23 Tom, look to your neighbors to the north in the Inyo,
24 and I believe there's a 95 on the spreadsheet.

25 CHAIR SPITLER: I hope that made sense to

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1 someone because I have no idea what that was in
2 reference to.

3 Cleveland National Forest.

4 DEPUTY DIRECTOR GREENE: The comment that there
5 is a score of 95 on the spreadsheet. The Inyo National
6 Forest did score a 95.

7 CHAIR SPITLER: Cleveland National Forest
8 OR-2-C-48 through 2-C-52.

9 ANNE CAREY: Good morning, Anne Carey with the
10 Cleveland National Forest. I'm the Recreation Lands
11 Officer in the Desert County Ranger District.

12 And the Cleveland would like to thank the
13 Commission and the Division for their support, for all
14 of the support we get from our volunteers and the
15 responsible users. On the Cleveland National Forest,
16 we have Wildomar and Corral Canyon, two OHV areas which
17 are the closest to San Diego, Orange County, and
18 western Riverside County.

19 You know, we can always use more funding. But
20 basically the amount of funding that the Division
21 recommended is adequate for us to keep the programs
22 functioning and operational. And so we plan on using
23 it wisely, and we are here to answer any questions.
24 Thank you.

25 CHAIR SPITLER: Thank you. We'll go ahead and

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1 do public comment. We'll do the two Stewarts, first
2 C.J. Stewart, followed by John Stewart.

3 C.J. STEWART: Hello, again, Commissioners, and
4 also I forgot to welcome you to Riverside County's
5 lovely meeting building that we have here; spent quite
6 a bit of time in this building working on the Riverside
7 County Ordinance 348.

8 With Corral Canyon and the Wildomar OHV area,
9 plus possibly the offer of a third OHV area on the
10 Palomar Ranger District known as -- gosh, I can't
11 remember the name of it, Roscoe Ridge, with the
12 volunteer efforts that we have done on the Cleveland
13 National Forest, our volunteer groups are probably
14 considered the most active and hard-working volunteer
15 group for the entire Cleveland National Forest. We are
16 known as a matching contribution both in public
17 education programs and with volunteer partnerships with
18 the Forest Service. We have a lot of fun at both
19 places.

20 The reroutes have gone absolutely flawless, and
21 we're beginning to get more attention from other groups
22 by being collaborative and arriving at consensus on
23 what to do with some of the OHV problems. Thank you
24 very much for the funding. We appreciate it, and we'll
25 hope to see you at the next hearing.

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1 CHAIR SPITLER: Thank you.

2 JOHN STEWART: Good morning, Commissioners, John
3 Stewart, California Association 4-Wheel Drive Clubs.
4 From Cal 4-Wheels' perspective, we've looked at these
5 grants. We support the staff recommendations. We
6 agree that the need and the efforts could always
7 warrant more funding but with the -- a lot has happened
8 in the Cleveland in the last year, and they have really
9 improved their use of volunteer services and volunteer
10 participations. We do continue to support the
11 Cleveland Forest, and we support this grant and staff
12 recommendations. Thank you.

13 CHAIR SPITLER: Thank you. Tom Tammone,
14 followed by Jason Fried.

15 TOM TAMMONE: Waiting for a light to go on. Tom
16 Tammone, California Trail Users Coalition. I'd also
17 like to support staff recommendations on this grant.
18 Again, I'd like to again mirror the comments that a lot
19 of impressive stuff has happened on the Cleveland
20 National Forest, in particular the Bronco Peak reroute.
21 I thought it was monumental in how it was done, and it
22 was the first time I could think of where there was so
23 much cooperation between an agency and an enterprise
24 corporation and the user groups. And I support staff
25 recommendations with one exception, OR-2-C-52, it

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1 scored very low. Reviewing the application, well,
2 yeah, [Inaudible]. But anyway, I don't grade
3 applications, I grade what's happening on the ground.
4 And looking at what's happened on the forest and how
5 well these people work together with us on projects
6 like the Bronco Peak reroute, I would have to ask for
7 some funding be granted to OR-2-C-52. Thank you.

8 CHAIR SPITLER: Thank you. Jason Fried.

9 JASON FRIED: Yeah, Jason Fried for Responsible
10 Recreation. Basically, we support staff
11 recommendations for all of their projects. If there
12 were any that we would go above, it would probably be
13 the restoration work. We feel that any time
14 restoration work can be done, it's an important aspect
15 to have in our forests. Thank you.

16 CHAIR SPITLER: Thank you. Dave Pickett,
17 followed by Jim McGarvie.

18 JIM MCGARVIE: Jim McGarvie, Off-Road Business
19 Association. I'd like to echo some of the comments by
20 some of the previous testifiers. The Cleveland
21 National Forest has for a long time worked very closely
22 with the users. We are happy with the relationship we
23 have them with them. They have -- make excellent use
24 of volunteers.

25 I will point out one item that was not mentioned

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1 by the previous commenters, and that is that both the
2 Corral Canyon and Wildomar OHV areas within the
3 Cleveland are the nearest legal OHV opportunities for
4 literally millions of people in their respective areas
5 and therefore extremely important. The Off-Road
6 Business Association supports the staff recommendations
7 for the Cleveland National Forest. And thank you very
8 much for the funding.

9 CHAIR SPITLER: All right. Thank you. Okay.
10 Any other members of the public want to comment on
11 those grants? Mr. Soens.

12 HAROLD SOENS: Harold Soens, San Diego Off-Road
13 Coalition. I want to just say what a great job they're
14 doing. Cleveland National Forest has set precedents,
15 such as the Bronco Peak Trail. They could have just as
16 soon closed that instead of working with the users to
17 reroute it and open it up to a great four-wheel drive
18 trail. So I would go with staff recommendations.
19 Thank you.

20 CHAIR SPITLER: Thank you.

21 COMMISSIONER WALDHEIM: Mr. Chairman, OR-2-C-48
22 on Consent; OR-2-C-49 on Consent; OR-C-50 on Consent;
23 OR-2-C-51 off Consent. I'm going for 168,000.

24 CHAIR SPITLER: And C-52 on Consent, as well?

25 COMMISSIONER WALDHEIM: Sorry, yes. OR-2-C-52

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1 on Consent.

2 CHAIR SPITLER: Okay. Any other discussion,
3 Commissioners? Okay. Thank you.

4 OR-2-HT-14, Humboldt Toiyabe National Forest.

5 Staff, perhaps you can comment. This was grant
6 was originally thrown out because law enforcement plan
7 was incomplete and later determination found that it
8 was complete. Could you clarify which elements were
9 missing originally and how those were clarified?

10 CHIEF JENKINS: I don't have the grant right in
11 front of me right now. If I recall correctly -- I
12 could look it up and give you specifics after lunch.
13 If I recall correctly, it had to signage and
14 interpretation, I'm seeming to recall. I'll double
15 check that and get back to you after lunch if you'd
16 like.

17 This is one of those where in the law
18 enforcement plans originally what we had looked for and
19 hoped to see was a very clear heading for every section
20 so that it was very ready readily you could find all
21 those elements that were supposed be in the law
22 enforcement plan. This is one of those plans that
23 there were number of law enforcement plans that went
24 through the process where those headings were very
25 difficult just to kind of sort out from the paragraphs.

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1 This one we had to go through and kind of read section
2 by section and look for the references to those
3 elements that we were missing. If we did find those
4 things, and so we considered it complete.

5 CHAIR SPITLER: I'm just noticing that there's
6 another number of other grants that were rejected
7 because they -- because the law enforcement plan was
8 incomplete as it did not address all eight required
9 elements, but those continue to be rejected. So I
10 guess my question is: If this one was rejected for the
11 same reason and later accepted, why were the other
12 grants that were rejected for the same reasons not
13 accepted?

14 CHIEF JENKINS: Yes. And that's -- just to
15 describe the process, how we got to that point, we
16 originally just went through it and looked for those
17 headings, and looked at it that way. And it's like
18 anybody that didn't have all of the correct headings,
19 we just said, you know, those are incomplete. Into
20 that process, we determined -- there were just so many
21 that you could not use that strict of a criteria, and
22 actually tried to sort out what was really in those
23 programs. Then we began reading through painfully
24 looking at line by line, looking for the criteria to
25 see if it was addressed or not. In some cases, it was,

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1 such as this one we did find the references that we
2 needed to find. In other instances, reading through it
3 line by line, we could not find the references to the
4 elements that were missing. So those still were deemed
5 to be incomplete.

6 COMMISSIONER WALDHEIM: Mr. Chairman, you
7 totally lost me. Are you doing a northern grant now?

8 CHAIR SPITLER: It's on the agenda. It's on the
9 spreadsheet dated 10/19.

10 DEPUTY DIRECTOR GREENE: It is on the list.

11 COMMISSIONER WALDHEIM: On a south sheet?

12 DEPUTY DIRECTOR GREENE: We had to bring in the
13 south sheet so you could at least see it had been
14 looked at, as the chief just said. It is on there. It
15 will be discussed. If you choose not to have it on
16 Consent, it certainly will be discussed at the final
17 meeting.

18 CHAIR SPITLER: I guess I'm just still a little
19 confused. It looks like some grants were thrown out
20 because the law enforcement plans didn't address all of
21 the elements and some were accepted even though it
22 didn't address all of those elements.

23 CHIEF JENKINS: So the criteria is very forward.

24 CHAIR SPITLER: I understand the criteria is
25 straightforward; that's why I'm confused.

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1 CHIEF JENKINS: That's what I'm saying is that
2 what we used to determine complete or incomplete was
3 whether or not in the text of the law enforcement plan,
4 they addressed all of the criteria. If we found that
5 they didn't, we left them as incompletes determination.
6 If we found the criteria were addressed, we determined
7 it was complete.

8 CHAIR SPITLER: So when you requested
9 clarification of law enforcement plans, what would that
10 entail?

11 CHIEF JENKINS: The clarification requests on
12 those law enforcement plans, for instance if they
13 addressed something in there but it was not really
14 clear what they were trying to sort out -- so it would
15 be easier if we could look at some specific ones at
16 some date -- but if they referenced that they have
17 signage, that they're going to put up signage on a
18 trailhead, it's in there, it's in the text, it's
19 referencing what those criteria but really doesn't
20 flush it out. So it's there, it's complete, it's not
21 very clear, we ask for clarification on that.

22 CHAIR SPITLER: Okay. So if an element was
23 missing in the original plan, you wouldn't ask for a
24 clarification?

25 CHIEF JENKINS: That's correct.

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1 CHAIR SPITLER: Okay. Thanks.

2 KATHY MICK: Chair Spitler, hi, Kathy Mick, U.S.
3 Forest Service trails program leader.

4 CHAIR SPITLER: I'm sorry, Ms. Mick. I thought
5 you worked at the Division.

6 KATHY MICK: No, I don't. This is my third day
7 back with the Forest Service as the program leader for
8 motorized and non-motorized trails, so hello.

9 The Humboldt-Toiyabe, I'm not sure that they
10 knew that they needed to be here today. I haven't been
11 able to get ahold of them, so I'm not sure. So one
12 thing I am sure of is that they would prefer not to be
13 on Consent and that they would probably like to speak
14 about their area and their grant in hopes of garnering
15 some law enforcement funding, so thank you.

16 CHAIR SPITLER: Thank you. Jim McGarvie,
17 followed by John Stewart, and Jason Fried.

18 JOHN STEWART: John Stewart with the California
19 Association of 4-Wheel Drive Clubs.

20 The Humboldt-Toiyabe is right at the border line
21 of either qualifying for some funds or not. I would --
22 from Cal 4-Wheels' perspective, we would like to see
23 them at least receive a minimal funding at the 50
24 percent level. They are a very popular recreation
25 destination area for summer and winter, but it is

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1 something that's basically in summertime. There's a
2 lot of visitors to that area, and there's a lot of
3 activity in that area, and the law enforcement grant is
4 warranted. So I'd like to see it funded at least at
5 the 50 percent level. Thank you.

6 CHAIR SPITLER: Thank you. Dave Pickett?

7 Probably take this one off and discuss it more
8 in November.

9 COMMISSIONER ANDERSON: Thank you.

10 CHAIR SPITLER: Other discussions from
11 Commissioners?

12 Inyo National Forest OR-2-I-70 through
13 OR-2-I-75.

14 TODD ELLSWORTH: Good morning, Commissioners.
15 I'm Todd Ellsworth, ORV programing manager for the Inyo
16 National Forest. This it Mark Daniel, law enforcement,
17 Inyo National Forest, and Rich Watt, law enforcement,
18 Inyo National Forest here to help answer questions if
19 there are questions also.

20 We appreciate the high consideration that the
21 staff gave the majority of our grants, and the
22 recognition of the hard work that we put into the
23 grants, and recognition that we took the competitive
24 nature of the grants seriously. We would like to
25 address a few of the scores and fundings on our grants

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1 starting off with the law enforcement grant.

2 MARK DANIEL: Good morning, again, I'm Mark
3 Daniel, law enforcement officer on the Inyo National
4 Forest, and I coordinate the OSV law enforcement
5 patrols in the Mammoth Lakes area.

6 I'd like to address one the unique law
7 enforcement issue scores and the FO&M request for
8 snowmobiles. We've just recently acquired a new unique
9 situation in Mono County. Our agency that we cooperate
10 with didn't have a completed grant request, so we don't
11 know if they will be patrolling at all this year. That
12 puts a bigger impact on us as law enforcement officers
13 mostly in the enforcement for registration and reckless
14 driving.

15 Secondly, I've had the Nordic patrol programs,
16 ski patrol program, they're volunteers, I'm developing
17 that. And it's always been my intent to have them
18 access some of our remote areas, such as McGee
19 Mountain, that requires a snowmobile to get to in a
20 timely manner. Plan on them using our old snowmobiles
21 that are off of the OHV inventory; however, they've
22 broken down. They're falling apart one by one. I
23 think we have maybe two left that are not reliable but
24 they still run. Anyway, this area, the McGee Mountain
25 area has become fairly active especially this last year

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1 when we had high snow depths, and I would like to get
2 them up there, but I need snowmobiles for them to do
3 that.

4 In addition, to them being able to access the
5 area, they can also take the burden off of law
6 enforcement by patrolling that area and keeping track
7 of it and let us, as law enforcement officers,
8 concentrate on the registration and reckless driving
9 problems that are happening down in the lower country
10 and Mono County probably can't address anymore. Thank
11 you.

12 CHAIR SPITLER: Thank you.

13 TODD ELLSWORTH: I would like to address the
14 restoration grant, and we appreciate the current score
15 that we received from the staff. But I believe that we
16 fully addressed some of the remaining criteria. For
17 instance, criteria one, that states the application
18 demonstrates the processed project includes law
19 enforcement efforts. Within our grant, we have several
20 paragraphs that address that. And also in our funding
21 request, we requested funding for a specific person to
22 do that type of enforcement on all of our restoration
23 projects.

24 Also, the staff on the Inyo have extensive
25 experience developing -- implementing and developing

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1 restoration projects, and we believe that we use the
2 most latest and innovative techniques to accomplish
3 that restoration and demonstrated that in the grant
4 application. Given those two things, I believe that a
5 restoration grants should be scored at a 90 rather than
6 a 76.

7 Also, I'd like to address the FO&M grant. And
8 again I believe that we successfully addressed the
9 criteria one by addressing the visitors and historical
10 use of the funds on the forest, which we've
11 traditionally gotten. We've also addressed how
12 receiving these funds would extend the life of the
13 facilities. And also addressed how we would use
14 volunteers to assist in the maintenance, public info,
15 trash collectin of those facilities. I believe that
16 this warrants a higher score of a 60 to receive 55
17 percent funding. Thank you.

18 CHAIR SPITLER: Thank you. Dave Pickett
19 followed by Jim McGarvie.

20 DEPUTY DIRECTOR GREENE: Chairman Spitler, can I
21 ask a question of the Inyo, please, the law
22 enforcement?

23 CHAIR SPITLER: Can I get through the public
24 comments first and then do questions.

25 John Stewart, followed by Jason Fried.

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1 would encourage the Division and the staff -- let me
2 correct that, the Commission to reconsider the
3 restoration and the FO&M grant for a little more money.
4 Thank you.

5 CHAIR SPITLER: Okay. Thank you. Anyone else
6 from the public want to comment on Inyo? Sounds like
7 we need to take the restoration off of Consent and
8 discuss that further in November. All the others --

9 COMMISSIONER WALDHEIM: Mr. Chairman, we'll go
10 OR-2-1-70 on Consent; OR-2-1-71 on Consent; OR-2-1-72
11 on Consent; OR-2-1-73 off Consent, and I'm recommending
12 115,000. And OR-2-1-74 on Consent; OR2-1-75 on Consent
13 with staff's recommendation. So we only took one off
14 of Consent.

15 CHAIR SPITLER: Deputy Director Greene.

16 DEPUTY DIRECTOR GREENE: Yes. Just one quick
17 question of the law enforcement officer, please.

18 Can you help clarify for the Division when you
19 say that in terms of the snowmobile -- when you apply
20 for a snowmobile, is there anything that the Forest
21 then does to try and look at how your maintenance
22 program might address a sled that is two, three, four
23 years old that would perhaps need ongoing maintenance?
24 Or is it the belief of the forest that when you receive
25 the grant for the sled that, therefore, you're solely

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1 dependent on the State for the maintenance of that sled
2 in the future?

3 MARK DANIEL: In the past we have used our own
4 matching money to repair the sleds when necessary, lots
5 of minor stuff. They're so far beyond minor repairs
6 anymore that I think our next sled will probably
7 require at least a \$500, if not more, repair.

8 DEPUTY DIRECTOR GREENE: And it's only five
9 years old?

10 MARK DANIEL: No, it's a '97.

11 DEPUTY DIRECTOR GREENE: Okay. All right, thank
12 you. I thought you said it was five years old and it
13 was falling apart. I just wanted to clarify that.

14 MARK DANIEL: Our budget, our law enforcement
15 budget is so slim anymore, we're told we have to have
16 approval before spending over a hundred dollars.

17 DEPUTY DIRECTOR GREENE: I just think in general
18 we need to make sure that we're careful that when we
19 ask for State funds that we therefore try to make a
20 distinction whether or not we're going to be solely
21 relying on the State for the ongoing maintenance of
22 that particular piece of equipment or whether or not
23 the agency is going to be responsible for that. Thank
24 you, appreciate it.

25 CHAIR SPITLER: Okay. Thank you.

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1 CHAIR SPITLER: Can you comment on that?

2 KAREN MCKINLEY: We went over our page limit,
3 and so based on the new process, it was not considered.

4 CHAIR SPITLER: How many over the page limit?

5 KAREN MCKINLEY: A paragraph.

6 CHAIR SPITLER: A paragraph. Can you talk about
7 the law enforcement needs on the forest?

8 KAREN MCKINLEY: Pardon me.

9 CHAIR SPITLER: Can you talk about the law
10 enforcement needs on the forest?

11 KAREN MCKINLEY: Oh, yeah, that's why we
12 submitted our grant. I wasn't prepared to talk about
13 that. But let me grab it really quick. My
14 understanding, we weren't going to get to discuss those
15 kinds of things today.

16 But we've got, in my district alone, which is
17 the largest OHV system on the district, I now will not
18 have funding for the next year to cover a law
19 enforcement officer and a couple forest protection
20 officers, and it's a heavily used motorized program.
21 We have -- we're right next door to Hungry Valley, the
22 State's vehicle recreation area, and we have a very
23 high -- if you look at our PAR, we have a high public
24 contacts. Without the money for that, it's going to be
25 difficult to fill those positions. Right now, I'm

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1 rebuilding the department because we've had folks go on
2 to more permanent positions.

3 CHAIR SPITLER: The request is for 372,000?

4 KAREN MCKINLEY: On the law enforcement grant?

5 CHAIR SPITLER: That's an awful lot of law
6 enforcement.

7 KAREN MCKINLEY: Yes, it is.

8 CHAIR SPITLER: What's going to happen if that's
9 not funded.

10 KAREN MCKINLEY: Well, we will be without that
11 coverage. So what you're going to have is a lack of
12 ability to make as many contacts as we would have been
13 able to do. I refrain from going to the slippery slope
14 of one year without our law enforcement grant does not
15 mean our program will be destroyed or people will be
16 running amuck out on the forest. That is not the
17 situation. However, we're going to be severely impeded
18 from being able to make as many contacts as we could
19 with citing authority. I can still do public contacts
20 with other folks that aren't funded off of OHV dollars,
21 but obviously if I have additional funding, I can bring
22 more people on during those high-use seasons, to make
23 more contacts, to do more education. I'm not look at
24 citing as being the end all. Look at the educational
25 aspect. And with increased population growth adjacent

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1 to not only the district but the forest in general,
2 we're going to have more of those users who aren't up
3 to speed on what the current regulations are relative
4 to noise, red stickers, green stickers.

5 COMMISSIONER WALDHEIM: Mr. Chairman, my
6 Waldheim budget shows \$424,000 is their law enforcement
7 expense. So without us helping them, it is going to be
8 a big hole.

9 CHAIR SPITLER: Yeah, so can staff just comment
10 on this?

11 DEPUTY DIRECTOR GREENE: No problem at all. It
12 is certainly -- I am truly sorry that the Los Padres
13 Forest submitted a law enforcement grant that was over.
14 And at the same time, recognizing that it's not the
15 Division's fault in this instance, it was clearly
16 stated under law enforcement projects that there is a
17 page limitation. In the competitive process, you don't
18 want to give one priority over another, that is the
19 point of the competitive process. So if one applicant
20 has that by that one paragraph, if it gave the
21 competitive advantage to that next applicant that, in
22 fact, wouldn't be fair. And so we recognize that a
23 paragraph or a line or a full page or three pages, it
24 is disheartening, but it is, in fact, what occur.

25 COMMISSIONER WALDHEIM: Mr. Chairman, this is a
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1 perfect example where regulations have gone amuck. The
2 academians are the ones who did the rating, but they
3 completely failed to check in on the realities of life.
4 And that is that we have resources out there to
5 protect. We have the public out there to protect. And
6 for a grant to be denied because of a paragraph -- had
7 I been that grant writer, I would have just taken the
8 page out and thrown it in the trash can and we would
9 have been done. I mean when we don't use common sense,
10 I'm sorry, then we have totally lost it.

11 This makes absolutely no sense, closest to the
12 highest metropolitan area of California and because of
13 a paragraph, we pull that out. It's just
14 inconceivable. I don't care how you justify it. It's
15 just inconceivable.

16 DEPUTY DIRECTOR GREENE: And I understand, and I
17 appreciate your thoughts, and I hope that those
18 comments are in fact directed to the grant applicant
19 because, as we've said, there are other grant
20 applicants out there who clearly stayed within the page
21 limitation requirement. And, remember, everybody who
22 participated in this process a year ago said that we
23 wanted to try to get away from 13,000 pages. This is
24 not a reflection of whether or not -- I mean we can't
25 get into -- of course, law enforcement is really

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1 important. And first and foremost, the agency on the
2 ground, in this case the Forest Service, has the
3 responsibility, and that State dollars are there to
4 help the programs, not be fully dependent on the
5 programs.

6 And when we recognize -- I understand the Forest
7 has limitation. They don't even have the officers
8 right now to be able to be permanently on the ground.
9 So I think that there's a bigger issue here that
10 requires perhaps dialogue at a different level with the
11 Forest and the BLM to try and address the issue and at
12 the State level, as well. We have a shortage of law
13 enforcement officers across the board. The sheriff's
14 will speak to it, as well. With retirement and
15 everything else that's going on, we simply don't it.

16 So I know in terms on the Los Padres right now,
17 they don't even have the permanent positions. And I
18 don't know that that's necessarily the best thing to
19 rely on the State to have those permanent positions.
20 But in this instance, in recognizing there was an
21 effort that was made to try and get away from 13,000
22 pages and having the Commissioners say they didn't want
23 to read everything and trying to streamline this
24 process, you had to draw the line.

25 CHAIR SPITLER: It's just a bit arbitrary to say
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1 that. This program this year is being run under
2 emergency regulations which were put in place because
3 of the important need to protect public health and
4 safety. And to say that a \$392,000 grant that's needed
5 to protect public health and safety is ineligible
6 because it's one paragraph over the Division's required
7 page limits really doesn't strike me as a fair way to
8 do the process.

9 DEPUTY DIRECTOR GREENE: And I guess I would ask
10 the Chair if you could then at least let us know what
11 would be a fair way. Would you draw it at half a page?
12 Would you draw it at three pages? Believe me, there
13 was not -- this was not easy. I care about the
14 Los Padres. Absolutely I care about every place in the
15 state out there that provides opportunity, that has
16 resource issues. We need to address these. These are
17 serious issues and we need serious solutions, and this
18 is an attempt to start trying to get some
19 accountability and people to really zone in -- key in
20 on what is important and how and why. But it is not
21 fair to all those other grant applicants that adhere to
22 what was in the regulations, in this case, to have to
23 adhere to the process.

24 CHAIR SPITLER: I actually can say what I would
25 do and with the Division should have done to make the

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1 process fair to just to use a little bit more common
2 sense and reasonableness in its discretion in applying
3 the regulations that it drafted.

4 COMMISSIONER WALDHEIM: Mr. Chairman, also agree
5 that, you know, you have a regulation, but the staff
6 has a responsibility to the public. Regulation or no
7 regulations, there's the overriding issue that the
8 public needs to and demands to have a good recreational
9 area, a safe recreational area.

10 And with 39 grants being rejected, to me that is
11 a public relations nightmare. You would have been well
12 advised to set up a special committee to assist and
13 help to make sure that we haven't missed something that
14 the agency needs some extra help. That would have gone
15 a long way in showing a good faith effort on what is
16 going on. Losing a half a paragraph in a 30 minute --
17 I mean in a ten-minute conversation with Gloria Brown,
18 forest supervisor, would have solved that very, very
19 easy. And we didn't that, and that's what I'm really
20 upset about.

21 DEPUTY DIRECTOR GREENE: Commissioner Waldheim,
22 I see that, but I also recognize that as the Commission
23 put their priorities for the funding targets at \$3
24 million for law enforcement, three million, that the
25 amount of requests and the amount that are already

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1 allocated are over that \$3 million, the demand for law
2 enforcement in the state.

3 I do not believe it is the responsibility of the
4 State. It is the responsibility of each grant
5 applicant, if they are asking for money, they are
6 asking for money to be able to adhere to a process and
7 follow the guidelines and the rules. That is the
8 responsibility of the applicant. And to say each time,
9 if we went through every application and called and
10 called and called, I will say, if you simply look at
11 the Los Padres and their project costs deliverable
12 sheet that was submitted to the Division, it is
13 embarrassing. And we went back --

14 CHAIR SPITLER: Deputy Director, with all due
15 respect, I think you're getting way off the topic that
16 we're discussing here.

17 DEPUTY DIRECTOR GREENE: Excuse me, Chairman, I
18 believe at the same time you have to understand the
19 depth of the need for reform in this program so that we
20 can speak to the need.

21 CHAIR SPITLER: We understand your view on that.
22 Thank you. Okay. I didn't mean --

23 DEPUTY DIRECTOR GREENE: I'm just --

24 CHAIR SPITLER: I didn't mean to take us off on
25 a tangent here. I just thought it was important to

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1 bring up the law enforcement because these grants that
2 were rejected by staff, obviously there is no public
3 hearing on those. The public oftentimes doesn't even
4 know what happened with those grants. So I think it's
5 important to just show to the public what has gone on.
6 And the fact that, you know, I think it's very
7 regrettable that almost a \$400,000 law enforcement
8 grant which serves very important needs was thrown out
9 on, you know, what really amounts to an unimportant
10 technicality.

11 With that, we'll go to the public comment.

12 KAREN MCKINLEY: Commissioner, before you go, if
13 I could add a comment, to that just because I've been
14 standing here listening to both sides.

15 Despite the fact that our law enforcement grant
16 was tossed out on a technicality, that doesn't mean
17 there won't be law enforcement on the ground.

18 CHAIR SPITLER: We understand.

19 KAREN MCKINLEY: I want that to be very clear.
20 Because while I may not have the people in the
21 positions that were in them before, I do have forest
22 protection officers and I do have other law enforcement
23 officers that can be covered over current grant funding
24 and other funding, and we plan on doing that. We are
25 not walking away from this.

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1 CHAIR SPITLER: We understand. We know you'll
2 do your best. Thanks.

3 Okay. John Stewart, followed by Jason Fried,
4 and Davis Pickett.

5 JOHN STEWART: John Stewart, California
6 Association of 4-Wheel Drive Clubs. From Cal 4-Wheels'
7 perspective, we kind of subscribe to the Legislature's
8 theory that the legislator hereby declares that
9 effectively managed areas and adequate facilities for
10 use of off-highway vehicles and conservation and
11 enforcement are essential for the ecologically and
12 balanced recreation. We do agree that these grants are
13 necessary. They are appropriate to support our
14 recreational opportunities. We want to make sure that
15 these grants do provide recreational opportunities.
16 Cal 4-Wheel supports staff recommendations on these
17 grants for the Los Padres. Thank you.

18 CHAIR SPITLER: Thank you. Jason Fried,
19 followed by Dave Pickett.

20 JASON FRIED: Hi, Jason Fried, Alliance for
21 Responsible Recreation.

22 First off, we support the staff recommendations
23 on this forest and also would encourage, if possible,
24 more funding actually for the restoration work, as we
25 do with pretty much all of the restoration projects.

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1 OR-2-SB-83 through SB-88 San Bernardino National
2 Forest.

3 CHRIS EVANS: Good morning, my name is Chris
4 Evans from the San Bernardino National Forest. I'm the
5 acting Forest Trails Program Manager. We're very
6 pleased with the work that the Division staff has done.
7 I'll be very brief, and just say that we are happy and
8 we would ask for Consent on all six items with the
9 exception of the restoration grant, given the fact that
10 there is a predicted balance remaining in restoration
11 funding and the dire need that we have on the forest to
12 repair some of the problems that we have in the Baldy
13 Mesa area. We would ask that that particular grant be
14 funded fully.

15 CHAIR SPITLER: Thank you. We'll do public
16 comment. We've got a whole slough of folks here. Tom
17 Tammone, followed by Lacy Kelly, and David Jones.

18 TOM TAMMONE: Tom Tammone, California Trail
19 Users Coalition.

20 I've been volunteering in this forest for over
21 ten years now and been very impressed with the work
22 they have done. And I'm going to basically go along
23 with Chris. He's a rider. I trust him, and I'm going
24 to go along and mimic his recommendations and ask for
25 all the grants be left on Consent.

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1 And the restoration grants don't necessarily
2 mean a loss of opportunity. A lot of these are stuff
3 that had generated a major headache for law enforcement
4 personnel and the people that are maintaining the
5 trails. So taking care of a lot of these projects,
6 would allow our maintenance people to get out and get
7 after the trails. Thank you.

8 CHAIR SPITLER: Thank you. Lacy Kelly.

9 LACY KELLY: Hello, I'm Lacy Kelly, and I'm with
10 the San Bernardino National Forest Association. I also
11 ride motorcycle and four-by-four, and I want to thank
12 the Commission and staff for your recommendations
13 today. I would support our Forest Service partners in
14 agreeing with what you've proposed and want to let you
15 know that you have supported our program over the
16 years. Our volunteer patrol program is doing very
17 well. It's doubled in volunteerism in the last couple
18 of years, and they're having a tremendous impact.

19 A couple of years ago, you started funding also
20 our education outreach program, which is also just
21 getting off the ground and having a tremendous impact.
22 We have "Stay on the Trail" trail ethics cards that
23 we're passing out throughout the forest at all of our
24 visitors centers and starting to make some inroads into
25 other outlets throughout Southern California. We've

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1 completed an "On the Ride" trail curriculum for grades
2 three through seven that we're going to be launching
3 within a couple of months. And we are starting to
4 receive some press attention also with recreation
5 ethics and stay-on-the-trail messages and sound
6 messages. Tom Tammone is also a part of our program
7 and wants to let you know that we're just attempting to
8 maintain a balanced and comprehensive approach to
9 education and outreach. And as such have partnered
10 with several entities, including the National
11 Off-Highway Vehicle Coalition, the Sierra Club, CORVA,
12 American Honda, Bureau of Land Management, Friends of
13 Jawbone, Tread Lightly, California Four Wheel, Lake
14 Arrowhead Chamber of Commerce, CTUC, Children of the
15 Forest Association, which is an environment educational
16 organization also under our umbrella, and many
17 California dealerships. I just wanted you to know, we
18 thank you for your funding and support very seriously
19 and we're doing all that we can with it. Thank you.

20 CHAIR SPITLER: Thank you. David Jones,
21 followed by Ben von Dielingen.

22 DAVID JONES: Good morning, Commissioners.
23 Thank you for letting me speak. My name is Dave Jones,
24 and I'm with the SBNFA. I personally volunteer in the
25 San Bernardino National Forest about 500 hours a year.

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1 I make thousands of contacts, mostly motorcycles and
2 ATVs. I hit all of the major staging areas from Baldie
3 all the way to Cactus Flats in the Big Bear area. We
4 do a lot of education, do a lot of peer pressure to get
5 compliance. We have very good results.

6 I would have to say that I support the staff
7 recommendations on the funding, with the exception of
8 the more money that Chris mentioned for restoration of
9 the Baldy Mesa area. We need a lot of work out there
10 and ask that all others be placed on Consent. Thank
11 you.

12 CHAIR SPITLER: Thank you. Ben von D.

13 BENJAMIN VON DIELINGEN: Good morning,
14 Commissioners. My name is Benjamin von Dielingen. I
15 am the Off-Road Vehicle Education Outreach Coordinator
16 for the San Bernardino National Forest Association.

17 I wanted to express my gratitude and thanks for
18 the Division's recommendations. We have about 200
19 active volunteers in our program, and they are all
20 very, very avid supporters of all the education
21 outreach as has previously been mentioned. We have
22 developed a curriculum for our schools to target young
23 children before they start picking up any bad habits.

24 We have also focused on the public and address,
25 as Tom Tammone does, the noise issues. We do that

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1 through public awareness, public cards and press
2 releases. And we're seeing some particular interest
3 from volunteers as well as the general public taking
4 notice that we are actually out there and we're making
5 a difference. And I wanted to say thank you, and I
6 support this grant on Consent. Thank you very much.

7 CHAIR SPITLER: Thanks. Okay. Don Wintz,
8 followed by Kim Floyd.

9 DON WINTZ: Thank you. My name is Don Wintz.
10 I'm with the San Bernardino National Forest Association
11 OHV Volunteer Program, and I'm going to tell you
12 something that you already know, but I kind of want to
13 crow about it, so you have to excuse me. Our group
14 does a tremendous job of educating visitors and
15 protecting our forests. We're the premier OHV
16 volunteer program in the country, and we've contributed
17 some 15,000 plus hours of volunteer time combined with
18 the Adopt a Trail program. That's valued at about a
19 half a million dollars this past year. We support
20 staff recommendation, placed on Consent. Thank you
21 very much.

22 CHAIR SPITLER: Thank you:

23 KIM FLOYD: Kim Floyd, speaking both for the
24 Sierra Club and Friends of Juniper Flats.

25 We have a very keen interest in the Baldy Mesa

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1 area and want to support full funding for restoration
2 work in the San Bernardino National Forest and agree
3 with Consent on the balance of the items. Thank you.

4 CHAIR SPITLER: Thanks. Paul Slavic, followed
5 by John Stewart.

6 PAUL SLAVIC: Good morning, Commissioners, Paul
7 Slavic, formerly with American Honda Motor Company,
8 retired recently and getting back into the fray of
9 things. And I just want -- the comment I want to make
10 in reference --

11 First of all, I support full funding for the San
12 Bernardino National Forest grants and support the
13 recommendations of staff. I think they did an
14 excellent job in putting that together. The Baldy Mesa
15 is an extremely important element in the recreation
16 opportunities in Southern California. It's very close
17 to the 15 freeway. And if it's just restoration we're
18 talking about, we're talking about probably a failure
19 here because in the long run, that's a place that needs
20 to be managed, and we've been talking about it for
21 years and years. So there's a lot more to it than just
22 the restoration grant right now hopefully in the
23 future.

24 I want to say that it's been several years since
25 I've been here, and possibly 12 to 15 years ago we came

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1 here, started talking about the San Bernardino National
2 Forest Association, and it was a sales job, if you
3 remember. Mr. Waldheim was probably the only person up
4 front here right now who was in the room when we
5 started talking about that association. I wanted you
6 to know what a success that's been over the years.
7 Your support of that association has contributed
8 greatly to the protection of the ecology on the San
9 Bernardino National Forest and the environment of the
10 forest as a whole, whether motorized or non-motorized.
11 Thank you.

12 CHAIR SPITLER: Thank you. John Stewart,
13 followed by Jason Fried, and Dave Pickett.

14 JOHN STEWART: Good morning, Commissioners John
15 Stewart, California Association of 4-Wheel Drive Clubs.
16 The speakers before have all managed to say pretty much
17 everything that can be said about this issue. Cal
18 4-Wheel supports the staff recommendation of full
19 funding for the San Bernardino Forest, but we would
20 like to add our support to the restoration effort in
21 the Baldy Mesa area. Managing a program for OHV
22 recreation takes a lot of care and a lot of hard work,
23 and it has to be an efficient and effective program in
24 order to provide a recreational opportunity. Without
25 providing a recreational opportunity, the public will

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1 create their own.

2 Well, Baldy Mesa is an area where it has not
3 been effectively managed in the past, and the public
4 has created what is not necessarily a balanced
5 ecological recreation. This restoration effort will
6 get that back on track and put that area and the entire
7 San Bernardino Forest back up to PAR. And the full
8 funding for that restoration, we would like to see that
9 happen. Thank you.

10 CHAIR SPITLER: Thanks. Jason Fried.

11 JASON FRIED: Jason Fried, Alliance for
12 Responsible Recreation. We'll go along with the staff
13 requests, with the exception of trail maintenance. We
14 would like to see that, of course -- I'm sorry, not
15 trail, restoration money increased on that one. Sorry,
16 misspoke there for a second.

17 CHAIR SPITLER: We've off-roaders for the
18 restoration and environmentalists for the trail
19 maintenance. I guess we're doing something right.

20 DAVE PICKETT: Dave Pickett, District 36. We're
21 supporting OR-2-SB-83, 4, 5, 6, 7 and 8 at Division
22 recommendations. But I'd also like to make note, it
23 appears that San Bernardino really did their homework
24 based on their overall scores. Looking at that, they
25 obviously got their submission and paperwork done

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1 correct, and I'd like to compliment them for that
2 effort. Thank you.

3 CHAIR SPITLER: Thank you. Mr. McGarvie? Okay.
4 Any other comments on San Bernardino?

5 Commissioner, discussions?

6 COMMISSIONER ANDERSON: I just had kind of one
7 question on -- since there's about suggestions of
8 restoration funding -- whether or not the forest
9 services looked at -- given the kind of habitat that
10 you have in that area, that if you've looked at other
11 restoration techniques, such as those that are being
12 used by the BLM in the desert? That's my question.

13 CHRIS EVANS: To address that, I guess I would
14 say we have an individual on staff that is a
15 restoration biologist, and that's what she does full
16 time for the forest, and she's not here but I'd have to
17 defer to her to answer that question.

18 COMMISSIONER ANDERSON: I understand. But
19 techniques in the Big Timber areas might be very
20 different from those that can be applied in the arid
21 lands that we're talking about along Baldy Mesa. The
22 description of what you're going to do sounds more like
23 timber slopes than desert. So I would recommend that
24 when it comes to implementation of this, that you avail
25 yourself of some of the developed expertise in

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1 restoration in arid lands areas. That's all.

2 COMMISSIONER WALDHEIM: Mr. Chairman OR-2-SB-83,
3 Consent; OR-2-SB-84, Consent; OR-2-SB-85, Consent;
4 OR-2-SB-86, Consent; OR-2-SB-87, off Consent, I'm
5 putting 210,000 in that one; OR-2-SB-88, Consent.
6 That's it.

7 CHAIR SPITLER: Okay. Thanks. Other
8 discussion?

9 Okay. Why don't we break for lunch. Start up
10 again at 1:30 sharp.

11 (Lunch break taken in proceedings.)

12 CHAIR SPITLER: Okay. We're all being watched
13 through one-way mirrors, I just want to make you aware
14 of that, off to the right here. This is a mysterious
15 place. Okay. Back on TV.

16 We're weaning our way through the process here.
17 The next grant before the Commission is OR-2-SE-62 and
18 63, Sequoia National Forest. Anybody from the Sequoia
19 here?

20 We'll just go directly to public comment then.
21 John Stewart, Jason Fried, and David Pickett.

22 JOHN STEWART: Good afternoon, Commissioners,
23 John Stewart, California Association of 4-Wheel Drive
24 Clubs. We've looked at these with the law enforcement
25 trail issues there, and we support staff

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1 recommendations for this grant. Thank you.

2 CHAIR SPITLER: Thanks. David Pickett.

3 DAVID PICKETT: Dave Pickett, District 36. We
4 support the grants as submitted by Division. Thank
5 you.

6 CHAIR SPITLER: And Chris Horgan.

7 CHRIS HORGAN: I'm Chris Horgan with Stewards of
8 the Sequoia. We are promoting responsible recreation
9 and environmental stewardship in the Sequoias.

10 I was looking at all of the grants and noticed
11 that every forest is asking for restoration money,
12 except for Sequoia. And one of the things we are quite
13 proud of is the trail system that we have, and your
14 funding has allowed us, I think, to stay away from
15 restoration, and we thank you for past funding.

16 Here are some facts and observations that are
17 not contained in the Sequoia grant request which may
18 allow the Commission to more fully fund the Sequoia
19 grant. We understand that you're using a scoring
20 system on which you base your funding decisions, and
21 we'd like to present some additional insight regarding
22 the five sections of your scoring criteria for trail
23 maintenance in the Sequoia, Cannell, and Greenhorn
24 Districts.

25 The efficient use of funds criteria scored 14

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1 out of 15, and we think the grant is represented well,
2 and you're scoring is reflecting that. Implications of
3 not funding the project, the criteria there scored 19
4 out of 25, but we feel a match higher score is
5 warranted. There is a risk of lost trails. The
6 Sequoia recently released a proposal to close about 27
7 percent of the single track trails in the Greenhorn
8 District for various reasons, many which could be
9 mitigated through maintenance. The majority of the
10 trails posed for closure are long loop trails and are
11 rated at high value as well as being listed on the
12 Sequoia preferred trail plan. Each trail has
13 considerable value based on the cost to construct it or
14 the cost to replace it.

15 For example, the Badger Gap Trail was completed
16 in 2002 in the Greenhorn District at a cost of over
17 450,000 per 12 miles of trail. This works out to be
18 37,500 per mile, but those costs would be more today.
19 The proposed trail closure would be a loss of 68 miles
20 of single track at a replacement cost value of \$2.55
21 million; however, it is unlikely that the trails could
22 be rebuilt for that amount of money or even a greater
23 amount.

24 A full investment in trail maintenance each year
25 could prevent many of those closures and is far less

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1 expensive than replacing the trails later. Lack of
2 funding now will increase future maintenance cost
3 later. Forcing users onto a smaller trail system will
4 increase the impact on the remaining trails, increase
5 maintenance costs, as well as increasing impacts on the
6 resource.

7 Higher maintenance costs, we have a number of
8 trails that require normal maintenance that are
9 important to our trail system and maintaining loops.
10 The trail crew volunteers have worked on some of them,
11 but more funding is needed to increase the mileage of
12 trail maintained per year prior to where trail
13 deteriorating to a point where normal maintenance costs
14 would be increased to more severe maintenance costs.

15 Another criteria, project support unique
16 recreation experience. This score 14 out of 15, but
17 would seem to warrant a score of 15. The combined
18 Greenhorn and Cannell districts offer about 340 miles
19 of single track. An independent soil study done by
20 Roger Poff and Associates in 2002 for the Forest
21 Service found it to be one of the best single track
22 systems in the region. Based on the Forest Service
23 2002 Baskin inventory, the Greenhorn trail system
24 offers 165 miles of spectacular single track, and you
25 can see some pictures in the over screen, as well as

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1 the copies that you may have.

2 Usage has been increasing and increased
3 maintenance is needed. We think it is likely that
4 forest user numbers are actually considerably higher
5 than the Forest Service has reported. The Forest
6 Service trail crew has been working on some the
7 Greenhorn trails. They have been spending more time in
8 the Kennedy Meadows trail system of about 90 miles of
9 single track because of higher usage there. The
10 Greenhorn District has been the poor stepchild and has
11 not received enough maintenance. The trails in these
12 two district are irreplaceable. They provide the
13 largest single track trail system, as well as the best
14 available for Southern California off-road use. These
15 trails offer the largest alpine-forested system in
16 Southern California. Sequoia is recognized nationally
17 as a premier trail riding opportunity. The attached
18 picture of a Sequoia trail and rider one third place in
19 the National Off-Highway Vehicle Conservation Council,
20 national photo contest 2005.

21 Other criteria, project extends useful life of
22 trail. This criteria scored 25 out of 25, and was well
23 represented.

24 Another criteria, volunteer participation, trail
25 adoption has increased 250 percent on single track

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1 trails. This criteria scored only 15 out of 20, but a
2 higher score is warranted. Trail volunteerism was not
3 fully represented in the grant. We may have
4 overwhelmed the staff or the paperwork may not have
5 reached the head office.

6 CHAIR SPITLER: Mr. Horgan, if I could ask you
7 to wrap of your comments.

8 CHRIS HORGAN: Certainly. The public cares so
9 deeply about the condition of the trail system and the
10 forest. Stewards of the Sequoia volunteers have
11 increased district volunteerism by 50 percent over the
12 past year working with Forest Service under an MOU for
13 stewardship. Stewards of the Sequoia have adopted five
14 trails, also KTMTalk, N2Dirt & Brento Cycle have each
15 adopted a trail. This represents an 88 percent
16 increase over prior year trail adoption and over 250
17 percent increase in single-track trail adoption. While
18 this is most encouraging and has added considerably to
19 volunteerism, we still need more trail crew funding on
20 both districts.

21 Stewards have become certified on Trail Cat
22 operation and are about to become certified chainsaw
23 operators in order to be able to clear downed trees
24 more quickly. We urge you to fully fund the grants or
25 take them under Consent.

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1 CHAIR SPITLER: Any other members of the public
2 wish to comment on Sequoia? Please identify yourself
3 for the record.

4 KATHY MICK: Good afternoon, Kathy Mick,
5 Regional Trails Program Manager for the regional office
6 of the Forest Service. In light of the Sequoia not
7 being able to be here today, I have no understanding as
8 to why they're not here. But with that said, would
9 like to request that the Commission leave their
10 applications off of Consent for the November meeting
11 realizing that that schedule is full, but giving the
12 Sequoia the opportunity to speak on their own behalf.

13 CHAIR SPITLER: Is the Sequoia the only national
14 forest in the state that didn't submit a restoration
15 grant?

16 KATHY MICK: I'm not sure of that at this time,
17 but I can get that information for you.

18 CHAIR SPITLER: Why didn't they submit a
19 restoration grant?

20 KATHY MICK: I can't speak for the Sequoia, but
21 again I can get that information for you.

22 CHAIR SPITLER: All right. Could you follow up
23 with us?

24 KATHY MICK: I certainly will.

25 CHAIR SPITLER: Okay.

1 COMMISSIONER WALDHEIM: Okay. Mr. Chairman.

2 CHAIR SPITLER: Mr. Waldheim, got some more
3 public.

4 DAVE JONES: Dave Jones, member of Stewards of
5 the Sequoia. I respectfully ask that the grant
6 process -- that the funds fully be considered. Thank
7 you.

8 CHAIR SPITLER: Thank you. Mr. Waldheim?

9 COMMISSIONER WALDHEIM: Tom Tammone is coming
10 up.

11 CHAIR SPITLER: Anyone else from the Sequoia
12 want to speak, if you could just step forward now, that
13 would be great.

14 TOM TAMMONE: Tom Tammone, California Trail
15 Users Coalition. Chris didn't have time to point out
16 that the forest has -- not the forest, but the grant
17 got over a hundred letters of support, and I just want
18 to make sure that that got on public record. And I
19 would also like to be registered as being in full
20 support of the Sequoia National Forest grants. Thanks.

21 CHAIR SPITLER: Thank you. Commissioner
22 Waldheim.

23 COMMISSIONER WALDHEIM: Mr. Chairman, OR-2-SE-62
24 off of Consent; OR-2-SE-63 on Consent with staff
25 recommendation.

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1 COMMISSIONER ANDERSON: Excuse me, what?

2 COMMISSIONER WALDHEIM: OR-2-SE-63 goes on
3 Consent with staff's recommendation. 62 is off.

4 CHAIR SPITLER: Other discussion amongst
5 Commissioners? Okay. Hearing none, thank you.

6 Next grant is -- that's it for the Forest
7 Service -- OR-1-B-57 and 58, Bakersfield Field Office.

8 NIKA LEPAK: Good afternoon, Nika Lepak,
9 Bakersfield BLM office. First of all, I'd like to
10 thank everybody for the funding that we did receive for
11 restoration in Keysville in 2005. That has allowed us
12 to work on the restoration in a concentrated recreation
13 area to bring that in line with our habitat and
14 cultural resource management objectives.

15 The second year of restoration, which is under
16 OR-1-B-57 would allow us continuity in managing this
17 area. I wanted to highlight the significance of the
18 area in that it is -- does have a special designation
19 as a recreation area and has significant resources,
20 including historical and prehistoric resources, gold
21 rush era, mining, cultural resources and is also
22 adjacent to the Sequoia National Forest and provides
23 trails that are continuous with the Sequoia National
24 Forest.

25 I would like to request some reconsideration of
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1 the scoring of the grant. Specifically I would like to
2 reiterate some points that were in the grant to
3 highlight that I think they deserved a slightly higher
4 score. Specifically I wanted to address the point of
5 efficient use of funds. We are using the Student
6 Conservation Association volunteers, which provide us a
7 very cost effective way of implementing the restoration
8 on the ground. We utilize native materials like downed
9 wood, rocks, and so on, seed from the site for
10 restoration leading to a low to no cost materials cost,
11 and also we are utilizing temporary park rangers, again
12 at a very efficient cost. And we also have reduced
13 rates for the bat surveys that we have included in the
14 project.

15 On the second scoring point, protection of
16 resources, I just wanted to highlight that there is
17 soil protection that's needed on the site because of
18 soil proliferation -- or trail proliferation, there is
19 more soil being denuded in the area and as well as this
20 is leading to exposure of cultural resources and
21 prehistoric resources.

22 On the point of the innovative approaches to
23 restoration criteria, we, I think, are implementing a
24 lot of innovative approaches in the area. We do have a
25 volunteer who lives on site and helps us greatly with

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1 volunteer -- or with visitor contact and supporting
2 volunteers such as the SCA supporting park rangers. We
3 have a park ranger who is working there temporarily who
4 is also living on site so that we have a constant
5 presence in the area. And also it's sort of a unique
6 environment, and we have been adjusting our approach
7 and being flexible in trying a variety of restoration
8 techniques.

9 And, lastly, I would like to mention that we
10 were utilizing the Student Conservation Association
11 desert restoration crew during the hot season when they
12 were not able to work in the desert, which has always
13 led to more efficiency in use of the work crews.
14 That's about -- okay.

15 One point that I also failed to mention is that
16 this is a main point of access to the Kern River and
17 provides a wide variety of opportunities because of the
18 unique location on the Kern River. So that's all I
19 have.

20 CHAIR SPITLER: Thank you. Stick around, we
21 might have questions for you. We'll do public comment
22 first. John Stewart, followed by Jason Fried, and
23 David Pickett.

24 John Stewart: John Stewart, California
25 Association of 4-Wheel Drive Clubs.

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1 Normally in looking at this in general, I
2 wouldn't have much problem with supporting the
3 restoration. I'm kind of in kind of a quandary on this
4 particular one in that it's a restoration in an area
5 used for off-highway vehicle recreation, and yet the
6 program, the OHV program, stipulates that grant funding
7 is to be available for projects that are designed to
8 sustain a managed off-highway vehicle recreation
9 program and solely for activities on lands in the
10 off-highway vehicle recreation system. So is that --
11 I'm not so sure this really falls into that area, but,
12 you know, it is a restoration project. And, yes, there
13 are issues that need to be taken care of in order to
14 maintain what has been done to this point. With their
15 use of volunteers, it might be possible for the
16 Division or for this Commission, when they review this,
17 to really go back and look at see if they can squeeze a
18 few more points out of there, but just to get a little
19 bit more funding support for it. Basically the 50
20 percent level probably would be the most. Thank you.

21 CHAIR SPITLER: Thanks. Jason Fried, followed
22 by Dave Pickett. Mr. Pickett.

23 Okay. Any other public, member of the public
24 want to comment on Bakersfield?

25 MEMBER OF THE AUDIENCE: Yes.

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1 CHAIR SPITLER: Step on up.

2 CHRIS HORGAN: Chris Horgan, Stewards of the
3 Sequoia. There is need to do some restoration work in
4 Keysville. There are some issues, proliferation of
5 roots. I think this Commission may have funded them
6 last year. They had some funding last year, at any
7 rate.

8 One of our concerns, though, is during the
9 restoration work, they closed a designated trail that's
10 been used by the Keysville Mountain Bike Race for 17
11 years, and we would encourage some better collaboration
12 with users groups to make sure that that type of thing
13 doesn't happen in the future, not only for this
14 restoration projects but for all restoration projects.

15 And also we would like to see the BLM seeking
16 grant funding to maintain the existing system or better
17 yet to build a system that would keep the interest of
18 users so that they don't want to create other trails.
19 We would suggest some type of baseline funding for
20 this. Thank you very much.

21 CHAIR SPITLER: Thank you. Okay.
22 Commissioners.

23 COMMISSIONER WALDHEIM: I'll give Ms. Anderson.

24 CHAIR SPITLER: Commissioner Anderson.

25 COMMISSIONER ANDERSON: Can you tell me what the

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1 Keysville special management area means? What's the
2 definition, why was it established and when?

3 JIM WEIGAND: This is Jim Weigand, ecologist for
4 the California BLM State Office. The special
5 recreation management area is a designation where BLM
6 intends to focus management, especially because of the
7 pivotal importance of that area and in particular its
8 relation to the Sequoia National Forest and its trail
9 network. In a sense it forms a gateway from
10 Lake Isabella and the Kern River into the higher
11 elevations of the Sequoia National Forest, and so
12 therefore it's strategically important.

13 COMMISSIONER ANDERSON: Okay. So in this case
14 it's a special recreation purpose?

15 JIM WEIGAND: Yes, that's correct.

16 COMMISSIONER ANDERSON: Special management in
17 this case. We're not talking about endangered species
18 or --

19 JIM WEIGAND: No.

20 COMMISSIONER ANDERSON: It's designed for
21 recreation.

22 JIM WEIGAND: Yes.

23 COMMISSIONER ANDERSON: And do you have an
24 estimate of how long it's been in existence?

25 NIKA LEPAK: How long it was designated?

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1 COMMISSIONER ANDERSON: Yes.

2 NIKA LEPAK: I'm not sure exactly, but I think
3 it would have been in our 1996 Resource Management
4 Plan.

5 COMMISSIONER ANDERSON: Okay. So it's almost
6 ten years.

7 NIKA LEPAK: Yes.

8 COMMISSIONER ANDERSON: Then my question would
9 be, the photographs that you've included in here show
10 some pretty bad erosion, and I'm wondering how come
11 those didn't get addressed previously, or you've spent
12 agency funds to try to address the problem? Because it
13 seems like they could have been nipped in the bud
14 before they got as bad as they are.

15 NIKA LEPAK: My understanding -- I haven't been
16 there personally for the ten years, but my
17 understanding is that the improvements have been made
18 in the area, but there just hasn't been a large scale
19 effort, concerted effort.

20 JIM WEIGAND: If I might also add, it's really
21 very far. It's almost at the periphery of the
22 Bakersfield field office region. It's really almost
23 faster to come from Ridgecrest to the area. And
24 actually in view of that, we've actually had the
25 Ridgecrest Sweco tractor team over at Keysville to do

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1 the trail maintenance as well. So we are upgrading the
2 trails there.

3 Now, this is the -- this will now be the second
4 year only that the Bakersfield field office has applied
5 to OHV funds in the special recreation management area,
6 so we are focusing on this now because we realize we
7 have been remiss in addressing it sooner. And there
8 are serious problems. It's also very important because
9 it helps us to provide camping for what has been often
10 a traditionally under-served community.

11 COMMISSIONER ANDERSON: Okay. So you know
12 you've dropped that ball previously.

13 JIM WEIGAND: I'm sorry?

14 COMMISSIONER ANDERSON: You sort of dropped that
15 ball previously.

16 JIM WEIGAND: It had not been --

17 COMMISSIONER ANDERSON: Slipped through the
18 cracks, whatever you want to call it.

19 JIM WEIGAND: Yes.

20 COMMISSIONER ANDERSON: Okay. All right.
21 That's all.

22 COMMISSIONER WALDHEIM: Mr. Chairman.

23 CHAIR SPITLER: Mr. Waldheim.

24 COMMISSIONER WALDHEIM: In this case, can you
25 tell me -- can you answer the question -- Mr. Horgan

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1 had the concerns on the recreation that, yes, the Sweco
2 from Ridgecrest could go over, but we closed a lot of
3 trails. And we closed a lot of trails that was part of
4 the bicycle thing. How are we going to rectify that
5 and make sure we don't do the same mistake?

6 JIM WEIGAND: We currently have a park ranger
7 who's just started about one month ago, and he is doing
8 a much better inventory of the trails and their
9 condition than what we had before. And we will be
10 going into a phase of working with the local groups
11 within the next few weeks to make sure that next year
12 we can have a more coordinated and cohesive plan.

13 COMMISSIONER WALDHEIM: So you're going to let
14 Chris Horgan know when you're going to meet with him so
15 the rest of us know about it so we can meet?

16 JIM WEIGAND: Yes.

17 COMMISSIONER WALDHEIM: Mr. Chairman, going to
18 take OR-1-B-57 and take it off of Consent because I'm
19 going to go with the 220,000; OR-1-B-58, on Consent
20 with staff recommendation.

21 CHAIR SPITLER: Okay. Any other discussion?
22 Thank you.

23 Okay. Barstow Field Office. OR-1-CD-340
24 through OR-1-CD-344.

25 MEMBER OF THE PUBLIC: Thank you, Chairman

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1 Spitler and other Commissioners. I first just wanted
2 to take a moment to support the process in which we've
3 gone through this year. I know it's been difficult.
4 It's not perfect, but I sense that there's an eagerness
5 to try to make it perfect, and we look forward to being
6 a part of that. And I thank all of you for all of the
7 effort and cooperation and patience I know that all of
8 you put into that.

9 We in Barstow took this process fairly
10 seriously, and this year actually developed our team
11 throughout our field office to develop those grants;
12 used probably all of the disciplines in our office to
13 put that together, and we think we competed pretty
14 well. The grant was not without problems, and frankly
15 I apologize for some of those. I know they caused some
16 confusion and what have you. As I said, this is a new
17 process that needs some improvements, so does our
18 grant, and we look forward to that as well.

19 Given all of that and given the obvious
20 shortfall in funding statewide, we're prepared to
21 accept the Division's recommendations in regard to the
22 law enforcement, the facility operation and
23 maintenance, education, and equipment grants, we'll
24 take that as that is.

25 In regards to our restoration grant, and the

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1 fact that there appears to be some additional monies
2 still on the table there, we would very much encourage
3 full funding on that grant. There's some very
4 important projects there. Some publics that are very
5 interested in just seeing us moving forward with that,
6 and we'd very much like to as well and just require the
7 funding to do so. Thank you.

8 CHAIR SPITLER: Thank you. Public comment, John
9 Stewart, followed by Jason Fried, and David Pickett.

10 JOHN STEWART: Good afternoon, Commissioners,
11 it's always a pleasure to deal with the Barstow Field
12 Office in that they are really trying to support the
13 education opportunities in their region. They have put
14 a lot of effort into coming up with a consistent set of
15 grants that actually support the recreational
16 opportunity. Cal 4-Wheel would like to take this
17 opportunity to support the staff recommendations for
18 the Barstow office. Thank you.

19 CHAIR SPITLER: Thanks. Jason Fried, followed
20 by David Pickett.

21 JASON FRIED: Hi, Jason Fried on behalf of the
22 Alliance for Responsible Recreation. We are fine with
23 staff recommendations. The one area that we want to
24 actually talk about is restoration projects for this
25 area. The BLM as a whole uses the SCAs for work on a

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1 lot of their restoration projects. And wherever they
2 use them, we fully support those programs that are
3 being used by the SCAs. I don't know if you've ever
4 seen any of the work or the job that they do, but they
5 do a spectacular job in doing restoration work and
6 taking trails that were illegally created, and turning
7 them back at least so they don't look like anyone has
8 been riding on them, which then helps keep the people
9 who want to ride legally on trails to know what trails
10 they should be riding on, and it helps cut down on
11 proliferation of trails in many areas.

12 If you haven't seen the work that they've done,
13 I would encourage you to go out to the areas where
14 they've done work and see the before and after pictures
15 that they do. And from what I understand, there are
16 two crews that are being put in for this request, and
17 we fully support the funding of those two crews and
18 want to make sure they get enough funding for the two
19 crews for that area. Thank you.

20 CHAIR SPITLER: Thank you.

21 DAVID PICKETT: Dave Pickett, District 36.

22 This particular area in these five grants are
23 very important even for Northern California riders,
24 they do come down to participate. And fully supporting
25 Division's recommendations on this. This kind of --

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1 these five grants are kind of showing that the system
2 that's in place by Division is working. The scores,
3 the criteria, format and submission seems to have
4 proved it out. And the LE portion is, what, 13 percent
5 of the total available dollars for law enforcement. So
6 these folks have done their homework, and we support
7 Division's recommendations straight up.

8 CHAIR SPITLER: Thanks. Kim Floyd followed by
9 Geary Hund.

10 KIM FLOYD: Kim Floyd speaking for the Sierra
11 Club and Friends of Juniper Flats. This is a difficult
12 set of grant requests for us in that we know that this
13 geographic area needs lots of attention and needs lots
14 of funding to deal with the issues that we face up
15 there. However, both organizations have been
16 disappointed in our ability to participate in the
17 process fully in generating the ideas and concepts
18 behind these grants. I had -- this is two years
19 running. Both organizations, we believe, have
20 attempted to be fully involved, and our conclusion is
21 that we have not been fully involved in the process,
22 and so we are reluctant in not being able to fully
23 support these grant requests, given that we know the
24 area needs lots of financial attention and lots of
25 boots on the ground to deal with the issues. Thank

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1 you.

2 CHAIR SPITLER: Thank you.

3 GEARY HUND: Geary Hund, representing the
4 Wilderness Society. We support the funding of the
5 restoration grant for the aspect of the grant that
6 supports the two Student Conservation Association crews
7 and their restoration efforts.

8 I would agree with Mr. Fried that SCA crews do a
9 spectacular job and the work is very much needed in
10 this location, particularly the three subregions, the
11 Ord Mountains, Juniper Flats, and El Mirage, two of the
12 areas have desert tortoise critical habitat, and we
13 would like to see the trails there recovered and
14 restored. Thank you.

15 CHAIR SPITLER: Thank you. C.J. Stewart.

16 C.J. STEWART: This I like to see. I do like
17 seeing CD-340. I do like seeing the CD-344, as well.
18 I really believe that enforcement should always be
19 accompanied with education. I go out in the field all
20 the time and talk with illegal off-roaders in Riverside
21 County. And when I do, I ask them two questions: One,
22 how did you find out about this place, and they say I
23 saw it from the freeway. And, two, do you belong to an
24 off-road organization. I ask them other questions,
25 too, like do you know where the legal riding areas are?

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1 And this is one of the first places I will send them is
2 to Barstow because this is where I learned to cut my
3 teeth in the off-road arena by racing the Score Series,
4 District 37, being part of the Mohave Desert Racing
5 Series, I know this area like the back of my hand. And
6 after doing a cleanup that took us three years to do,
7 we picked up a 100 tons of garbage, 100 tons of garbage
8 just in one area of the Barstow Field Office. So I
9 like what I see here, guys, I really do. Thank you.

10 CHAIR SPITLER: Thank you. Okay. Any other
11 members of the public want to comment on the Barstow
12 Field Office?

13 Seeing none, Commissioners.

14 COMMISSIONER WALDHEIM: No comments. This is
15 some -- I'm really having a hard time because they did
16 do a good jobs on the grants, but I'm faced with the
17 fact that we have to reduce the amount of O&M and for
18 law enforcement because we have the three million, we
19 got the \$4.2 million and \$6.2 million.

20 It pains me not to just accept staff's
21 recommendations. We could easily say well, just accept
22 staff's recommendations, go with it, but that doesn't
23 mean anything because it may have to be cut anyway. So
24 between a rock and a hard spot in these grants, it's a
25 killer.

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1 So I'm going to go with OR-1-CD-340 and pull it
2 off of Consent as I had allocated 300,000 to that;
3 OR-1-CD-341, I'm pulling it off of Consent, I went with
4 \$400,000 on that one; OR-1-CD-342, pull off Consent,
5 going with 948,00 on that grant because we do have the
6 money to do that; OR-1-CD-343, pull it off the Consent,
7 and I went with \$27,000; OR-1-CD-344, pull it off of
8 Consent, and went with \$7,500.

9 Now, having said all of that, I am really
10 looking for help from the public out there to figure
11 out since this is pulled off of Consent, that doesn't
12 mean in November we can't add to it again. We just
13 need to make sure that we -- I personally need help,
14 okay, we're going to give them more because they rated
15 high, so who gets to pay for the piper, who do we take
16 it from? And so it's going to be an interesting
17 process to be fair in how to figure it out.

18 Staff, I hope the chair will be asking staff to
19 come up with a cost on the administrative costs.
20 Perhaps staff can come up with what are the
21 administrative costs across the board, maybe we can
22 reduce the deficit that we have and help us along the
23 way. But my making these recommendations is absolutely
24 no reflection on Mike Aarons and his team. They did an
25 incredible job. It pains me to have to do it, and I'll

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1 have to do it on others, too. They just didn't get
2 the -- they didn't get the zappo now, but they will be
3 getting the zappo later. So that's what I'm
4 recommending at this point.

5 CHAIR SPITLER: Okay. So we'll take all of
6 those off Consent and discuss them again in November.

7 Bishop Field Office OR-1-B-54 through 56.

8 RICHARD WILLIAMS: Good afternoon, Richard
9 Williams, Bureau of Land Management, Bishop. Thank you
10 very much for all of the funding that we have received
11 from the Division and the Commission in the past. We
12 really appreciate it, really appreciate it.

13 In regards to B-54, the law enforcement grant,
14 we're prepared to accept the staff recommendations. We
15 understand the needs are many and the dollars are few.
16 We can make the program work with those
17 recommendations.

18 Let's see, on restoration grant B-56, I do feel
19 that our score could be improved, specifically the
20 portion where the application demonstrates the proposed
21 project protects, restores, or conserves resources,
22 et cetera. And this area is the Alabama Hills. It's
23 the gateway to Mt. Whitney, John Muir Wilderness. On
24 the other side of the mountain -- on the other side of
25 the Alabama Hills is the Inyo Valley wilderness, which

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1 the last bullet there, restores damaged areas in or
2 near wilderness or closed areas. We are within
3 wilderness. The prevention of off-road impacts our
4 addressed in the body of the grant. This will
5 definitely help what we're proposing to prevent,
6 off-road impacts and also the protection of critical
7 resources, specifically soil and water and historic.
8 The Alabama Hills is famous for the movie filming
9 history, and we do want to preserve that area. I
10 believe the score we averaged on that is 16. I feel a
11 fair score would be 25, which would bump up our score
12 considerably for the funding.

13 Are there any issues with B-55? I was kind of
14 made aware of some those issues, the trail reroute.
15 We're prepared to accept the staff recommendations on
16 those, also.

17 CHAIR SPITLER: Okay. We're go ahead and do
18 public comment.

19 John Stewart, followed by Jason Fried, and
20 Dave Pickett.

21 JOHN STEWART: John Stewart, California
22 Association of 4-Wheel Drive Clubs, talked with the
23 Bishop Field Office several times about the issues
24 around Alabama Hills and the problems and the attempts
25 they're trying to do to manage OHV opportunity there.

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1 They're doing a commendable job, and Cal 4-Wheel
2 supports the staff recommendations for the Bishop Field
3 Office. Thank you.

4 CHAIR SPITLER: Dave Pickett.

5 DAVE PICKETT: Dave Pickett, District 36.

6 On these three, we also will support Division
7 staff recommendations, but have a comment that might
8 pertain to the LE portion of this, Ed, related to what
9 you said on the last grant. Are we kind of basing the
10 LE numbers on the number of folks that are visiting an
11 area? Because I've seen some LE grants where comments
12 have been made where we're raising it for certain ones
13 higher than Division recommendations, and then we have
14 some that are going lower than Division
15 recommendations. I'm assuming that's based on
16 population and use. Thank you.

17 CHAIR SPITLER: Thank you. That's all I have.
18 Any other members of the public want to comment on the
19 Bishop Field Office?

20 Okay. Commissioners.

21 COMMISSIONER WALDHEIM: OR-1-B-54, Consent;
22 OR-1-B-55, Consent; OR-B-1-56, off the Consent and
23 putting 125,000 on that one.

24 CHAIR SPITLER: Okay. So we'll take that one
25 off Consent, and we'll deal with it in November. Thank

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1 you.

2 Couple just housekeeping items. Sandy, I have
3 no idea what this means. I got a note to announce
4 something about parking.

5 MS. ELDER: Anybody who has a parking ticket and
6 would like to have it validated, if one person in the
7 audience can take a count, go up to the ninth floor,
8 they will get that number of validations. They don't
9 want everyone going up, but just one person. Thank
10 you.

11 CHAIR SPITLER: Volunteer driven program. Thank
12 you, Sandy.

13 Deputy Director, can we finish the Madera
14 grants, so we can let this poor gentleman go home?

15 DEPUTY DIRECTOR GREENE: I don't know. I was
16 enjoy seeing him here, especially today in the purple
17 shirt.

18 MR. LaFRANCHI: Yes. Just briefly when we went
19 back and reviewed the law enforcement grants for CEQA
20 compliance, there were the two components that were
21 outlined in the regulations, one was environmental
22 documentation such as categorical exemption or a notice
23 of exemption in that case or a neg deck or mitigated
24 neg deck or environmental impact report, as the case
25 may be, or other documentation. So that criteria or

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1 that requirement pretty much followed CEQA law, which
2 is it's up to the agency to make, you know,
3 discretionary determination on how they are going to
4 comply. It's not absolutely necessary that they file
5 an NOE under CEQA. And if they chose not to but still
6 treated their project as categorically exempt, we gave
7 them, I guess, if you will, the benefit of the doubt
8 and on review accepted them in.

9 With regard to the environmental review data
10 sheet, if there was some reference to a categorical
11 exemption but recognizing that there was possibly some
12 confusion over what was actually required in the way of
13 that form, as long as they demonstrated some decision
14 making with regard to CEQA, we asked to clarify and
15 allow them to come back in.

16 So in following those general principles, Madera
17 had actually filed an NOE, had actually submitted
18 evidence -- or an indication that they were in
19 compliance with the categorical exemption and had also
20 answered in some respect the six questions for the
21 environmental review data sheet. And so we treated
22 them on review as in compliance and brought them back
23 into the process.

24 CHAIR SPITLER: So there's about a half dozen
25 other grants that were rejected because they did not

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1 provide an NOE. Can you comment on those?

2 DEPUTY DIRECTOR GREENE: I think you're
3 referring to the last meeting; is that correct?

4 CHAIR SPITLER: No, I'm referring to the
5 rejection letters that I'm looking at here that list
6 the number of grants that were rejected because they
7 didn't provide an NOE.

8 DEPUTY DIRECTOR GREENE: That is correct, and
9 those were some of the grants that brought up at the
10 last meeting and are continuing discussing with those
11 grant applicants for the clarification for their
12 purpose, and we'll have a final listing hopefully on
13 Tuesday or Wednesday of all of the grants after this
14 meeting is completed of everything that is, in fact,
15 moving through the process.

16 CHAIR SPITLER: So there could be a number of
17 new grants added based on this new standard?

18 DEPUTY DIRECTOR GREENE: The grantees which were
19 on the list at the northern Commission meeting, those
20 would only be the ones that were on that -- already on
21 that sheet that would be on an ongoing discussion. So
22 there are no others on the incomplete list that would
23 fall under that category where there was some confusion
24 or lack of clarity about the ERDS and the CEQA
25 compliance.

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1 CHAIR SPITLER: Okay. There you have it.

2 Thanks for sticking around.

3 ERIC OUTFLEET: Are we done?

4 CHAIR SPITLER: I think so, yes. We'll keep
5 these off of Consent and discuss them in November
6 because Commissioners have never even seen the grant.

7 ERIC OUTFLEET: Mr. Chairman, my name is Eric
8 Outfleet. I work for the Madera Sheriff's Department.
9 And I want to again reiterate that the process is being
10 implemented is the right one, and the sheriff's
11 department continues to support the appeal to an
12 objective standard, and we believe that will be the
13 betterment of the program and to the public. We
14 appreciate the level of legal review that this is going
15 through, and we hope that the proper decision will be
16 made. We look forward to continuing our program with
17 you anyway. Thank you very much.

18 CHAIR SPITLER: Thanks for sticking around, too.

19 OR-1-CD-329, 330, 331, BLM California Desert
20 District Office.

21 RON BARTLAND: Hello, Commission, my name is Ron
22 Bartland. I'm a natural resource specialist with the
23 California Desert District. First off, I'd like to
24 commend Division for trying to come up with a fair and
25 competitive process this year.

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1 I would like to make a plea for reconsideration
2 on the restoration grant in the Desert District. We
3 had two components, one was wilderness and one was
4 non-wilderness coordination. The wilderness component
5 is following up and retreating wilderness projects that
6 have been done over the last five years, and it's very
7 important to check -- to verify the effectiveness of
8 past restoration. The non-wilderness monitoring
9 component is for oversight in assistance with the other
10 six field offices projects.

11 Of the field offices in the Desert District,
12 only one as a restoration specialist, only two have
13 staff archeologists, and we have to do SHIPO compliance
14 on all restoration projects. And only two have GIS
15 specialists. We did not score well, but we do have
16 coordination with LE, with the wilderness component.
17 Law enforcement looked at wilderness projects on a
18 monthly basis, they look at the restoration there. The
19 idea of having coordination in the field office at the
20 Desert District is to make sure that there's
21 consistency with standardization of training and
22 standardization of the restoration techniques, which
23 makes it more efficient overall across the Desert
24 District.

25 JIM WEIGAND: Jim Weigand, Cedar College, BLM

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1 California office. I really appreciate Ron in
2 particular being in place for the California District,
3 a Desert District, because in a sense he's able to do
4 the work that I was not able as well to do from
5 Sacramento, and that is providing the technical
6 transfer of new information so that we can be
7 constantly improving our restoration projects in the
8 desert.

9 Desert restoration is essentially a new topic
10 for all of us. It has a history of less than 35 years,
11 and so we need to be up to speed. The other thing that
12 Ron has already done is automate and improve our
13 monitoring system so that we demonstrate our contract
14 compliance, also rider compliance, and then the
15 ecological or biological results whether we've actually
16 succeeded in accomplishing what we've intended to do in
17 terms of restoration.

18 And last week I was in the field with Ron, and
19 it's incredible. We can demonstrate, be immediately
20 accountability to the Commission and to the Division
21 that their investments in desert restoration are indeed
22 paying off. We keep a full photographic record, and we
23 will be able to develop time series from which we can
24 learn where we've been effective in protecting lands
25 and where we need to be improving. And I think this is

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1 the essence of adaptive management as we improve desert
2 ecosystems by reducing habitat fragmentation. I would
3 ask that you please consider greater funding for the
4 restoration oversight in the California Desert
5 District. Thank you.

6 CHAIR SPITLER: Question, Mr. Weigand. Where is
7 Roy Holt?

8 JIM WEIGAND: He's at the office.

9 CHAIR SPITLER: Did you specifically tell him
10 not to speak today.

11 JIM WEIGAND: No.

12 CHAIR SPITLER: Did you think he was going to
13 make a fool of himself or the rest of us.

14 JIM WEIGAND: No.

15 CHAIR SPITLER: I saw him here earlier, I
16 noticed he escaped before scrutiny.

17 JIM WEIGAND: I think he had to be back at the
18 CDD office in the afternoon.

19 CHAIR SPITLER: Okay. Let's go ahead and do
20 public comment on these.

21 JIM WEIGAND: Commissioner Spitler, there are
22 two other sections. Did you want to hold off for
23 those?

24 CHAIR SPITLER: No, you could just do it all
25 now. If you could go through that quickly, that would

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1 be great. Were you going to speak on those?

2 JIM WEIGAND: I want to introduce you to
3 Dr. Lawrence Laprey, who is the wildlife biologist at
4 the California Desert District and a colleague, and he
5 is also helping me fulfill -- actually I'm helping him
6 fulfill now a lot of the desert monitoring and resource
7 management projects. So I'm really pleased to have him
8 here as a support at BLM. And together Dr. Laprey and
9 I, as well as Ron Bartland, put together these CDD
10 grants, and I think that just in the last year we've
11 been able to greatly increase our capacity to do both
12 restoration and monitoring, having both of them at the
13 California Desert District.

14 LAWRENCE LAPREY: I'm Larry Laprey, so I'm happy
15 to have that introduction to the Commission, and I
16 wanted to thank you for your support of our resource
17 management grants, all of which are related to
18 recreation access, particularly in the Ridge Crest
19 resource area of the El Paso Mountains and then in the
20 Johnson Valley off-highway vehicle area, and we have
21 other studies proposed that allow for continued access
22 in the northern eastern Colorado Desert and northern
23 eastern Mohave Desert, so we thank for your support.

24 COMMISSIONER WALDHEIM: Mr. Chairman, Larry
25 Laprey, he's been working with us on the west Mohave,

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1 so I guess he can't get away from it now if it gets
2 signed, he gets to go work in it again. Welcome here.

3 CHAIR SPITLER: Okay. Let's do public comment,
4 Kim Floyd.

5 JIM WEIGAND: We actually have one more,
6 education grant.

7 CHAIR SPITLER: Okay.

8 JOE ZARKI: Hi there, my name is Joe Zarki. I'm
9 with the National Park Services at Joshua Tree National
10 Park. I'm the Chief Naturalist there, and I'm here
11 specifically to speak about project CD-331, the desert
12 tortoise education and outreach project. We have a
13 partnership with a number of different organizations to
14 develop a broad range and education outreach program,
15 really targeted all to Southern California, one of our
16 primary audiences is the OHV recreation user community.
17 We have groups like the Defenders of Wildlife, the
18 National Fish and Wildlife Foundation working with us,
19 the California Association of 4-Wheel Drive Clubs, and
20 the National Off-Highway Vehicle Conservation Council
21 also working with us.

22 I wanted to talk specifically about a couple of
23 the -- couple of the criteria that we hope might be
24 reexamined for possible upgrade on our scoring here,
25 the one more specifically speaks to the demonstration

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1 or the implications of not funding our proposal.
2 Desert tortoises are a big issue, of course, across the
3 desert and definitely do have an impact on opportunity
4 and availability of OHV recreation use on the desert.
5 And, you know, we've developed a program specifically
6 to get messages about user behavior out to them, about
7 things that they can do in a positive way to lead to
8 good effects on the desert tortoise and good
9 conservation impacts on the tortoise that will
10 hopefully enable us to keep as much of the desert as
11 possible open to continued OHV use.

12 And also on the one on the bottom there about
13 volunteer use, we're going to be implementing a program
14 that's been very successful in southern Nevada, the
15 Mohave Max Program, that will be brought into schools
16 throughout eight desert counties in Southern California
17 that will be designed to really in an exciting way
18 acquaint school children with the desert tortoise and
19 with some of the issues that are facing them. And
20 there be a lot of volunteer effort and energy that goes
21 into that effort that maybe isn't really fully
22 explained as well as it should be in our grant
23 proposals. We'll probably have hundreds of teachers
24 involved in that effort, thousands of school children
25 participating, it could be really a very exciting thing

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1 that will help kids learn more about tortoises. And
2 these are kids that would be in the desert that are
3 part of families that I'm sure are OHV users. And
4 hopefully they'll get again messages about things that
5 they can do specifically, positive things that they can
6 do to lead to the good effects on the desert tortoise
7 populations. So we're hoping maybe a couple of those
8 scores could be looked at and that we might possibly
9 get our grant request boosted up a little bit. Thank
10 you.

11 CHAIR SPITLER: Thank you. Anyone else from the
12 agency prepared to comment on this grant? Okay.

13 All right. We'll go ahead and do public
14 comment. Kim Floyd followed by Geary Hund.

15 KIM FLOYD: Kim Floyd for the Sierra Club and
16 Friends of Juniper Flats. We would encourage
17 reinstatement of the restoration grant and support full
18 funding of the other two grants for the California
19 Desert District. We believe that there's significant
20 expertise at the district level that is, in fact,
21 shared with the offices, and we encourage the
22 Commission to recognize that expertise and fund it.
23 Thank you.

24 CHAIR SPITLER: Thank you. Geary Hund, followed
25 by John Stewart.

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1 commendable job, and I think that that work needs to
2 continue. The closure and restoration of these areas
3 not only protects the affected area, but prevents the
4 level of trespass from increasing.

5 As far as the scoring goes, I commend the OHV
6 Division staff for coming up with a more objective
7 criteria. I think that's important, but I think that
8 process needs to continue to improve. When I looked
9 through the grant application, I found that, in fact,
10 the California Desert District grant for wilderness
11 restoration seemed to -- it should have scored higher
12 than it did. For example, law enforcement efforts,
13 three quarters to a million and a half dollars of BLM
14 wilderness budget a year is dedicated to law
15 enforcement. Law enforcement efforts include monthly
16 patrols, patrols in focal areas, and concentrated
17 efforts in designated wilderness using volunteer
18 assistance. While we think there's some improvement in
19 the coordination of restoration in law enforcement
20 efforts that's needed, and we've made suggestions in
21 that area, it's clear that law enforcement efforts are
22 and will continue to be made in support of those
23 restoration sites.

24 Partnership, this project is being completed in
25 partnership with the SCA. As a refuge biologist with

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1 the Fish and Wildlife Service, I worked with the SCA.
2 I found them to be an outstanding organization. The
3 young people on the crews had great enthusiasm and an
4 outstanding work ethic, which buoyed the entire refuge
5 staff. The SCA is providing funding and in-kind
6 services that greatly leverages the project funding for
7 this wilderness grant.

8 As far as the protection and restoration of
9 resources impacted by illegal OHV use, this project
10 will protect both state and federally listed species
11 and critical habitat.

12 For innovation I was kind of perplexed because
13 they're using the same restoration techniques as the
14 grants that scored highly, and yet out a possible 20,
15 their highest score was five, and they received two
16 zeros. So I think that needs to be re-evaluated. I
17 also worked as a restoration ecologist for California
18 State Parks and I feel that their techniques are very
19 innovated. I've gone down to the California Desert
20 District office and evaluated what they've done.

21 As far as the non-wilderness monitoring grant
22 restoration oversight goes, I think that's very
23 important. It provides for analysis, the development
24 of best management practices, adaptive management so
25 that you can continuously improve based on experiments

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1 that are done with different restoration techniques.
2 That grant is in support of six non-wilderness
3 recreation projects.

4 CHAIR SPITLER: If I could ask you to head
5 towards a conclusion, that would be great.

6 GEARY HUND: Wrap it up, okay. I would strongly
7 recommend that you provide full funding for both of
8 these grants, and that we protect a valuable investment
9 that has been made over the past five years. Thank
10 you.

11 CHAIR SPITLER: Thanks. John Stewart, followed
12 by Jason Fried.

13 JOHN STEWART: John Stewart, California
14 Association of 4-Wheel Drive Clubs. Normally I don't
15 have a lot of problem with a majority of the
16 restoration grants, but I'd like to point out one
17 thing, that 1400 vehicle intrusions into wilderness
18 areas, gee, most of these vehicle intrusions were
19 actually routes that predated the definition of that
20 area as a wilderness. As such a lot of these routes
21 date back well over a hundred years. And to use
22 ingenious definition of calling them a vehicle
23 intrusion of illegal OHV activity, I think that kind of
24 degrades the entire restoration process.

25 The restoration is an important element of

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1 developing an OHV program that is effective and
2 efficient and is ecologically balanced, but I think we
3 really have to pay close attention to what the OHV
4 funds and the OHV restoration efforts are. I think to
5 that extent I think the staff definitions and
6 recommendations for that particular grant are
7 appropriate.

8 And I would like to address one for the
9 education on CD-331. That is a real special effort in
10 that it does deal with the endangered species or
11 threatened endangered species being the desert
12 tortoise, and it is an effort in order to educate the
13 public, the public at large, about recreational impact
14 on the desert tortoise habitat. To that extent, it is
15 well worth the effort and the expense of OHV funds in
16 order to support that. That's a very important
17 education tool and is something that not only the OHV
18 recreating public has an impact on, but the hiking
19 public, the horseback public, even the general public
20 looking at, you know, for the Sunday afternoon
21 wildflower excursion. So that is something that is
22 important, and, therefore, I would encourage that they
23 look at a full funding for that.

24 As far as, like I said, the other two, we're
25 ready to accept staff recommendations on those. Thank

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1 you.

2 CHAIR SPITLER: Thank you. Jason Fried,
3 followed by David Pickett.

4 JASON FRIED: Jason Fried, here with the
5 Alliance for Responsible Recreation, as well as on this
6 one, California Wilderness Coalition, as well. I don't
7 want to forget that I also represent them.

8 We fully support the restoration projects for
9 this program, for the central district for several
10 reasons, one of which they do have an SCA team that is
11 funded through this program for wilderness areas which
12 we think is extremely important in getting those areas
13 restored back to their wilderness areas which they're
14 supposed to be. The other reason we support it is the
15 leadership for all of the SCA programs that are through
16 all of the district desert offices are actually run
17 through the central office. So you're going to have --
18 if you don't fully fund this, you're going to have all
19 of these crews out there running programs, but it is
20 leadership that is overseeing the programs is actually
21 not going to be funded and enabled to oversee it.

22 I hope in the future that their grant is written
23 in a way that better reflects that so that the staff
24 understands the importance of this grant and making
25 sure that the overall program is supported, not just

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1 the arms that are out there, but also the central
2 location of, you know, for lack of a better term, the
3 brain persists to make sure that everything is going
4 and operating appropriately. Thank you.

5 CHAIR SPITLER: Thanks.

6 DAVID PICKETT: Dave Pickett, District 36. On
7 OR-1-B-55 and 56 -- I'm sorry, I'm at the wrong one,
8 excuse me.

9 OR-1-CD-330 and OR-1-CD-331, as staff
10 recommendation; on 329 I would like to hear a little
11 more about that. Ed, if we can pull it off of Consent.
12 Ed on 329, can we put it off of Consent? I think it
13 needs more discussion.

14 COMMISSIONER ANDERSON: I would be happy to do
15 that for you. Judith, thank you.

16 CHAIR SPITLER: Thank you. Anyone else from the
17 public want to comment on the BLM Desert District
18 grants? Okay.

19 We'll pull 329 off Consent and leave the other
20 two on.

21 COMMISSIONER WALDHEIM: For the record, we've
22 got to make it right. OR-1-CD-329, off Consent, I'm
23 going with a 339; OR-1-CD-330 we're going with Consent;
24 OR-1-CD-331, we're going with Consent.

25 CHAIR SPITLER: Let the record so reflect.

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1 protect a tortoise habitat. Also, the application
2 demonstrates that funding from this grant would
3 increase the level of services we can provide for the
4 facilities and toilet cleaning pumping, portable
5 toilets, and dumpsters.

6 For the law enforcement grant, under the section
7 where it was rated about law enforcement adequate to
8 address the issues, we discussed how we would fund
9 spare staffing as well as holiday law enforcement to
10 bring in to address the high levels of visitation. And
11 under number of users, it's 8.8 million visitor use
12 days, and over one million visitors contacted. I'm
13 going to defer to my partners here for the other
14 sections of the application.

15 DANIEL STEWART: Hello, my name is Daniel
16 Stewart with the El Centro Field Office, and I want to
17 try to appeal to you all today for some funding for the
18 planning portion of our grant. We're about to embark
19 on trying to redo our Eastern San Diego County resource
20 management plan. And part of this plan is going to be
21 the route of travel designation for Eastern San Diego
22 County. Currently, Eastern San Diego County is being
23 run under a management frame work plan from 1982, which
24 is a 22-year old plan, so we've had a lot more
25 conflicting resource uses that have been popping up

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1 over the last 20 years, and a lot more species have
2 become listed under the Endangered Species Act, as
3 well. So it's increasingly important for us to get
4 this route of travel designation in place and get the
5 appropriate environmental documentation and compliance
6 with the Endangered Species Act for the OHV areas such
7 as the Laurel Canyon OHV area, as well as the trail
8 systems that are in the area.

9 As part of this grant, we're hoping to develop a
10 lot more volunteer partnerships, and a lot of groups in
11 San Diego County, their interest in resource management
12 that we'd like to involve. And we feel this is going
13 to be very important for sustaining OHV activities in
14 San Diego County because with the route of travel
15 designation, we will have route signs for people to
16 ride on eventually, and that will reduce some of the
17 cultural or environmental impacts that could happen
18 from OHV activity.

19 We feel that this plan is going to be very
20 important for off-highway vehicle recreation because of
21 a lot of future use issues that are happening right
22 now. With population explosions of San Diego County,
23 we have to be able to address some of the development
24 issues, things like rights of way and things like that
25 that would impact off-highway vehicle use. And we

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1 would like to see some funding to be able to help us
2 out with this route designation plan.

3 And we've also applied for some more money with
4 resource management, namely, for our monitoring of rare
5 plants in Imperial Sand Dunes and for flat tail horn
6 lizard monitoring, as well as dunes over flat counts
7 for off-highway vehicle users. We have a lot of use in
8 Imperial County, and it's important that we monitor the
9 number of people we have out there in the sand dunes
10 and how they are impacting the environment.

11 And there's a big ticket for the monitoring out
12 there. The rare plant monitoring itself comes in as a
13 bill of almost a million dollars a year because of the
14 logistical implications of trying to monitor it on that
15 scale. So we need as much money as we can achieve for
16 this type of monitoring because the appropriations that
17 we get for it is basically robbing Peter to pay Paul,
18 taking from other programs and things. So just appeal
19 to the Commission to help us out as much as you can.
20 Thank you very much.

21 CHAIR SPITLER: Thank you. Being Paul, I don't
22 have a problem with robbing Peter to pay Paul.

23 DALLAS LEAKS: Hi, my name is Dallas Leaks with
24 the BLM El Centro Field Office. I'm a recreation
25 planner, and I'm a non-wilderness restoration project

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1 manager. I'd like to thank the Division and the
2 Commission for their generosity over the last two years
3 for the restoration work in the El Centro Field Office
4 in the Uha ACEC, West Mesa and hopefully in the East
5 Mesa as time goes on.

6 I just wanted to say that it's a very important
7 project in El Centro to do the restoration work within
8 the Uha and the West Mesa and East Mesa. We're under a
9 BO from the Fish and Wildlife Service to get that done
10 under the WECO plan by 2008. If we don't, then we have
11 to sign all of the routes that weren't restored with
12 red carsonite post indicating that they're closed. Of
13 course, our experience shows that that's like red flags
14 to illegal off-roaders who will be driving all over
15 place running over the red signs. So even that part is
16 really important. Plus, if we don't get all of the
17 routes restored as quickly as possible, we're going to
18 have increased archeological damage and more impact to
19 flat tail habitat.

20 I know this is a new process this year. I just
21 wanted to say, even though I'm very happy to get the
22 funding that we got over the years, I think there may
23 be some tweaking that can be done with the scoring. I
24 feel that some of the things that we were dinged on in
25 the restoration part, such as volunteers and

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1 applicability and things of that nature were covered
2 within the application itself, but not necessarily
3 within the actual restoration part. And a lot of it is
4 my fault. It was a new process. I should have
5 probably added in those areas specifically.

6 But I would like to say that I would ask the
7 Commission to consider increasing funding for this
8 restoration work. It's very important, and thank you.

9 CHAIR SPITLER: Thanks. A number of people
10 interested in this grant. We will start with John
11 Stewart and Jason Fried.

12 JOHN STEWART: This is John Stewart with the
13 California Association of 4-Wheel Drive Clubs.

14 And listening to some of the issues within the
15 Imperial Desert, I kind of and happen to spend a quite
16 of bit of time there myself, at times I kind of wonder
17 are we running an OHV program down there or is it
18 something that should come under the guise of Homeland
19 Security because a lot of the traffic is border patrol
20 and others trying to address drug trafficking, illegal
21 alien issues, and other things. And that is having a
22 major impact on the OHV recreation opportunity.

23 To that extent, you know, Cal 4-Wheel supports
24 the staff recommendations for the grants in the area.
25 We realize that there is a significant problem down

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1 there to be addressed, but it is not all the OHV. It's
2 got to come from somewhere else. The OHV community
3 cannot continue to address all of the problems for
4 everybody and to be everyone's savior. So Cal 4
5 supports the grants at staff recommendations. Thank
6 you.

7 CHAIR SPITLER: Thanks. Jason Fried, followed
8 by David Pickett.

9 JASON FRIED: Jason Fried, Alliance for
10 Responsible Recreation. We do support full funding for
11 the monitoring of the plants and animals that they were
12 discussing. We feel that is a very important issue for
13 that area; however, we do not support the adaptive
14 management plan and would encourage you to keep the
15 zero funding that staff recommended for that one.
16 Thank you.

17 CHAIR SPITLER: Thank you. Dave Pickett,
18 followed by Nick Irvine, and Harold Soens.

19 DAVE PICKETT: Dave Pickett, District 36. I'm
20 just going to group these five together.

21 My notes indicate that this overall submission
22 was for \$3.7 million of an \$18 million program, and as
23 it is, staff has issued about ten percent at a million
24 nine for the combination.

25 As John had pointed out, there's issues there

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1 other than OHV. And since that's such a huge chunk of
2 change, I think it needs review. But I think staff,
3 from what I've read, put some time into this and did
4 some great analytical work, and I would strongly go
5 with the staff recommendations on this one. Thank you.

6 CHAIR SPITLER: Thank you.

7 NICK IRVINE: Mr. Chairman, Commissioners, thank
8 you for the opportunity to speak. My name is Nick
9 Irvine. I'm vice-president of the Desert Protective
10 Council and formerly a member of the BLM California
11 Desert District Advisory Board for a number of years.

12 I came up from San Diego specifically today to
13 speak to the Uha restoration grant, although I'd like
14 some of my comments to be considered frankly in general
15 in support of all SCA involved restoration projects
16 throughout the California Desert District.

17 Over 25 years of desert activism, I've been a
18 watchdog and have been a critic of the BLM my share of
19 the time, but frankly my experience with BLM on these
20 restoration projects, particularly those involving the
21 Student Conservation Association, has been nothing but
22 extraordinarily positive. I've never been involved --
23 and I've been involved with many projects of various
24 kinds in the California Desert District for a couple of
25 decades -- that is more cost efficient, involves more

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1 ground breaking and cutting-edge technique that are
2 being developed. It's an incredible training ground
3 for future resource professionals, although that's not
4 the focus of this Commission. I understand that. The
5 BLM in the Uha has a history of frankly neglect
6 historically, and the Uha is a great gem of the
7 California desert.

8 And to respond to one thing that was said here a
9 minute ago, I've been walking that area and most of the
10 damage to the wounded Uha Desert was done well before
11 1996 when you started to see the exponential growth in
12 border patrol activity down there. Also, we've been
13 involved in BLM in the border control education
14 program, which has reduced their impacts tremendously
15 in terms of the Uha Desert. The 21st century is going
16 to turn out to be the century of restoration, I'm
17 convinced, when it comes to conservation of lands. And
18 because of the enormous amount of historic off-road use
19 in this area, I support full complete total funding
20 absolutely for this grant. And I support funding
21 frankly fully for these kinds of SCA involved grants
22 throughout the California Desert District. With monies
23 apparently available in the restoration pot, I can
24 think of no defensible reason why we would not fully
25 fund a program like this. Thank you.

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1 CHAIR SPITLER: Thanks. Harold Soens, followed
2 by Terry Weiner.

3 HAROLD SOENS: Harold Soens, San Diego Off-Road
4 Coalition.

5 We definitely support staff's recommendations on
6 Imperial Sand Dunes and all of the rest of the stuff.

7 I'm also apologizing, I'm representing ASA at
8 this particular time, too, because they unfortunately
9 have their board meeting every quarter, and they made
10 it before we made these dates. So they are -- they are
11 in favor of staff recommendations, except for
12 restoration where they are recommending full funding,
13 so thank you.

14 CHAIR SPITLER: Thanks. Terry Weiner.

15 TERRY WEINER: Terry Weiner, conservation
16 coordinator for Imperial County with the Desert
17 Protective Council. Well, this dunes grant brings on
18 heartburn every year, and this year is no exception.

19 My Desert Protective Council prefers to be
20 neutral as far as the resource management part of this
21 grant goes, the \$1,305,000 requested. We think
22 gathering information on endangered species and other
23 endemic species at the dunes is critically important;
24 however, BLM El Centro had money available to do this
25 work by virtue of the fees that they charge at the

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1 Imperial Sand Dunes, which are \$25 a day per visitor or
2 per car and \$90 per week. And in Washington, D.C.
3 there was some political jockeying whereby that money
4 that comes to the BLM, multiple millions of dollars a
5 year, cannot be used anymore for environmental
6 monitoring or conservation at the dunes.

7 Last year BLM El Centro managed to find money to
8 do the expensive monitoring without any money from the
9 OHV Commission. Because the management plan that BLM
10 crafted post 2000 when the dunes -- part of the Dunes
11 were closed to protect endangered species, it had
12 extensive public input and they came up with an
13 adaptive management plan that is not a good one because
14 it doesn't really deal with capacity of how many people
15 in vehicles you can accommodate at the dunes.

16 So part of our reason of wanting to stay neutral
17 about this right now is that within the context of
18 having a bad management plan, which changes a group
19 situation on the ground now, which is half of the dunes
20 are open to off-road vehicles, half are closed. It's
21 something that 108 square miles of dunes that are open
22 right now. If that management plan was chosen as an
23 alternative, there would be no need for any of this
24 monitoring whatsoever to protect the endangered
25 species.

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1 said that. That must have been somebody else. Jim
2 McGarvie with the Off-Road Business Association. The
3 Imperial Sand Dunes recreation, arguably the most
4 popular single OHV area in the known universe, is
5 obviously very well-known. It's not the only
6 recreation for OHV activity in the El Centro Field
7 Office area. There's a considerable opportunity
8 available to us in the Superstitions, the Placer City
9 area and elsewhere. My comments this morning
10 pertaining to the Imperial County Sheriff's request for
11 law enforcement money apply equally to the BLM request
12 in El Centro for law enforcement.

13 This is a situation that we've improved
14 considerably over the last four years, and I'd like to
15 see that improvement continue. If fund limitations
16 were not a consideration, I would strongly urge full
17 funding for this application; however, being realistic,
18 the Off-Road Business Association strongly supports the
19 staff recommendations. Thank you very much.

20 CHAIR SPITLER: Thank you. Geary Hund.

21 GEARY HUND: Geary Hund, The Wilderness Society.
22 I'm going to also speak for the California Wilderness
23 Coalition because I was talking with Jason Fried and
24 he, when he was up here last, he forgot to state the
25 support, and The Wilderness Society also supports the

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1 restoration grant OR-1-CD-325 for El Centro. The
2 Wilderness Society thinks that the funding should be
3 increased for that grant, but we do support it.
4 There's some very important areas within the
5 different -- the Uha, West Mesa and East Mesa
6 restoration areas, including some that are near and
7 dear to my heart from my time at Ahkatia Wells,
8 including San Sebastian Marsh, San Pluebe Creek and the
9 shoreline of ancient Lake Kueea, and of course within
10 those areas are some very important species and
11 habitats including flat tail horn lizard and poof fish
12 and peninsula big horn sheep, and the cultural sites
13 along the shoreline of ancient Lake Kueea, which I had
14 the good fortune of seeing myself when working in that
15 area. I think these are very important resources. I
16 think the need is there to provide for the restoration
17 of sites where there was inadvertent for illegal
18 off-road vehicle use, and I would encourage you to
19 provide increased funding for that restoration project.
20 Thank you.

21 CHAIR SPITLER: Great, thank you. Okay. Anyone
22 else to speak on El Centro? Okay. I think we will
23 pull that --

24 COMMISSIONER WALDHEIM: Let's go on the line
25 there. OR-1-CD-324, off Consent; OR-1-CD-325, off

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1 Consent; OR-1-CD-326, off Consent; OR-1-CD-328, off
2 Consent.

3 CHAIR SPITLER: And OR-1-CD-327, off Consent.

4 COMMISSIONER WALDHEIM: I didn't say that? I'm
5 sorry.

6 CHAIR SPITLER: That's okay.

7 COMMISSIONER WALDHEIM: OR-1-CD-327, off
8 Consent.

9 CHAIR SPITLER: We will take those off Consent,
10 and we will bring them back for discussion in November.

11 We will take a short break and come back to wrap
12 up.

13 (Break taken in proceedings.)

14 CHAIR SPITLER: We just have a few more areas to
15 get through and get you all home relatively early
16 today.

17 Next grant is BLM Needles Field Office,
18 OR-1-CD-311 through 1-CD-315.

19 DAVE ROMAN: Good afternoon to the panel, and
20 I'd like to commend the Division on, I guess, a rough
21 guidance through the process here, and it is a learning
22 process, and we are learning.

23 My name is Dave Roman. I'm the outdoor rec
24 planner at Needles Field Office, and we would like to
25 accept the recommendations for OR-1-CD-311, the Needles

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1 law enforcement.

2 We would also like to question some of the
3 decisions on OR-1-CD-113, the Needles reservation
4 resource management project. Being in a new process,
5 and understanding that this is an evaluation or
6 competitive process, we realize we probably could have
7 written some things differently. There are two
8 projects involved in that, and one is our aspect of
9 trying to answer the increased usage in the areas that
10 we're all facing. We don't feel like the valuation
11 scores quite reflected those criterions. And there
12 are, like I said, two projects. One is management
13 process of our OHV roads, the other is our plant
14 assemblages that we want to monitor, and we would like
15 possible reconsideration on that.

16 Our equipment program, we understand that,
17 though, it's not a high priority this time, so we will
18 accept the staff recommendation on that.

19 And our last grant is our Needles safety and
20 education grant, OR-1-CD-315. We'd like to have that
21 pulled off for reconsideration, also. Needles has been
22 known in the past to have a well-known education
23 program. Over the last two years with changes in the
24 grant process and loss in funding and changing of
25 personnel, our program has ceased. We're trying to

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1 reevaluate it. We scored basically zero on our
2 volunteer evaluation, and this is the program that
3 we're trying to do to re-establish this program. At
4 one time we visited all of the schools and taught all
5 of the grades from first grade through twelfth in
6 schools in Lake Havasu, Bullhead City, Laughlin, and
7 Needles. And with our education system, if we can
8 catch the children young and teach them and give them
9 valuations of tread lightly and leave no trace, those
10 do stick with people.

11 I'd like to turn it over to my colleagues, if
12 they have any other process to say. Were there any
13 questions or anything we can help with?

14 JIM WEIGAND: Jim Weigand, California state
15 ecologist in Sacramento. I would like to make a plea
16 for delineation and description of the unusual plant
17 assemblages in the Needles Field Office, and that is
18 those that are outside wilderness.

19 The Needles Field Office has an incredible
20 distinction as having the greatest number of these
21 unusual plant assemblages, and they also serve as
22 attractions and landscape elements that are really
23 important for conservation. And it's important that we
24 delineate those, have them in the GIS system, tracking
25 disturbance patterns with them in relation to our OHV

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1 route system, and that way we can forestall problems by
2 overall monitoring.

3 I'm very concerned personally that the Needles
4 Field Office, which has the largest land area of any
5 field office in California and has the smallest staff,
6 really does rely on volunteers to accomplish a great
7 deal of their monitoring work. This December I will be
8 working with a biologist at the Needles Field Office,
9 working with snowbirds who spend the winter in Needles,
10 and we will be doing the Sonoran Desert woodland
11 inventory, long-term inventory in Schumawavy Wash. And
12 again it's training volunteers. This is the way that
13 we will be able to accomplish a lot of the monitoring that
14 will validate management or point out to BLM management
15 that, you know, we can be keeping sustainable OHV
16 recreation in the area.

17 I would consider a modest contribution to that
18 effort for volunteer support. It's just -- it's a step
19 in the right direction. Thank you very much.

20 CHAIR SPITLER: Thank you. Okay. We'll go
21 ahead and do public comment. Let's do the Stewarts
22 first, C.J. Stewart, followed by John Stewart.

23 C.J. STEWART: Hi, folks, my name is C.J.
24 Stewart. In case some of the Commissioners do not
25 know, I am a Tread Lightly master trainer. And I did

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1 start an off-road volunteer organization from scratch.
2 I had just maybe ten guys to start off with, and I grew
3 up to 360 volunteers. I see volunteerism as an
4 excellent way and identify it as a matched
5 contribution. I think it's great to get out there and
6 become stewards of the land. And I also train our
7 volunteers to understand that we treat our areas like
8 it's a timeshare. The time we put in is the time that
9 we get out. I would like for the Commission to
10 reconsider OR-1-CD-315. They're going to -- you know,
11 with what Dave has explained, he's going to need a
12 little honey here to attract some volunteers, and this
13 is a very small amount of money. And he's going to
14 need it to repilot a program that fell apart outside of
15 his control. So thank you for your time.

16 CHAIR SPITLER: Thanks.

17 JOHN STEWART: Good afternoon, Commissioners,
18 John Stewart, California Association of 4-Wheel Drive
19 Clubs. The Off-Highway Motor Vehicle Recreation Act
20 indicates that grant funding is to be available for
21 projects that are designed to sustain a managed
22 off-highway motor vehicle recreation program. Looking
23 at what Needles has put together for grants, it's
24 lamentable that they did not score better.

25 You know, Cal 4-Wheel endorses or supports the

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1 311 for the grant for the staff recommendations. We
2 encourage the Commission to look at the other grants to
3 see if they can raise some, but, if anything, we need
4 to look at what we can do in the future. And the
5 effort from volunteers, that is the way that we have to
6 go, and there are other efforts that we need to really
7 look at Needles, who has been kind of left out of loop.
8 They're essentially the furthest from the California
9 Desert District office. They're fairly remote.
10 They're large. They encompass a lot of wilderness
11 areas, but they still provide a tremendous OHV
12 opportunity. So it's something that we cannot ignore,
13 and it is something that we need to address with
14 whatever funding that is available. Thank you.

15 CHAIR SPITLER: Okay. Jason Fried, followed by
16 Dave Pickett.

17 MEMBER OF THE PUBLIC: Pass.

18 COMMISSIONER WALDHEIM: Mr. Chairman, I want
19 everybody to know Dave Pickett is covering the American
20 Motorcycle Association for the whole State of
21 California, and I commend you for being here. And I
22 hope the other guys get put to shame for not supporting
23 you. Thanks, Dave, for coming and helping us.

24 Okay. Needles OR-1-CD-311, off the Consent;
25 OR-1-CD-312, on Consent; OR-1-CD-313, on Consent;

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1 OR-1-CD-315, off of Consent because I'm putting \$14,000
2 in there like I've done for the other field offices.
3 That's it.

4 COMMISSIONER ANDERSON: I'd like to move --

5 COMMISSIONER WALDHEIM: It's off Consent.

6 COMMISSIONER ANDERSON: I'm trying move one of
7 our other ones off, 313.

8 COMMISSIONER WALDHEIM: 313, they're all --
9 Mr. Chair, what number are you looking at?

10 CHAIR SPITLER: Okay. We'll go ahead and take
11 that off Consent and discuss it in November.

12 COMMISSIONER WALDHEIM: So OR-1-CD-313 is off of
13 Consent.

14 COMMISSIONER ANDERSON: Only one is on, right?

15 CHAIR SPITLER: That's right.

16 Just one question for the applicants, on those
17 resource studies, can you tell me how you changed your
18 management in response to those studies?

19 JIM WEIGAND: I didn't quite hear you, I'm
20 sorry.

21 CHAIR SPITLER: Can you just tell me how you
22 changed your management in response to your monitoring
23 studies that you're proposing to do?

24 JIM WEIGAND: On which? On the management
25 grants, on the resource management grants?

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1 CHAIR SPITLER: OR-313 proposed to do a number
2 resource and monitoring studies, and I want to know how
3 that's tied to your management and what changes you
4 envision making in response to those studies.

5 JIM WEIGAND: With regard to the unusual plant
6 assemblages, the idea is that we have a clear idea of
7 how those assemblages -- you know, their peripheries
8 are delineated. And therefore we can be looking at our
9 route network, and if there is overlap between those
10 unusual plant assemblages and route network, that's a
11 signal to us that we need to do rerouting outside of
12 the areas that have been designated but never mapped
13 under the California Desert Plan.

14 CHAIR SPITLER: Even though the route
15 designation is already done for this area?

16 JIM WEIGAND: Yes, but route designation can
17 always be amended, especially if it's improving.

18 CHAIR SPITLER: I know it can, but it's taken 25
19 years to get the route designation done, so what's the
20 prospects that it will actually be amended in response
21 to the studies?

22 JIM WEIGAND: Well, it's hard for us to know
23 because they're not even mapped yet. But I understand
24 your question about the time lag between data creation
25 and management response. Unfortunately, the NEPA

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1 process to make plans amendments can be cumbersome. In
2 this case, it would be likely that they would be small
3 areas, not these large bioregional plans, such as NEMO
4 and NECO, the north and east Colorado plan, and the
5 north and east Mojave plan.

6 CHAIR SPITLER: Thank you. You know it's a
7 general frustration that I've shared on this Commission
8 with the public for the last five years now that we
9 spend an awful lot of money on these studies that never
10 really seem to really change management whatsoever, and
11 it just makes you wonder if it's worth it.

12 JIM WEIGAND: Well, the reason is to make sure
13 that the OHV route system won't impact the unusual
14 vegetation. And again we will monitor this.

15 CHAIR SPITLER: That's a noble purpose, and we
16 totally support that. We just want to make sure it
17 actually has some bearing on the ground in what
18 happens.

19 JIM WEIGAND: Yes, I understand.

20 CHAIR SPITLER: Right. Okay, thanks, we'll see
21 you in November.

22 Palm Springs South Coast Field Office,
23 OR-1-CD-316 through 321, which I see here is a new
24 addition. So excuse me, 316, 318, 319, and 320 through
25 323.

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1 with the Coachella Valley Association of Governments,
2 as well as coordinating with the Sheriff's Posse on Law
3 Enforcement Endeavors. The Posse is a volunteer group,
4 and that was an oversight to mention that fact inside
5 of the grant. We would appreciate the Commission
6 reconsidering the funding level of these projects.
7 Thank you.

8 CHAIR SPITLER: Since the Commission hasn't seen
9 it, maybe you can describe the planning grant?

10 MONA DANIELS: The planning grant, you didn't
11 see the project on that one? We received zero funding
12 for that, so we're going to accept.

13 CHAIR SPITLER: Okay. Can you just
14 describe quickly what that project is?

15 MONA DANIELS: Yes. There were actually two
16 projects. One was for the development of an OHV open
17 area in Coors Canyon, which is located northwest of
18 Blythe by approximately seven miles. The second
19 project was to search out -- determine an area within
20 the Coachella Valley eastern limits for possible OHV
21 opportunities.

22 CHAIR SPITLER: Thanks. Elena.

23 COMMISSIONER ANDERSON: Question: Would you
24 describe the location of that area a little bit more
25 detailed, please?

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1 MONA DANIELS: The one in the Coachella Valley
2 or the one near Blythe?

3 COMMISSIONER ANDERSON: Near Blythe.

4 MONA DANIELS: Coors Canyon is located
5 approximately seven miles up -- I believe it's Lovekin
6 Road. It is a small canyon, very sandy area just on
7 the opposite side of the railroad tracks. If you know
8 where the Midland LTBA, it's between the railroad
9 tracks and the Midland LTBA. It consists of about
10 three small canyons.

11 COMMISSIONER ANDERSON: Aren't there some
12 wilderness areas right around there?

13 MONA DANIELS: No, the wilderness areas are
14 approximately three to five miles to the north.

15 COMMISSIONER ANDERSON: Is that Siliagoq or
16 Riverside -- not Riverside, Big Marias.

17 MONA DANIELS: Big Marias are to the west. I
18 think it's the -- Riverside is to the north.

19 COMMISSIONER ANDERSON: Big Marias would be to
20 the northeast?

21 MONA DANIELS: Big Marias are to the -- no,
22 they're to the west.

23 COMMISSIONER ANDERSON: The Big Marias are to
24 the west of this?

25 MONA DANIELS: I believe so. Do you know where

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1 Arlington Mine Road is?

2 COMMISSIONER ANDERSON: When you were discussing
3 Midlands --

4 MONA DANIELS: This area is really closer to the
5 agricultural fields and on the south side of Midland
6 Road.

7 COMMISSIONER ANDERSON: Okay. I guess I don't
8 know where Midland Road is. Can you send me a map?

9 MONA DANIELS: Yes, I can. Thank you.

10 COMMISSIONER ANDERSON: Thank you.

11 ELENA MISQUEZ: Mr. Chairman, members of the
12 Commission, Division staff, I'd like to say a few words
13 about the restoration grant. We are very grateful for
14 the funding we received for the past couple of years.
15 We've made great strides in the working in cooperation
16 and coordination with the Student Conservation
17 Association in restoring the desert at Big Morango and
18 the Mecacopias. And we are grateful for the funding
19 that was recommended by Division staff for '06.

20 We respectfully would like to request full
21 funding, if funding is available. This grant is
22 important to us because we want to continue our efforts
23 in the Coachella Valley, and we have been working for
24 several years with the Coachella Valley Association of
25 Governments, city governments, county in establishing a

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1 Coachella Valley multi-species habitat conservation
2 plan. And what this grant would do is help to us
3 restore areas of habitat that BLM has established
4 through its own planning as a wildlife habitat
5 management area which coincides with those reserve
6 areas.

7 We also find that the restoration program has
8 been a wonderful tool in helping to identify clearly
9 the designated routes and improving compliance with
10 those routes. And also we hope to improve the
11 experience of the riders who are out there. And if you
12 have any questions, I'll be glad to answer any. Thank
13 you.

14 CHAIR SPITLER: Thank you. We'll go ahead and
15 do public comments.

16 Aurora Kerr, followed by Geary Hund.

17 AURORA KERR: Chairman Spitler, members of the
18 Commission and staff, good afternoon, my name is Aurora
19 Kerr. I'm the director of Community Resources for the
20 Coachella Valley Association of Governments, known as
21 CVAG. We are a council of governments comprised of the
22 following jurisdictions: Blythe, Cathedral City,
23 Coachella, Desert Hot Springs, Indian Wells, Indio,
24 La Quinta, Palm Desert, Palm Springs, Rancho Mirage,
25 the County of Riverside, plus three tribal members, the

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1 Abokauente band of Kowayea Indians, the Cabizon Band of
2 Mission Indians, and the Torizan -- Torres Martinez
3 Desert Kowayea Indians. And we are the agency that is
4 responsible for the regional issues of this area.

5 The Coachella Valley is located about one and a
6 half hours east of here. We are 350,000 full-time
7 residents. During our winter months, our population
8 swells to well over three-quarters of a million. We
9 are a world-wide tourist destination with some of the
10 wealthiest and some of the poorest people in the
11 country.

12 The elected officials of our member
13 jurisdictions meet monthly to collectively address
14 areas related to public safety, transportation, energy,
15 and environmental resources. With the closure of OHV
16 areas, heightened enforcement in Western Riverside
17 County, OHV has dramatically increased in the Coachella
18 Valley in the last year, particularly in this area,
19 from an average of 75 to 100 riders to well over 250 to
20 400 each weekend and getting bigger, with 75 percent of
21 the ridership coming from outside Coachella Valley.
22 There are now even vendors that are out there selling
23 food and equipment to people that are out there in
24 these illegal areas.

25 Of particular concern to CVAG is the area known

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1 as Edam Hill and Flattop Mountain near Cathedral City
2 and adjacent to the Interstate 10 freeway which is the
3 main thoroughfare through the Coachella Valley. This
4 area is vacant land shared by multiple owners, property
5 owners that own land that do not live there, and also
6 agencies that also own land.

7 About six months ago CVAG was asked to
8 coordinate a task force comprised of local stakeholders
9 including Cathedral City, the BLM of Palm Springs,
10 Alokaliertes, the Coachella Valley Mountain
11 Conservancy, the South Coast Air Quality Management
12 District, the cities of Cathedral City, Desert Hot
13 Springs, Indio, Riverside County Supervisor Wilson's
14 office, the county sheriff's office, and local
15 residents, to look at the dramatic increase in illegal
16 OHV activity and destruction of the pristine land in
17 that area and to develop solutions.

18 As a task force we have been meeting regularly
19 to address activity in the Edam Hill area as well as
20 the Eastern Coachella Valley. We have developed some
21 solutions and are implementing them. One of those
22 solutions has to do with increased law enforcement. We
23 are also working on other recommendations of this task
24 force, including letters to the State Judicial Council
25 recommending raising the baseline for OHV violations in

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1 the Vehicle Code. This is actually a recommendation of
2 one of your Commissioners, Hal Thomas. He participated
3 in a conference call with us several months ago. He
4 also recommended that we work with your staff. We did
5 place several calls to Deputy Director Greene and
6 unfortunately we did not receive a return phone call.

7 Other solutions include construction and
8 placement of billboards near the entryways to this area
9 near the freeway to alert potential riders that riding
10 is illegal in that area. We are working with BLM to
11 secure outreach education and secure maps to distribute
12 to riders to show them where legal sites are.

13 We are also concerned about our air quality
14 issues. Our area is out of attainment with the federal
15 PM-10 standard. We have a plan that's approved by CARB
16 and EPA. We have until December 2006 to regain that
17 standard or we lose millions of dollars in federal
18 funds. The amount of dust created as a result of
19 increasing ridership is of great concern to CVAG and
20 the communities.

21 CHAIR SPITLER: Ms. Kerr, I'm sorry to
22 interrupt. If I could ask you to conclude your
23 comments.

24 AURORA KERR: Yes. We do have effort in place
25 that we are working on, and we will be doing more but

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1 we need your help. We need more assistance with the
2 law enforcement component. As a member of this OHV
3 task force that we have locally as the regional council
4 of governments, we respectfully request that you
5 reconsider and award full funding of the law
6 enforcement component for this application. Thank you.

7 CHAIR SPITLER: Thank you.

8 Geary Hund, followed by John Stewart.

9 GEARY HUND: Geary Hund, The Wilderness Society.
10 We support the Palm Springs Field Office restoration
11 grant application. We feel that it's important to
12 address the concentrated OHV impacts in the identified
13 areas, including Big Morango Canyon, ACEC, and the
14 Coachella Valley preserve system. We think that it
15 will both protect the resource and improve the
16 experience of recreational users. Thank you.

17 CHAIR SPITLER: Great, thank you. John Stewart.

18 JOHN STEWART: Good afternoon, Commissioners,
19 John Stewart, California Association of 4-Wheel Drive
20 Clubs. Looking at the Palm Springs grants and, you
21 know, talking with them over the course of last year,
22 and looking at the outcome of this process, Cal 4-Wheel
23 can accept the staff recommendations, with the
24 exception of CD-316, being the law enforcement.

25 I would request that the Commission look at that
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1 grant again, and in light of the fact that they may not
2 have been given sufficient credit for their volunteer
3 law enforcement component that does participate,
4 possibly that would add enough points to their score to
5 get them up to at least a 50 percent funding level.
6 This is -- law enforcement is something that is
7 critical. It's very important in creating a
8 well-managed OHV program.

9 And without an efficient and effective program
10 providing recreation opportunity, the public will
11 create their own opportunity. And that opportunity
12 they create is not necessarily an ecologically balanced
13 recreation opportunity. It's something that we may not
14 want them doing, what they're doing in any place. So
15 if there's some consideration or reconsideration that
16 can be done on the law enforcement to get them
17 something, some funding there, Cal 4-Wheel would
18 support that event. Thank you.

19 CHAIR SPITLER: Thank you. Jason Fried,
20 followed by David Pickett.

21 JASON FRIED: Hi, Jason Fried, work with the
22 Alliance for Responsible Recreation; a couple of things
23 we wanted to point out.

24 First off, we are in support of the restoration
25 grant, as much funding as you guys can give would be

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1 great. Wanted to touch on the law enforcement grant.
2 Before I do that, I also wanted to mention that this is
3 another one of the areas that the SCA works in, and we
4 fully support their program and hope that you will do
5 the same.

6 With law enforcement, this is one of the areas
7 where we need to look at -- relook at what we're
8 funding them because as it turns out, the Riverside
9 Rove program, which had been funded by this Commission
10 in the past, is one of those grants that did not get
11 accepted this time around for technical reasons. And
12 so if this grant doesn't get funded, then you're
13 basically going to see zero law enforcement either by
14 the county or by BLM done for Riverside County. And
15 that's just going to cause some serious problems. So
16 if we can at least get some governance on BLM lands
17 that might help us get some control over the rest of
18 the areas. But, you know, we hope to see that in the
19 future, that Riverside Rove Program would be back up in
20 front of this Commission. But at this point because of
21 technical reasons, one of the 39 grants that got
22 denied, they are not able to get funding. So we'd like
23 to at least see some funding for law enforcement in
24 Riverside County. Thank you.

25 DEPUTY DIRECTOR GREENE: Chairman Spitler, may I
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1 for the record just in response to two items.

2 Number one, on Riverside County, it was perhaps
3 viewed by some as a technical error, but they had no
4 public review process, so that is something that -- the
5 announcement that needed to go out and follow up.

6 On a second note, my apologies to the woman who
7 spoke earlier. I certainly received a phone call from
8 Commissioner Thomas regarding this particular grant;
9 and be happy to go back with you and look at the
10 August phone log that we have when I returned that
11 phone call. So whatever miscommunication occurred, but
12 that certainly was responded to.

13 CHAIR SPITLER: Thank you.

14 COMMISSIONER WALDHEIM: I've got a question of
15 Ms. Kerr, if I may. It seems -- and Jason, both of
16 them.

17 It seems very ironic how much you're putting
18 emphasis on enforcement, we're going to have chaos if
19 we don't have enforcement, we are going to have chaos
20 because of that. Did it ever occur to the Community
21 Resources Council -- and perhaps you should look in the
22 mirror -- and ask why we're having these problems? You
23 have a constituency of folks in Riverside County,
24 including Palm Springs, in that whole area, who love to
25 recreate on a motorcycle. But for some reason, which I

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1 cannot understand, they're hiding their heads in the
2 sand, closing Windy Point, now closing the Shovel. And
3 the cities expect the BLM and the Forest Service to
4 pick up the slack for their communities? That's not
5 acceptable.

6 You've spent million of dollars for golf
7 courses, millions for tennis courts, racquet clubs.
8 You name the whole gamut, but when it comes to OHV,
9 your own citizens, especially the minority, who love
10 riding ATVs, who love riding, you shut them out. It is
11 your responsibility as community leaders to find areas
12 for these people to ride. It could be a two-acre site.
13 It could be a five-acre site. It doesn't take that
14 much or they can go and recreate and alleviate the
15 problems that you're trying to get us to fund, to fund
16 a social issue.

17 Our program is when you look at the law, it's
18 here to enhance the off-highway vehicle opportunity. I
19 would say to you that putting all of this money into
20 enforcement for a community issue, who wants to pass a
21 bill to ban OHV, is not an enhancement of the
22 off-highway vehicle issue. So I would request that you
23 go back to the Community Council and sit down with Mona
24 Daniels and sit down with the BLM and, okay, what can
25 we do so we can take care of these folks on a positive

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1 side, rather than this continued negative side. So I'm
2 asking that you please go back and see what you can do
3 for these folks because they're everywhere in your
4 desert.

5 ELENA MISQUEZ: Chairman Spitler, with all due
6 respect, I must disagree with the comments of
7 Commissioner Waldheim.

8 CHAIR SPITLER: Thought you might.

9 ELENA MISQUEZ: CVAG is not responsible, and we
10 do not put millions of dollars for tennis courts, and
11 we do support the people that ride out there.
12 Twenty-five percent of the people that ride vehicles,
13 OHV vehicles, live in the Coachella Valley. And there
14 are legal trails for them to go to.

15 The areas we are talking about are closed. What
16 Western Riverside County does, we provide support and
17 we have provided input, but we cannot -- we don't have
18 the decision-making power to tell them to reopen up the
19 areas in Western Riverside County. We understand that
20 there are plans for a new OHV park in Western Riverside
21 County in 2008. We support that effort. The county is
22 working to build that park.

23 So when you're saying that the county is not
24 doing anything, and the people should take their head
25 out of the sand, I'm sorry, sir, I totally disagree

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1 with you. We are there to support OHV, the legal ones
2 that are there, and we have trails for them. What we
3 need help with is with the law enforcement and those
4 that are illegally riding and creating damage to our
5 environmental area. Thank you.

6 CHAIR SPITLER: Thank you. Okay.

7 JASON FRIED: Can I answer that, as well?

8 CHAIR SPITLER: No, you can't.

9 JASON FRIED: He said both of us.

10 COMMISSIONER WALDHEIM: It's a philosophical
11 change. Sure, the community resources probably can't
12 do it, but the members of the community resources are
13 all people from the elected city officials.

14 CHAIR SPITLER: Commission Waldheim, I think we
15 understand your position.

16 Okay. Let's finish up with this grant. We
17 have -- sounds like there is a lot of interest in
18 taking the law enforcement grant off Consent, so we'll
19 go ahead and do that, OR-1-CD-316.

20 COMMISSIONER WALDHEIM: Let's start at the
21 beginning, again, sir.

22 COMMISSIONER ANDERSON: I have a comment.

23 CHAIR SPITLER: That is the beginning.

24 COMMISSIONER ANDERSON: I have a comment
25 relative to that.

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1 OR-1-CD-320, Consent with staff; 320, Consent;
2 OR-1-CD-32, Consent with staff; OR-1-CD-323, Consent
3 with staff; OR-1-CD-31.

4 COMMISSIONER ANDERSON: Twenty-one.

5 COMMISSIONER WALDHEIM: Consent with staff, and
6 that's it.

7 CHAIR SPITLER: Okay. So we've got three of
8 those. We'll see you back to discuss this more in
9 November. Thank you.

10 Okay. Final applicant today is BLM Ridgecrest
11 Field Office, OR-1-CD-332 through OR-1-CD-339.

12 HECTOR VILLALOBOS: Good afternoon, I'm Hector
13 Villalobos. I'm the field manager for the Ridgecrest
14 Field Office, and I want to thank the Commissioners for
15 this opportunity to talk to you about our grants. And
16 I also want to express my appreciation to the OHV
17 staff, the Division staff for their efforts in
18 reviewing many of these grant proposals and trying to
19 look at these fairly. And I appreciate their efforts.
20 I remember being back in Washington, D.C. looking at
21 BLM proposals that were coming up to our level, and
22 there were hundreds of them, and it's a tough job, and
23 I commend you for your efforts.

24 Last year, you might recall, I was here before
25 you offering to do back flips because I was so happy

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1 with your support. And as a result of that, we were
2 able to accomplish a lot of our goals last year, and I
3 also want to express my appreciation for the support
4 that we've been receiving over the years. It's been
5 very important for us, and we've been able to
6 accomplish a lot in the Ridgecrest area.

7 This year I'm a bit apprehensive, and I think
8 you know why. But I'm optimistic, too, so I'm here to
9 express my optimism and my support and hope that you
10 will reconsider some of the recommendations that you've
11 made so far. I feel responsible for not providing the
12 OHV staff with adequate or sufficient information to
13 rate our grants higher. And I'm hoping that today I'll
14 be able to earn some extra credit to get those grades
15 higher. I want to emphasize that OHV use continues to
16 grow in our area, in the Rands, in the El Pasos,
17 Suspanglers, the Jawbone area, we have somewheres in
18 the neighborhood of 700,000 to a million visitors a
19 year in this area, which includes visitors to the Cal
20 City area.

21 This year we submitted several proposals, and I
22 accept the staff recommendations for the trail
23 maintenance and the equipment. I'd like to have you
24 reconsider the O&M, or the operations and maintenance,
25 recommendation. I sincerely believe that it ought to

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1 be funded at full level.

2 There are other areas that leave a huge gap in
3 our management strategy, and that is the restoration
4 and the law enforcement. There are some other areas
5 that we'd like to reconsider, and that is in the
6 resource management area, the planning, and I think in
7 the development area, the expansion of the Jawbone
8 station. Sometimes when I go there, I feel like a
9 sardine inside that building because it's so cramped
10 with all of the people that are visiting that area. I
11 think it deserves consideration.

12 The criteria that was reviewed, that you
13 reviewed, I feel that we didn't provide you sufficient
14 information for some of that criteria, and I would like
15 to elaborate on that, especially for the law
16 enforcement grants. There was -- for example, the
17 efficient use of resources was accomplished this last
18 year through creative partnerships that we formed with
19 Kern County Sheriff, with Cal City Police Department,
20 with San Bernardino, with the CHP, with the local PDs
21 of Ridgecrest and also the Navy.

22 We developed some innovative approaches to law
23 enforcement. One of them was our law enforcement
24 patrols for incursions into the wilderness areas. We
25 had some operations that we conducted this year, and I

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1 think we broke records on the number of citations that
2 we were able to issue in that area. We've also taken
3 advantage of a helicopter that the Kern County Sheriff
4 provides. Their ship flies over some of our heavy use
5 recreation areas and they provide a great way to patrol
6 these areas very efficiently with the cooperation of
7 your grant money. With your grant money, we are able
8 to get that ship up in the air on heavy holiday usage,
9 especially those long holidays that we have many, many
10 people out there, and they're able to patrol and
11 provide that coverage over large areas of our area.

12 The other area that we've tried to pay attention
13 to is the holiday coverage. We try and put extra boots
14 on the ground. On those days we bring in law
15 enforcement officers, BLM officers from other areas.
16 We also join up with the Kern County Sheriff, and we
17 coordinate with the Cal City law enforcement efforts to
18 try and do more outreach in touching the bases with the
19 folks that are recreating in our area.

20 One of the areas that I'm concerned about the
21 results of not funding, especially in our law
22 enforcement grant, is the safety and the health of our
23 recreation users out there. I am concerned about the
24 response times, that we don't have enough boots on the
25 ground. Response times might be delayed in dealing

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1 with the many emergencies that we do have out there.
2 Also, I'm concerned about the harm to natural resources
3 out there. You might want to consider that we have the
4 desert tortoise natural area in our area, and we have
5 many users in and around from Cal City and from the BLM
6 lands in that area, and we do so much repair of the
7 fence around the DTNA, and everybody is looking out for
8 that. So we're really concerned about the natural
9 resources impacts out there. And again our wilderness
10 areas, we try and help people stay out of the
11 wilderness areas so they won't get those kind of
12 citations that they were receiving this year.

13 Another area that we didn't really emphasize and
14 that is that we have some historic properties scattered
15 all over the El Pasos and some of the other --
16 throughout our resource area. These historic
17 properties are visited by many, many people that
18 recreate in the desert. And one of the things we have
19 to really watch out for is the vandalism that might
20 occur to these historic properties. With the boots on
21 the ground, the vandalism is checked.

22 Let me say another thing about the responsible
23 users in our area. There are many, many responsible
24 users. They are out there paying attention to our
25 designated trail system, but it only takes a few

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1 irresponsible riders to cause problems in small little
2 communities that we have such as Red Mountain,
3 Randsburg, Johannesburg, Cal City, and in and around
4 Ridgecrest too. It just takes a few. I cannot tell
5 you the importance that I'm trying to place on this
6 compliance issue on the ground because I know that
7 we've lost some recreation opportunities already.
8 There is an area that's closed in my area that we're
9 trying to get ready to open up again. I fear that
10 without the law enforcement presence and the
11 restoration work that we've done in that area, if we
12 fail to continue to get the compliance in that area,
13 that we won't be able to open those trails.

14 The recreation experience I think is improved by
15 the law enforcement presence on the ground. I've had
16 many families applaud the actions of your law
17 enforcement officers, not only our BLM officers, but
18 also the sheriff and other officers. They like when
19 they -- the families appreciate it when they have to
20 deal with those few that are out there being a little
21 rowdy, and I can tell you right now that I've gotten so
22 many compliments when somebody comes up and says, you
23 guys quiet it down, quit shooting your firearms in your
24 neighbor's backyard there. It really does work. I
25 also get compliments from the locals in the communities

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1 around our areas there for some of the efforts that
2 we're trying to do to deal with the small or the few
3 individuals that don't stay on the trails or that cause
4 some problem in the local communities out there.
5 They're looking for more help from the BLM, from Kern
6 County, and from Cal City.

7 I think also it does -- it's a win/win situation
8 when we have good law enforcement out on the ground and
9 we're dealing with the restoration efforts that we've
10 got. The locals appreciate the responsible riders, and
11 I think they benefit from that, too, because it brings
12 a lot of business into those small communities.

13 And to just kind of wrap things up on my part
14 here, restoration, I feel very strongly about it. It
15 works. It works better than a red carsonite sign. It
16 works better than a brown carsonite sign. It works
17 better than a hay bale or rocks or fences in the long
18 run; although those other -- those tools are good tools
19 to use, the restoration is very important. It's a key
20 to the overall strategy.

21 And behind me are some of the BLM people that
22 can talk about some of the other areas of the grants
23 that I missed here, and they will be able to fill you
24 in on some of the efforts that they're trying to
25 accomplish, too. Thank you.

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1 or California Department of Fish and Game. We owe it
2 in our relationship to our neighbor, Red Rock Canyon
3 State Park, and to the citizens of Ridgecrest and
4 California City that we provide an urban interface area
5 that is accessible, biologically sustainable, and able
6 to meet the needs of society for recreation and open
7 space.

8 I urge you to reconsider supporting this effort
9 that you have supported in the last two years. Again,
10 we really owe it to the people of Ridgecrest and
11 California City to get this accomplished. Thank you.

12 CHAIR SPITLER: Thanks.

13 COMMISSIONER WALDHEIM: Mr. Chairman, can we
14 hear from Mike and the cooperation that he does between
15 the agencies, all of the agencies meet at Friends of
16 Jawbone when we talk about all of this stuff. Your
17 cooperation, do you want to discuss that, what you have
18 with the interagencies?

19 MIKE MARKWOOD: Sure. My name is Mike Markwood.
20 I'm the law enforcement lead for the Ridgecrest
21 resource area. We've entered into a mutual agreement
22 with Kern County as of about two years ago to, in
23 essence, share some of the responsibility in Eastern
24 Kern County because of the high OHV use. And when I
25 talk about high OHV use, we're talking in the

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1 neighborhood of about 700 to a million people out there
2 on a yearly basis that use Eastern Kern County, as well
3 as you know public lands. So we use --

4 We do joint ventures together with law
5 enforcement patrols, not only about wilderness areas
6 but also the Jawbone Butterbread area, as well as the
7 Rands, the Dove Springs and Jawbone area. And that's
8 helped considerably in curtailing some of the illegal
9 activities that's taking place.

10 In addition to that, we also work closely with
11 California City Police Department in OHV activities
12 especially up on the Rands, in Rands Mountain area as
13 well as over the Jawbone area, too, when there are
14 requests made.

15 COMMISSIONER WALDHEIM: Is it not true that
16 Woody, back in Washington, D.C., the head ranger for
17 the whole BLM, is taking you as a model as far as
18 cooperation with the different agencies.

19 MIKE MARKWOOD: Yes, it's been discussed in
20 several round table conversations that our interagency
21 cooperation with Kern County and California City PD has
22 been kind of deemed a model for other BLM field offices
23 to consider in interagency cooperation. Thanks for
24 your time.

25 CHAIR SPITLER: Thank you all for coming. We'll
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1 do public comment.

2 John Stewart, followed by Jason Fried.

3 JOHN STEWART: Good afternoon, Commissioners,
4 John Stewart, California Association of 4-Wheel Drive
5 Clubs.

6 Looking at these grants, I really have one in
7 specific that I'd like to make comments on, that is
8 CD-334, the law enforcement grant. It's noted that the
9 score was 48, and it essentially received a zero. Now,
10 you listened to Hector provide comments about how they
11 have a very creative partnership, multi-agency
12 partnership with the adjoining communities. And that
13 should count as something, so I urge the Commission to
14 reconsider a score based on that, with the importance
15 of law enforcement.

16 I'd also like to point out that earlier today
17 California City would have requested 217,000, of which
18 final recommendation is 217,000 for full funding.
19 Well, California City is one of the partners that
20 Ridgecrest BLM office is working with in this creative
21 partnership that is supposedly a model. I kind of hate
22 to see what's going to happen now that they have a law
23 enforcement that is essentially zero funded, as to what
24 happens with law enforcement with the creative
25 partnership for the area.

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1 to be funded.

2 It also should be noted that, once again, we're
3 in an area where Kern County, while some of the local
4 entities have gotten support, Kern County, which is one
5 of the partners that they have worked with is not
6 receiving funds this year. So where we can get the
7 funds to make sure that the areas are as covered as
8 well as we can is good.

9 I do want to address one thing that was stated
10 earlier by Commissioner Waldheim, and that is I am not
11 claiming that there is going to be all this rowdiness
12 all of a sudden because all of a sudden they realize
13 that, hey, today there's no longer law enforcement so
14 everyone take out their guns and riding and do whatever
15 you want. What I'm saying is that there's been good
16 progress done in a lot of areas, that law enforcement
17 has helped teach the people that want to ride legally
18 and the people who are responsible riders, this is not
19 an area you should be in, and here is where you need to
20 go. And that will get rolled back a little bit as
21 there are other people who maybe want to be responsible
22 riders but don't know where to do it, and law
23 enforcement is not out there to inform them, here is
24 where you should be going, you shouldn't be riding in
25 this area, you should be going over here to ride.

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1 So that is what I'm saying when I'm saying we
2 need to make sure we try to cover as much as we can
3 because at least law enforcement can educate folks on
4 where to go, not just cite them, and can also still
5 deal with the people -- the small percentage that wants
6 to be irresponsible riders, and that's what we're
7 trying to stop. Thank you.

8 CHAIR SPITLER: Okay. Thank you.

9 Dave Pickett, followed by George Paniagua.

10 DAVID PICKETT: Dave Pickett, District 36. Of
11 this group of grants, I was really shocked as I did
12 some review, with scores as low as 23, yet as high as
13 83. So obviously they know how to write grants because
14 they got such a high score on one.

15 Thus, I'm going to go with the staff
16 recommendations on this and mirror John Stewart's
17 comments about a potential agreement with Cal City,
18 since they're neighbors, one come down, one come up,
19 maybe you can talk about them in November so that both
20 parties can benefit. They're both looking for the same
21 result.

22 And I think today, and as well as in Sacramento,
23 there's a crying need for LE across the board up and
24 down the state. We heard the same thing over and over
25 again. The actions of a few are harming the larger

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1 population. So perhaps next year we can look at some
2 funding levels a little more in line with the public's
3 needs. Thank you.

4 CHAIR SPITLER: Mr. Paniagua.

5 GEORGE PANIAGUA: Very good, George Paniagua,
6 California Off-Road Vehicle Association. I'd like to
7 make a comment that the Kern County Sheriff's
8 Department will not get funded this year, and they're
9 an important partner with the Ridgecrest BLM. Without
10 funding to the Ridgecrest's BLM law enforcement portion
11 of the grant, we're really going to be sorely hurting
12 in the enforcement community, which is basically the
13 safety net of the community that comes out there. When
14 you have 800,000 visitors a year, they need help. And
15 I think it would behoove us to make sure that they got
16 that help. Thank you.

17 CHAIR SPITLER: Okay. That concludes our public
18 comment. Anyone else to comment on Ridgecrest?

19 Come on and step forward.

20 CHRIS HORGAN: Chris Horgan, Stewards of the
21 Sequoia. I'm glad to see that you're considering
22 funding the maintenance for Jawbone station. They do
23 an excellent job over there and also some trail
24 maintenance.

25 On the restoration side, though, I'd have to

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1 agree with your zero funding. They have approximately
2 270 miles of what they call trail over in Jawbone
3 that's legal. It was decided, I think, back in '86
4 that that was a designated system. But it's really
5 more a system of roads. There is a large network of
6 actual good single-track trails, and they have a huge
7 visitation there now. And these are people who have
8 been displaced from other areas that trails have been
9 closed and they have been told, this is where you
10 should go to recreate for single-track trails. So they
11 go out and recreate on the single-track trails, and now
12 we're taking money to restore those, to obliterate
13 those trails. I would suggest that the BLM -- and
14 we've suggested this to them, look at ways of making
15 those trails legal and making them part of the system
16 since this is where people are told to go and recreate.
17 Thank you very much.

18 CHAIR SPITLER: Thanks.

19 GEARY HUND: Good afternoon, again,
20 Commissioner, and I did submit a card. I guess it got
21 lost in the shuffle. Geary Hund with The Wilderness
22 Society.

23 I want to speak in support of grants -- funding
24 for grants 335 and 334, the restoration and law
25 enforcement grants. On the restoration, I think this

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1 area is a particularly important area. It's a
2 continuation of work in the Jawbone, Butterbread, ACEC,
3 and an extension into the rest of the area. This ACEC
4 borders two wilderness areas, both the Keva and the
5 Owens Peak wilderness areas. I think the restoration
6 of illegal use trails adjacent to the wilderness is
7 also important in protecting the wilderness area. It
8 also contains very important archeological and
9 paleontological resources as Hector Villalobos
10 mentioned.

11 It supports -- this restoration grant will
12 support the maintenance of limited use areas, uses not
13 prohibited in that area, but there is a real spaghetti
14 string network of trails that are not authorized that
15 do need to be restored. And there is a good open trail
16 network in there.

17 There are numerous state and federal listed
18 species and species of concern, including the Desert
19 tortoise, Mojave ground squirrel and Lacant Thrasher
20 and Burrowing owl. Habitat fragmentation threatens
21 these species. This restoration grant will counter
22 that fragmentation and provide a valuable buffer for
23 the wilderness area. They have been very innovative I
24 feel in their restoration techniques, and again have
25 used all of the same techniques that were scored high

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1 in other grant applications. They have a good
2 partnership with the Student Conservation Association.
3 Again, when I worked with the Student Conservation
4 Association, when I was with the federal government, I
5 can't think of a better way to leverage your funds and
6 get more productivity on the job than SCAs.

7 The law enforcement grant is particularly
8 important. It supports the restoration effort. But in
9 addition, I feel that the Ridgecrest Field Office, as a
10 former law enforcement officer, myself, I feel that
11 they are an outstanding example of working
12 cooperatively with other agencies, and also I was very
13 impressed with their efforts to protect the wilderness
14 areas by doing concentrated law enforcement efforts and
15 using the community and volunteers. I used those
16 methods myself, as a law enforcement officer, and they
17 were very effective. So I would encourage you to
18 provide funding for both of those grant applications.
19 Thank you.

20 CHAIR SPITLER: Thank you.

21 KIM FLOYD: Kim Floyd representing the Sierra
22 Club.

23 I would like to just focus on all of the
24 projects that wound up with zeros in terms of the
25 grants, and it seems to me that there's something wrong

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1 with the process when -- I remember the process a year
2 ago, how highly regarded the management team in
3 Ridgecrest was viewed both I think by all sides of the
4 issues, certainly by the those of us who are concerned
5 about restoration and the environment.

6 And so I would simply ask that each of these
7 projects be reconsidered in terms of the grant amounts
8 because of my concern that something went wrong in the
9 process when a management team from a highly-regarded
10 office, for whatever reason, their grants didn't fit
11 either the criteria or the criteria didn't work. So
12 I'm just asking the Commission to reconsider these in
13 November. Thank you.

14 CHAIR SPITLER: Thank you.

15 TOM TAMMONE: Tom Tammone, California Trail
16 Users Association. I need to respond real quick to an
17 off-the-agenda comment, if I may.

18 CHAIR SPITLER: Excuse me?

19 TOM TAMMONE: I need to respond to an off-agenda
20 comment.

21 CHAIR SPITLER: You can't actually. We're
22 commenting on the Ridgecrest grants.

23 TOM TAMMONE: Okay. I did submit a card. I
24 didn't know whether --

25 CHAIR SPITLER: If you have comments on

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1 OR-1-CD-332 through 339, you are certainly welcome to
2 comment on those now.

3 TOM TAMMONE: Okay. I'm not going to comment on
4 that now. Thank you.

5 CHAIR SPITLER: Okay. Thank you. Okay. Any
6 other members of the public want to comment on
7 Ridgecrest OR-1-CD-332 through OR-1-CD-339? Okay.

8 COMMISSIONER WALDHEIM: Mr. Chairman,
9 OR-1-CD-332, off Consent, I'm going to put 303,000 into
10 that box; OR-1-CD-333, Consent; OR-1-CD-334, off
11 Consent, I'm going to put 284,000 into that box;
12 OR-1-CD-335, off Consent; going to put 824,000 into
13 that box; OR-1-CD-336, Consent; OR-1-CD-337, off
14 Consent, I'm going to put 150,000 into that box;
15 OR-1-CD-338, off Consent, I'm going to put 300,000 into
16 that box; and OR-CD-339, off Consent, zero is what I'm
17 going to put in.

18 CHAIR SPITLER: Okay. So we will put
19 OR-1-CD-333 and 336 on Consent, and the rest will come
20 off, and we'll take them up in November. Okay. Thank
21 you. Okay that's concludes our business on grants for
22 the day.

23 COMMISSIONER WALDHEIM: Mr. Chairman, if I may
24 make a final note.

25 CHAIR SPITLER: I was just going to say if any

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1 Commissioners would like to make any closing remarks,
2 now would be an appropriate time to do so.

3 COMMISSIONER WALDHEIM: Thank you, Mr. Chairman.

4 For everybody's edification, I want you to know
5 we're \$668,000 over -- I am -- on enforcement; \$287,000
6 over in restoration; \$1,600,000 over in non-CESA;
7 \$2,048,750 over in the total picture. So stay tuned,
8 we got \$2 million to cut of what we've done between the
9 north and the south. So the dance is not over yet.
10 It's going to be fun.

11 CHAIR SPITLER: Commissioner Anderson.

12 COMMISSIONER ANDERSON: That's all you want?

13 Okay.

14 I have a few remarks that I want to make in line
15 with my questions at the beginning of the meeting and
16 some of the things that I've seen in terms of a
17 pattern.

18 First, an overall analysis of the restoration
19 grants shows that in general they were rideless, as
20 several people have noted, than other areas, and I
21 think it behooves the staff to look into what the
22 reasons might be for that. Was there inadequate
23 communication with applicants, were the criteria not
24 well defined, was the staff assigned to it inadequately
25 selected, or was the particular mix of staff for those

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1 grant applications grading harder than other teams.

2 Because I think, given the fact that we have an
3 enormous pocket of money for restoration grants, we
4 need to have acceptable grant applications. And if
5 that means fixing the criteria or training the staff or
6 training the applicants so that they can do a better
7 job, I think we need to identify where that problem is.
8 Otherwise, that pot of money for restoration grants is
9 going to continue to grow and grow, and we need to
10 solve that problem. And I don't really want to guess
11 as to which the problem might be ascribed to, but those
12 are some of the possible things that I see.

13 Under restoration grants, I have a question
14 about a couple of pieces of terminology, and maybe they
15 apply to some of the other categories of grants also.
16 But a law enforcement component of a restoration grant
17 is to me somewhat problematic. I'm not exactly sure
18 what that means. To me a restoration project is
19 somewhat like that which was just described for the
20 Ridgcrest area, which is that if the restoration is
21 done appropriately, you have forestalled the need for
22 law enforcement and because you have reduced the
23 trespass problems. So if the law enforcement component
24 is intended to read, you know, doing this restoration
25 properly will reduce our need for law enforcement, then

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1 I would understand that as a law enforcement component.
2 I'm not quite sure because, again, I would come back to
3 we really need more specificity in discussing the
4 numbering system with members of the public informally.
5 I found that applicants are as confused as a student
6 about why did I get a low grade on this essay, and I
7 can't quite figure out why you did that that way, can
8 you explain. And we need to have clear explanations so
9 that they can improve.

10 One other area of concern to me is we have made
11 in several cases, multi-year commitments to projects.
12 The biggest one that comes to mind is eradicating
13 routes to eliminate trespass into wilderness areas in
14 the California Desert District. I could see the
15 Eastern San Diego County and perhaps the planning in
16 the Ridgecrest area for some route designation there,
17 are areas where we're talking about multi-year
18 involvement.

19 I don't know if there's any process by which the
20 Commission might invite multi-year applications. I
21 don't know if our regulations allow for that, but I
22 think we have some kind of a moral obligation that if
23 we get somebody started down a path, that we really
24 ought to finish it as long as there continues to be
25 support for it. Obviously, if they're doing a rotten

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1 job or if they're wasting the money and spoiling it,
2 then walking away from the project is certainly the
3 best solution. But when you start on something, you
4 ought to finish it.

5 I would take Mr. Waldheim's 300,000 for the
6 development project at the Jawbone as that sort of
7 thing. If we give them half the money, then maybe they
8 get half the job done or they find somebody else to
9 fund the rest of it, or maybe they fund it over two
10 years. And I don't know what his idea is, but I can
11 see that some kinds of development projects might
12 indeed lap one year to the other. It's kind of a
13 cumulative thing, and I think we really ought to look
14 at that kind of multi-year commitment.

15 We also made a multi-year commitment basically
16 to the Forest Service route designated process, so I
17 think there's value in that, and I think we ought to
18 look at those kinds of things. So that maybe the
19 second year, if you have a multi-year grant, maybe your
20 second year is just a stupendous, superior, stellar,
21 award winning, blue ribbon taking, PAR report of how
22 you spent the money and how you deserve it for the next
23 year. I think that that kind of multi-year commitment
24 would reduce the paperwork, which might also be useful
25 for, not just on our side, but the Division side and

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1 the applicant's side.

2 The priorities that applicants were asked to
3 establish in putting together their package on the
4 summary page are really not relevant. We have, I'm
5 sure, in many cases -- although I haven't gone through
6 and examined it -- fully funded some of their lowest
7 priorities and probably dropped off some of their
8 highest priorities simply because the applicant didn't
9 complete all applications uniformly. Some portions of
10 the application might have been done very well, and
11 that might have been the low priority item, and the
12 high priority item got short-shrifted.

13 So we need to either totally abandon that
14 priority and don't bother spending the time trying to
15 figure out which one is higher than the other because
16 it really doesn't relate to the funding. I think we
17 have to remove that component if we're going to
18 continue at this numbering process as it's been laid
19 out.

20 I'd like to encourage all applicants to put
21 their summary page at the beginning, please, and to put
22 better headings on many of their pages, certainly makes
23 for finding the material that we need much better.

24 And the last comment has to do with the -- my
25 last comment has to do with innovative, the use of the

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1 words "innovative" and "unique". They've been used in
2 several places. I'd like to see the words replaced
3 with the word "effective" or "efficient". Perhaps
4 there might be an opportunity to introduce something
5 which might be unique but might help us get out ahead
6 of the curve.

7 My case, in that case would be, for example,
8 anticipating that there will be additional snowmobile
9 intrusions into wilderness areas with higher powered
10 machines, slopes that could not be intruded upon with
11 older style machines are now vulnerable to bigger
12 motors and better machines. So trying to get ahead of
13 the curve is certainly worthy of consideration. I'm
14 not quite sure that I would call that unique or
15 innovative, but how many years of doing really what was
16 initially -- certainly everybody recognizes --
17 innovative restoration efforts in our deserts by the
18 SCA crews, how many years is that innovative, and then
19 wait a minute, that's no longer innovative, that's now
20 state of the art. Well, you may do something
21 different, it may not be as effective as something
22 that's already in place and that you're already doing.

23 So I don't think that the words "innovative" and
24 "unique" deserve the priority that they've gotten
25 within the application process. And with that, thank

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1 you. It's been instructive and interesting today.

2 CHAIR SPITLER: Deputy Director, do you want to
3 say anything to close the meeting?

4 DEPUTY DIRECTOR GREENE: Thank you, for all of
5 the constructive input. And as we continue to move
6 through this process, as I said before, we're reaching
7 out to the agencies and the Commission to make sure
8 that we continue to refine this process to be a good
9 and better process.

10 CHAIR SPITLER: I'll just add one thing that
11 with the soon to come expiration of the emergency
12 grants that we're now operating under --

13 COMMISSIONER ANDERSON: Emergency regs?

14 CHAIR SPITLER: Excuse me, emergency regulations
15 that we're now operating under, the Division will soon
16 be issuing new regulations for the grants program. And
17 we expect to have a Commission meeting in early
18 December to discuss those regulations and provide input
19 into them. So we're working with staff to set that
20 meeting up, so stay tuned.

21 And I want to thank everyone for sticking
22 around. It's been a long day. I appreciate you all
23 lasting through the day, offering your comments and
24 input. And thank you very much for coming.

25 (Meeting adjourned at 4:41 p.m.)

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REPORTER'S CERTIFICATE

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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 10th day of November, 2005.

Cheryl L. Kyle, CSR No. 7014
Certified Shorthand Reporter
In and for the
County of Sacramento,
State of California

Ref. No. 25649