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STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

PUBLIC HEARING

THURSDAY, DECEMBER 8, 2005

9:11 a.m. to 7:47 p.m.

HELD AT

LIONS GATE HOTEL, Courtyard Room,  
5726 Dudley Boulevard, Building 1420,  
McClellan, California

Reported by CHERYL L. KYLE, CSR No. 7014

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1 (McClellan, California December 8, 2005.)  
2 (Meeting commenced at 9:11 a.m.)  
3 (Pledged the Flag.)  
4 CHAIR SPITLER: Do the roll call.  
5 MS. ELDER: Judith Anderson.  
6 COMMISSIONER ANDERSON: Present  
7 MS. ELDERS: John Brissenden. Robert Chavez.  
8 Paul Spitler.  
9 CHAIR SPITLER: Here.  
10 MS. ELDERS: Harold Thomas.  
11 COMMISSIONER THOMAS: Present.  
12 MS. ELDERS: Michael Prizmich.  
13 COMMISSIONER PRIZMICH: Present.  
14 MS. ELDERS: Ed Waldheim.  
15 COMMISSIONER WALDHEIM: Present.  
16 CHAIR SPITLER: Okay. Thank you.  
17 Thank you all attending this meeting of the  
18 Off-Highway Motor Vehicle Recreation Commission. We're  
19 going to actually have to move, the new meeting is  
20 going to be down the street a couple of miles, just  
21 arrange a shuttle. Thank you all for making it. I'm  
22 sorry for those of you again who suffered through the  
23 cancelled meeting last month, the relocated meeting  
24 today. We appreciate your persistence in being here.  
25 We should fund all of your grants fully just for

2

1 running the gamut of being here today, but we can't do  
2 that, so we will go ahead and meet.

3 COMMISSIONER ANDERSON: What happened to those  
4 minutes of that meeting that was cancelled?

5 CHAIR SPITLER: I have no idea.

6 COMMISSIONER ANDERSON: Where is the record that  
7 we cancelled the meeting?

8 CHAIR SPITLER: That I don't know. Maybe we'll  
9 address that, and we will get back to you.

10 COMMISSIONER ANDERSON: Just asking the  
11 question.

12 CHAIR SPITLER: So our purpose here over these  
13 next three days is to first and foremost deal with the  
14 2005/2006 local assistance grants and cooperative  
15 agreements and next to deal with outstanding issues  
16 that we had already scheduled for this time.

17 So before we get to the agenda, I just want to  
18 let people know if you want to comment on items on the  
19 agenda, please fill out a green form. Where is Vicki?  
20 Please raise your hand. Hand them to Vicki if you  
21 could or Sandy up here. If you wish to comment on  
22 items on the Consent list -- or items on the Consent  
23 list, a yellow form and items not on today's agenda,  
24 fill out a blue form. And if you could do that sooner  
25 than later, that would be great, so we can make sure to

3

1 call you when your item comes up.

2 The first order of business will be the approval  
3 of agenda. I just have one change on the agenda. I'd  
4 like to move the reports, item four to after item A of  
5 new business, the grants and cooperative agreements, so  
6 we can focus on grants first and do the deputy director  
7 and government reports after that item.

8 COMMISSIONER THOMAS: So moved.

9 COMMISSIONER PRIZMICH: Second.

10 CHAIR SPITLER: All those in favor.

11 (Commissioners simultaneously voted.)

12 CHAIR SPITLER: Approval of minutes from  
13 September 30.

14 COMMISSIONER WALDHEIM: Mr. Chairman, I have one  
15 change to make on it. On page 46, line six, Cheryl, I  
16 said \$2 million not \$7.2 million for snow. That's the  
17 only change that I could find on it.

18 COMMISSIONER ANDERSON: Which page?

19 COMMISSIONER WALDHEIM: Page 46, line six.

20 COMMISSIONER THOMAS: Of which minutes again; on  
21 the first one?

22 COMMISSIONER WALDHEIM: The minutes of  
23 September 30th.

24 CHAIR SPITLER: Do I have a motion to approve  
25 those minutes?

4

1 COMMISSIONER WALDHEIM: Move.

2 COMMISSIONER ANDERSON: With the corrections,  
3 second.

4 CHAIR SPITLER: All those in favor.

5 (Commissioners simultaneously voted.)

6 CHAIR SPITLER: Okay.

7 October 21.

8 COMMISSIONER WALDHEIM: Move approve as written.

9 COMMISSIONER PRIZMICH: Second.

10 CHAIR SPITLER: All those in favor?

11 COMMISSIONER THOMAS: Before the vote, for the  
12 record, I've reviewed the minutes thoroughly and in  
13 great detail and am prepared to discuss the grant  
14 contained within these minutes. But I was not at the  
15 meeting, so I will abstain from approving the minutes.

16 CHAIR SPITLER: Okay. October 21, any other  
17 discussion?

18 All those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIR SPITLER: Abstentions?

21 Okay. We will move on to new business now,  
22 local assistance grants and cooperative agreements.  
23 Most of you, I believe, are familiar with the new grant  
24 scoring and evaluation process that the Commission and  
25 Division is utilizing this year. We're going to have

5

1 to beg a little bit of patience as the Commission works  
2 our way through this process today as this is the first  
3 time that we've actually met as a full body to  
4 implement the new scoring system that's being utilized  
5 this year.

6 So a major change from this year as opposed to  
7 years past, is that instead of scoring grants, giving  
8 grants dollar amounts based on their relative merit,  
9 the system utilized this year would be to score grants  
10 against each other, and each grant would receive a  
11 final allocation amount based on their score. So  
12 instead of the Commission today debating dollar  
13 amounts, final dollar amounts for grants, we will  
14 instead be debating the relative scores that each grant  
15 is entitled to receive. Those scores then will  
16 translate into dollar amounts. So if you're getting  
17 lost in a sea of numbers here, I think it will make  
18 sense as we work through a few grants. And the staff  
19 has devised a system whereby the Commission can alter  
20 the scores of the grants, as they see fit, which will  
21 in turn translate to revised dollar amounts for each  
22 grant.

23 The the first item of business -- and the order  
24 that we'll do the grants, many have asked, is we will  
25 go through north grants today, starting with locals and

6

1 working to the federal agencies and move to southern  
2 grants tomorrow. We'll go through the grants in the  
3 order of the spreadsheet. I know there has been a lot  
4 of spreadsheets floating around, but the spreadsheets  
5 for north and south that lists all of the grants in  
6 order, we won't be going through them by category. So  
7 we'll just be going through grants as a whole.

8 First item of business is the Consent Calendar.  
9 The notice for today's meeting included a Consent list.  
10 Individual Commissioners, if they choose, can choose to  
11 take items off that list. I have a number of items the  
12 Commissioners have requested that may be pulled off  
13 that list. So before we get into discussing the  
14 Consent Calendar, I'll go ahead and take those off, and  
15 we can discuss those individually.

16 If you would like to comment on the Consent list  
17 as a whole, you should feel free to do so. If you hear  
18 the grant that you want to comment on listed and it  
19 comes off Consent, then if you could save your comments  
20 for when we discuss that particular grant, that would  
21 be helpful.

22 So the grants to come off Consent at this point  
23 are OR-726 Alpine County Sheriff, OR-767 Butte County  
24 Sheriff, OR-728.

25 COMMISSIONER WALDHEIM: 727 the last one?

7

1 CHAIR SPITLER: 767.

2 COMMISSIONER WALDHEIM: 767.

3 COMMISSIONER THOMAS: Mr. Chairman, there are  
4 two competing Consent Calendars, a 12/6 and an 11/5.  
5 Are you operating off the 11/5 that staff has given us?

6 COMMISSIONER ANDERSON: They've taken them off  
7 already. They're not on there.

8 COMMISSIONER THOMAS: It looks like some are and  
9 some aren't perhaps.

10 COMMISSIONER WALDHEIM: Mr. Chairman, are you  
11 using the sheet we got in the packet or are you using  
12 something different?

13 COMMISSIONER THOMAS: What's the date of your  
14 Consent list?

15 COMMISSIONER WALDHEIM: 11/5.

16 COMMISSIONER THOMAS: Okay. Let's work off the  
17 11/05.

18 COMMISSIONER WALDHEIM: That's the one we have.

19 COMMISSIONER THOMAS: Instead of the 12/6 one.

20 STAFF HOM: Chairman Spitler, the Consent  
21 Calendar as far as it was changed because OR-2-E-71 is  
22 actually a planning grant.

23 COMMISSIONER THOMAS: Let's just operate off the  
24 11/5.

25 STAFF HOM: That was the only change.

8

1 CHAIR SPITLER: I'm using the Consent list as of  
2 11/5/2005.

3 COMMISSIONER THOMAS: That's the noticed list.

4 CHAIR SPITLER: The noticed list.

5 COMMISSIONER THOMAS: Let's operate off the  
6 noticed list.

7 COMMISSIONER WALDHEIM: 726 is coming off. The  
8 next one was? Which one is the next one, you said full  
9 off.

10 CHAIR SPITLER: 767, which I notice is already  
11 off.

12 COMMISSIONER WALDHEIM: That's not on here.

13 CHAIR SPITLER: Okay. So that one is okay.

14 OR-728 Colusa County Sheriff.

15 COMMISSIONER WALDHEIM: Right.

16 CHAIR SPITLER: OR-744, Plumas County Sheriff.

17 COMMISSIONER WALDHEIM: It's not on here.

18 CHAIR SPITLER: Okay. Good. And OR-747,  
19 Tuolumne County Sheriff.

20 COMMISSIONER PRIZMICH: Mr. Chairman, if I  
21 might, I'd like to remove OR-729 Calaveras County  
22 Sheriff Equipment for discussion.

23 CHAIR SPITLER: Okay.

24 COMMISSIONER THOMAS: The El Dorado, let's see,  
25 are zeros. I'm sure they would like to be removed from

9

1 the zeros.

2 COMMISSIONER WALDHEIM: What number?

3 COMMISSIONER THOMAS: 2-E-71, 72, 73, 74.

4 COMMISSIONER WALDHEIM: All of them?

5 COMMISSIONER THOMAS: Just so we can handle all  
6 of them at once, if we're going to reallocate.

7 COMMISSIONER WALDHEIM: 71, 72, 73, 74.

8 CHAIR SPITLER: Some of the El Dorado items are  
9 not on Consent already; some of them are. There are a  
10 number of El Dorado National Forest grants that aren't  
11 on Consent.

12 COMMISSIONER THOMAS: Which are the ones that  
13 are not on Consent?

14 CHAIR SPITLER: Law enforcement.

15 COMMISSIONER THOMAS: Restoration, is that off  
16 Consent? Isn't Resto on Consent for zero?

17 COMMISSIONER ANDERSON: Restoration is zero,  
18 yes.

19 COMMISSIONER THOMAS: We want that off Consent.

20 COMMISSIONER ANDERSON: Okay. So that's 73.

21 CHAIR SPITLER: That's not a restoration that's  
22 actually a resource management grant.

23 COMMISSIONER THOMAS: I guess I'm going  
24 color-blind.

25 CHAIR SPITLER: Do you want to take a minute to

10

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1 look at that, and we'll do public comments?

2 COMMISSIONER THOMAS: Yes, let's do that.

3 CHAIR SPITLER: Okay. Why don't we go ahead and  
4 get to the public comment on the Consent list. I'll  
5 call your name. If your comment is on an item that was  
6 just removed, if you want to wait until that item comes  
7 up, that would be great.

8 Lester Lubetkin, followed by Fred Krueger and  
9 Todd Johns.

10 LESTER LUBETKIN: Thank you very much. Lester  
11 Lubetkin, recreation officer on the El Dorado Forest,  
12 and we're agreeable with all of the four grant  
13 applications being on the Consent calendar. Thank you.

14 CHAIR SPITLER: Thank you. Fred Krueger.

15 FRED KRUEGER: Fred Krueger from the Plumas  
16 National Forest. We would just like to express our  
17 appreciation for working with the Commission as well as  
18 the department and look forward to our continued  
19 cooperation with you folks, and we appreciate last  
20 year's grant, and certainly appreciate the Consent  
21 items and look forward to working with you. Thank you.  
22 If you have any questions, we'd be more than glad to  
23 answer them on the Consent items.

24 CHAIR SPITLER: Thank you. Todd Johns.

25 TODD JOHNS: I would just wait until the

11

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1 individual grants are called, sir. Thank you.

2 CHAIR SPITLER: Thank you. Judith Spencer,  
3 followed by Jeff Sanford, and Dick Rogers.

4 JUDITH SPENCER: Hi, I'd like to ask that the  
5 law enforcement grant for the Stanislaus National  
6 Forest come off of the Consent calendar so that we can  
7 discuss it.

8 CHAIR SPITLER: Okay. Thank you.  
9 Jeff Sanford.

10 MEMBER OF THE PUBLIC: Wait until the grants are  
11 called.

12 CHAIR SPITLER: Dick Rogers, followed by Robert  
13 Levy and Don Amador.

14 DICK ROGERS: I would like to make my comments.  
15 My item has been pulled from the agenda to be  
16 discussed. I can do it during discussion.

17 CHAIR SPITLER: Okay. Thank you. Robert Levy.

18 MEMBER OF THE PUBLIC: Pass for the individual  
19 items.

20 CHAIR SPITLER: Okay. Don Amador.

21 MEMBER OF THE PUBLIC: I'll pass.

22 CHAIR SPITLER: Okay.

23 COMMISSIONER THOMAS: Mr. Chairman, I'll leave  
24 the -- I'll pull the Stanislaus for Ms. Spencer and  
25 leave the El Dorado as set up in the calendar.

12

1 CHAIR SPITLER: So that's OR-2-ST-63, Stanislaus  
2 National Forest Law Enforcement.

3 COMMISSIONER THOMAS: And question for the  
4 Chair, I see the Inyo National Forest here has four on  
5 Consent. Are those not redundant? Mr. Chairman  
6 reviewed those and Mr. Waldheim reviewed those.

7 CHAIR SPITLER: They're all consistent.

8 COMMISSIONER THOMAS: They're all consistent.

9 (Commissioner Brissenden arrived.)

10 (Discussion held off the record.)

11 CHAIR SPITLER: Do we have a motion on the  
12 Consent list?

13 COMMISSIONER THOMAS: I'll move.

14 COMMISSIONER ANDERSON: I'll second.

15 CHAIR SPITLER: Moved by Commissioner Waldheim,  
16 second by Commissioner Anderson.

17 Alpine County has come off of Consent.

18 COMMISSIONER BRISSENDEN: Right, but there's one  
19 that needs to be on.

20 CHAIR SPITLER: I don't think we can do that.

21 COMMISSIONER BRISSENDEN: All right.

22 CHAIR SPITLER: Okay. Have a motion and a  
23 second on the Consent list. More discussion?

24 COMMISSIONER WALDHEIM: Mr. Chairman, I'd just  
25 like to recap the record. Do you have them all or does

1 staff have them all? Just review what you have so it's  
2 very clear in the minutes what it is that we pulled  
3 because we've been going back and forth.

4 CHAIR SPITLER: OR-726, Alpine County Sheriff;  
5 OR-739, Calaveras County Sheriff; OR-728, Colusa County  
6 Sheriff; OR-747, Tuolumne County Sheriff; and  
7 OR-2-ST-63, Stanislaus National Forest Law Enforcement.

8 COMMISSIONER WALDHEIM: Thank you, Mr. Chairman.

9 CHAIR SPITLER: Okay. More discussion? All  
10 those in favor?

11 (Commissioners simultaneously orally voted.)

12 CHAIR SPITLER: Okay. Motion carries.

13 CHAIR SPITLER: Okay. With that done, we will  
14 start with the northern grants starting with Alpine  
15 County. We'll actually take both of the grants from  
16 Alpine County together. So OR-725 and OR-726.

17 Staff want to begin with their recommendation?

18 STAFF HOM: OR-725, Alpine County Sheriff Law  
19 Enforcement, Division funding determination is 48,950;  
20 and OR-726, Alpine County Sheriff Equipment, Division  
21 funding determination is zero.

22 COMMISSIONER THOMAS: Can the staff, without  
23 doing violence to the audience's view of the -- what  
24 did I call it, the cheat sheet, the rate sheet over  
25 there -- can you turn it so that we can actually see

14

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1 it? I know there are two of them, but some of us can't  
2 actually...

3 COMMISSIONER WALDHEIM: That's not in the order  
4 that we're doing it.

5 COMMISSIONER THOMAS: That's the problem, isn't  
6 it? We never know what they're doing.

7 CHAIR SPITLER: Can we turn this, so we can see  
8 it?

9 COMMISSIONER THOMAS: At least so we can see one  
10 of them now. I appreciate it, thank you, staff.

11 (Discussion held off the record.)

12 CHIEF JENKINS: The score sheets over here on  
13 the audience's left, Commissioners' right, see the  
14 three columns.

15 COMMISSIONER THOMAS: The simultaneous  
16 translation in the numbers is occurring on my right,  
17 and the total is on my left, thank you.

18 CHIEF JENKINS: So as you add in the scores,  
19 you'll see the sheets reflect it over here on your  
20 right.

21 COMMISSIONER THOMAS: Thinking of the UN.

22 CHAIR SPITLER: Okay. Maybe we'll just start  
23 with public comment, then the Commission can move on to  
24 discussion of these ones.

25 CHAIR SPITLER: Jeff Sanford, followed by Robert

15

1 Levy.

2 JEFF SANFORD: Good morning, I'm Jeff Sanford  
3 with the Alpine County Sheriff's Office, and I get the  
4 privilege of managing this grant and writing the grant.  
5 And for which one are we specifically talking about  
6 now, our equipment or our enforcement grant?

7 CHAIR SPITLER: We're talking about both of  
8 them.

9 JEFF SANFORD: Both of them at the same time.  
10 We're having some equipment issues. Our equipment is  
11 getting to be a few years old now. Unfortunately, in  
12 the wintertime, the snowmobiles have progressed so  
13 rapidly in the last few years, our sleds that are two  
14 and three years old are not keeping up with the new  
15 sleds that are coming up into the area. We're having  
16 problems getting to the high country. And right now  
17 it's all equipment related. We need to replace a  
18 couple of older pieces of equipment with some new  
19 equipment, kind of speaking in favor of that.

20 Our enforcement grant, you've graciously given  
21 us some money. I'd like to see a little bit more so I  
22 can put on a really good program in the summertime,  
23 this year as well. And I do have a question in regards  
24 to the cut on the enforcement grant, if I may ask one.

25 CHAIR SPITLER: This is actually not a time for

16

1 question and answer. Just a time for your public  
2 comments on the grants.

3 JEFF SANFORD: I'd like to be fully funded,  
4 thank you.

5 CHAIR SPITLER: Robert Levy, followed by Sue  
6 Warren.

7 ROBERT LEVY: Good morning, Undersheriff Rob  
8 Levy, Alpine County Sheriff's Office. With regards  
9 to -- I'll speak first to the enforcement grant. We've  
10 seen a large increase of snowmobile and quad and jeep  
11 activity in Alpine county. We've become part of the  
12 who's who on the Internet as far as jeeping, jeeper  
13 activity, quad activity, and also snowmobiles. The  
14 Deer Valley Trail has gotten the nickname of the little  
15 Rubicon, has become very popular. It's a very  
16 challenging trail for jeep and ATV groups, and  
17 therefore we've seen an increase of use in those areas,  
18 and it's a large portion of why we're asking for the  
19 increases in the enforcement dollars.

20 With regards to the snowmobiles, Blue Lakes are  
21 as popular as ever. With last year's record snowfall,  
22 a lot of people discovered Blue Lakes. We had parking  
23 along the highway that dribbled over into overuse  
24 areas, cross-country ski areas because the area was so  
25 popular and created additional management problems.

17

1           The enforcement for an agency that is as small  
2 as ours, where I have ten sworn officers, we have to  
3 stay on top of people management. If we allow an area  
4 to become uncontrollable, we're not able to regain that  
5 back because I just don't have the staff to saturate an  
6 area. So it's very important that we're given  
7 sufficient dollars to do the maintenance effort to do  
8 the continued visual enforcement out there so that we  
9 can maintain and manage the groups and the users  
10 effectively so we don't have users conflicts and have  
11 people following the rules and doing what they need to  
12 do while they're out there on the trail, and especially  
13 being safe.

14           With regard to our equipment, what we've been  
15 using is we've been using search and rescue's  
16 equipment. So what we're doing is taking from your  
17 citizen volunteers, we're using their snowmobiles and  
18 stuff that's allocated for them to do enforcement.  
19 It's not fair to the volunteers. It's not fair to the  
20 taxpayers of Alpine County that supported this  
21 equipment for our volunteer forces. What we need is  
22 hybrid machines to do our wilderness boundary patrols.  
23 Any amateur can get on a hybrid snowmobile now and ride  
24 to the top of a mountain in a wilderness area. We need  
25 to have the technology to be able to go up there and do

18

1 the enforcement. If we can't do the enforcement, then  
2 we can't curb that illegal use of those areas. And  
3 it's very important for us to be able to do that.

4           Additionally, we need the quads to get into the  
5 areas like Deer Valley, like Snyder Cal Camp Road where  
6 they're very challenging trails, and we need that  
7 equipment to be able to do that enforcement. I would  
8 respectfully ask the Commission to rescore our grants  
9 to reflect some of the testimony that I've given in the  
10 subcommittee a couple of months ago and today to raise  
11 our scores so that we can be adequately funded based on  
12 this information. Thank you.

13           CHAIR SPITLER: Thank you. Sue Warren followed  
14 by Sylvia Milligan and Don Amador.

15           SUE WARREN: Good morning, Commissioners. Sue  
16 Warren, Public Service Programer, for the Stanislaus  
17 National Forest. County sheriff in conjunction with  
18 the Stanislaus funding for law enforcement is crucial  
19 in order to manage OHV, both winter and summer  
20 activities. Alpine County, Calaveras County, and  
21 Tuolumne County are all key partners in helping to make  
22 this work together. So we hope you'll support them as  
23 best you can. Thank you.

24           CHAIR SPITLER: Thank you. Sylvia Milligan,  
25 followed by Don Amador, and John Stewart.

19

1 SYLVIA MILLIGAN: I'm Sylvia Milligan with the  
2 California Nevada Snowmobile Association, and I  
3 strongly recommend that you support this grant for  
4 equipment. You can't have people going out there and  
5 riding the old equipment when the people now are  
6 spending \$10,000 for a new piece of equipment that can  
7 outrun them, can walk away from them. It's also a  
8 safety issue. There's more than one thing here. It's  
9 really -- we really need to start looking at replacing  
10 the old equipment that these people are trying to ride.  
11 You can't send somebody out on a rollerskate in snow  
12 and expect them to do any good. Please, I hope you  
13 look really kindly on their request for money for  
14 equipment.

15 DON AMADOR: Don Amador, Blue Ribbon Coalition.  
16 As you know, El Dorado County is doing their travel  
17 management, and they've come out with some forest  
18 orders restricting travel, so I think law enforcement  
19 is important up there. I think the Division is  
20 recommending 48,000, so I'd like to see somewhere  
21 between what -- Division and the original request,  
22 which was 89,000.

23 As far as the snowmobiles, I'd like you to at  
24 least consider two new sleds, the new high performance  
25 sleds are about 12,000 apiece, and a covered trailer

20

1 would be 4,000 to protect the equipment. So 28,000,  
2 they should be able to get a couple of new sleds and a  
3 covered trailer to protect the new equipment. So like  
4 you to at least consider that. Thank you.

5 CHAIR SPITLER: Okay.

6 (Audio problems, break taken in proceedings.)

7 CHAIR SPITLER: Let's try this again. Do we  
8 have a timer for the speakers? I'm not seeing any  
9 timer lights. I'm not seeing any lights.

10 Go ahead, Mr. Stewart. Sorry for the delay.

11 JOHN STEWART: John Stewart, California  
12 Association of 4-Wheel Drive Clubs. We support the law  
13 enforcement grant. Cal 4-Wheel believes that law  
14 enforcement is a major element that -- you know, for  
15 the management of the recreational program within the  
16 state. And we also support the equipment purchase in  
17 that law enforcement is only as good as the equipment  
18 that they run. With outdated equipment, broken  
19 equipment, or malfunctioning equipment, that hinders  
20 their law enforcement performance, so we encourage the  
21 Division or Commission to look at these grants and fund  
22 them to the fullest extent possible. Thank you.

23 CHAIR SPITLER: Thank you. Anyone else who  
24 wanted to comment on the Alpine County grants?

25 LESTER LUBETKIN: Lester Lubetkin, El Dorado

21

1 National Forest. Just want say, we work closely also  
2 with Alpine County, and law enforcement efforts there  
3 are really important, and in particular with the  
4 potential reduction of funding for the Humboldt-Toiyabe  
5 National Forest for law enforcement, I think it's  
6 really critical. So we support funding for Alpine  
7 County. Thank you.

8 CHAIR SPITLER: Okay. Thank you.  
9 Commissioners, I think we'll take these one at a time.  
10 We'll do OR-725 first, and then we'll move on to  
11 OR-726.

12 So the way to make a motion on this, if you're  
13 proposing to change what staff has recommended, is to  
14 propose new scores; otherwise, you can just go ahead  
15 and move the staff recommendation.

16 COMMISSIONER PRIZMICH: Well, I have a question,  
17 if I might ask, Undersheriff Levy, if he could respond.  
18 I'm particularly concerned about the equipment. Alpine  
19 County is a small county. Their resources are limited,  
20 yet even with that, my belief is that they give, as do  
21 all our counties in the law enforcement area, they give  
22 a hundred percent. So I'm somewhat familiar with what  
23 they've done up there, and they're not just here with a  
24 hand out.

25 So, Undersheriff Levy, have you done anything to

22

1 help your own situation out? Can you describe what  
2 you've done in terms of equipment and where your needs  
3 are in terms of equipment right now, other than just  
4 saying you need new ones?

5 ROBERT LEVY: Yes, Commissioner. What we've  
6 done as a county for ourselves is we worked very  
7 closely with Douglas County, Nevada, which borders us,  
8 and also with Mono County. We were able to, through  
9 the 1033 Access Property program at the federal level,  
10 all three counties, and ours included, procured full on  
11 Snow Cats with a passenger box for doing rescues.  
12 These Snow Cats are nearly new. They're 1997s with  
13 about 900 hours on them. This piece of equipment is  
14 about \$103,000. It's fully set up for rescue. It was  
15 used at the Pickle Meadows Mountain Warfare Training  
16 Center.

17 As a part of that, we got the Snow Cat for free,  
18 but the sheriff has taken upon himself, he's paying for  
19 all of the repairs and refurb and the service to get it  
20 in fully serviceable condition. Additionally, we need  
21 to be able to tow it. We actually had to hire a semi  
22 truck to tow it back to our county. So what we did is  
23 we leveraged some other grant funds and upfitted my new  
24 command vehicle to a one-ton truck and, we are then  
25 spending county dollars, about \$9,000 for a Beaver Tail

23

1 trailer so that I can tow this piece of rescue  
2 equipment and stage it at Blue Lakes in the early part  
3 of the season, and then retrieve it at the end of the  
4 season, as well as be able to tow it for mutual aid to  
5 our neighboring snow counties, so that if they have an  
6 OHV-related rescue for a snow play -- or other snow  
7 play or cross-county skiing, snowshoer rescue, this  
8 piece of equipment is available.

9 Further, the sheriff has traditionally been  
10 paying for out of pocket all of the maintenance for the  
11 snowmobiles and quads that we are currently using in  
12 the program. So Alpine County is spending a  
13 substantial amount of local resources. A part of the  
14 issue that we have with procuring additional equipment  
15 is our agency is housed in the basement of a courthouse  
16 that's built in 1928 with mandatory correction radon  
17 levels. And we're at a point now where we're really  
18 trying to save the pennies because we've got to move  
19 our staff into a new facility. So we just don't have  
20 the funding, rural sheriff's funding is committed  
21 towards that new facility. So we just don't have the  
22 funding to be purchasing snowmobiles or quads at this  
23 time.

24 CHAIR SPITLER: Question for staff. Maybe  
25 staff -- the equipment grant received a pretty low

24

1 score. Can you describe why that was?

2 CHIEF JENKINS: Thank you, Chairman. Phil  
3 Jenkins by the way. I want to welcome everybody here.  
4 Sorry for the technical difficulties. I hear every dog  
5 in the county is running here this way as we speak.

6 I think the best way, rather than myself trying  
7 to answer all of these, we do have members of the grant  
8 scoring team that were involved in this. So when we  
9 have specific questions, we'll have members of the team  
10 that were involved actually give explanations. So I  
11 think I'll turn this one over to John Pelonie.

12 LARRY BELLUCCI: Larry Bellucci, OHV Division.  
13 The applicant scored quite low in the equipment. They  
14 did not address much of the criteria, in particular  
15 harm to national and cultural resources, similar  
16 comparable previous experience. Although, they did  
17 touch upon future maintenance costs, it wasn't  
18 clearly -- it wasn't clearly stated. It was more  
19 inferred. They did not mention areas with high use or  
20 demand for use, the equipment purchase, repairs trails  
21 and restores illegally damaged area and it extends  
22 useful life of the trail system. So of the three  
23 criteria, they only addressed -- they addressed very  
24 little specifically what was --

25 COMMISSIONER PRIZMICH: How is it, Mr. Chairman,

25

1 that we would change this? What process? Do we have  
2 to change the score on the projection there?

3 CHAIR SPITLER: That's correct.

4 CHIEF JENKINS: If I might, just since this is  
5 the first one we are going through, so the low score we  
6 have reflects what we had in front of us as far as the  
7 written materials. So directly to your question, based  
8 on, you know, all of the various public input you're  
9 hearing, the agency testimony, then you could say in a  
10 certain criteria, if we score them low because we  
11 didn't have the information in the application, then  
12 you now have the information based upon what you've  
13 heard here today for the letters that have come in in  
14 support and whatnot, then you would be able to just say  
15 in that particular category where we gave them X  
16 number, you're going to change to another number, and  
17 you'll immediately see the changed funding along the  
18 bottom, that would turn out on the system.

19 COMMISSIONER BRISSENDEN: Before we start  
20 scoring, if I may, Undersheriff Levy, last year you  
21 increased your citation levels by, what, zero to 14 was  
22 what rumor I heard. Of those citations that went to  
23 court, what happened to the fines? I know under  
24 legislation passed two or three years ago, those fines  
25 go directly to the sheriff's budget. Can you speak to

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1 that?

2           ROBERT LEVY: I can't speak to the fines  
3 directly, Commissioner. The citations that were  
4 issued, the 14 you're referring to, were specifically  
5 wilderness violation citations, and they were cited for  
6 operating in a closed area. I don't know what the fine  
7 is. I know it's not similar to what the federal  
8 schedule is. I think it's considerably lower.

9           With regards to the parking citations in snow  
10 park, you know, I know that we issue a lot. I know  
11 that the Highway Patrol work in conjunction with them,  
12 issue a number, but I specifically don't know what the  
13 number is. I would suspect it is probably only two or  
14 \$3,000 a year tops because the fine schedule just isn't  
15 very high. It's only \$75 a ticket.

16           COMMISSIONER BRISSENDEN: Between those two,  
17 there might be some matching funds that might be  
18 available to assist this. But I would certainly  
19 encourage the Commission to up the scores, so we can  
20 provide some equipment money here.

21           COMMISSIONER THOMAS: I'd like to address this  
22 scoring issue.

23           We've now heard persuasive public testimony that  
24 Alpine County needs some additional staffing and  
25 equipment. The Commission has been able to hear this

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1 persuasive testimony, but this was not available to the  
2 staff at the time of their rating. So the Commission  
3 would like to modify the grant perhaps, so say there is  
4 a motion to fund half of the grant.

5           The staff would have us engage in an exercise  
6 that would require us to convert the dollars to numbers  
7 somewhere on the category, allocate those numbers, and  
8 then turn around and justify our decision based on a  
9 numerical system. In fact, the Legislature that  
10 commissioned us indicates we're supposed to approve  
11 grants or modify or deny grants. And this numerical  
12 system interferes with that legislatively mandated  
13 duty, as well as it interferes with our ability to  
14 react to public testimony.

15           I think it's an exercise in -- it's specious to  
16 merely pick a number and then ask a computer to drive  
17 that number back through a series of factors, which is  
18 what's occurring right now. I'm not sure what the  
19 remedy is, although I do know that the Commission --  
20 the emergency regulations are not binding on the  
21 Commission, they're binding on the Division, and our  
22 job is to react to public testimony.

23           So I'm going to increase -- make a motion to  
24 increase the funding say for equipment by half of the  
25 requested grant amount, and then ask the staff to give

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1 me the numerical justification for that amount. And  
2 that way we will have followed their regulations and  
3 exercised our discretion as the Legislature has asked  
4 us. So staff could you give me a --

5 CHAIR SPITLER: Mr. Thomas, right now let's get  
6 through OR-725 first before we get to the equipment  
7 grant.

8 COMMISSIONER THOMAS: We can do the same.

9 COMMISSIONER WALDHEIM: Mr. Chairman.

10 CHAIR SPITLER: Commissioner Waldheim.

11 COMMISSIONER WALDHEIM: Since Mr. Thomas is  
12 using this to try to set where we're going, and I agree  
13 with you a hundred percent. I would like to see you  
14 forget about asking staff to do the numerical things.  
15 Since you stated that we are not bound by what they  
16 came up with, then just come up with a number and add  
17 the number on. And if counsel feels that's illegal,  
18 then let's fight that battle when it gets to this  
19 point. I don't like this playing around with the  
20 numbers, it doesn't make any sense. We have dollar  
21 amounts that we need, let's make a decision with  
22 dollars amounts; you want to do it and leave it at  
23 that.

24 If the Division attorneys or whoever or the  
25 Commission attorneys say you are breaking the law,

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1 well, I will then find out what law am I breaking.  
2 It's not our ranking system. It's the Division's  
3 ranking system. It's a tool that they used to come up  
4 with their recommendations. We're not bound by that.

5 COMMISSIONER PRIZMICH: I don't necessarily  
6 agree with that, that we may or may not be. I think  
7 that's a question for counsel. What I'm concerned with  
8 is we have a small county here that has needs and to  
9 then meet those needs, they're going to need some  
10 equipment. And I'm firmly convinced that they need  
11 some of that equipment.

12 COMMISSIONER WALDHEIM: I agree.

13 COMMISSIONER PRIZMICH: How we arrive at that, I  
14 want to do so as safely and as best we can. So if we  
15 need to deal with the numbers here, I can see this  
16 being a very long process, but if that's what it needs  
17 to be, then that's what it needs to be. Perhaps, we  
18 can ask counsel for some guidance in this, although I'm  
19 a little bit reluctant seeing as how last time --

20 COMMISSIONER THOMAS: The sheriff is asking for  
21 lawyers. I think we should vacate the room.

22 COMMISSIONER PRIZMICH: Let me withdraw that.

23 COMMISSIONER WALDHEIM: Mr. Chairman, I would  
24 like Commissioner Thomas to give us an amount, a number  
25 and we vote on the number.

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1           CHAIR SPITLER: Commissioner Waldheim, excuse  
2 me, if I may, I'd like to ask counsel to comment on  
3 this question. I think this is ground that we've  
4 already discussed and have come to a different  
5 decision. And with all due respect to the  
6 Commissioners, I think that we are bound by the system,  
7 and we're obligated to make it work, and we have an  
8 opportunity to make it work here by amending the scores  
9 based on our view of the applications and the testimony  
10 that we've heard today. So the best way in my view,  
11 and, in fact, the only legal way, in my view to make  
12 this work is to use the scoring system that the staff  
13 has described and that there are the regulations that  
14 govern this grant's program authorizes. So let me just  
15 ask counsel to comment on that, as well.

16           COUNSEL BARNES: Thank you. Mr. Chairman, let  
17 me introduce myself. My name is Debra Barnes, and I'm  
18 a deputy attorney general, and I'm filling in for Billy  
19 Jenkins today, who is with a very ill family member.  
20 So I want to say good morning. It's nice to be here,  
21 and I have certainly enjoyed the spirited discussion  
22 that the Commissioners have had.

23           My comments are very preliminary. I'm certainly  
24 not as familiar with the issue as the Commissioners are  
25 or as Billy Jenkins would be, but I have been briefed

1 on this. And my comments are made with the  
2 understanding that, again, you may want to bring this  
3 issue up with your Commission counsel who is more  
4 familiar with this than I.

5 With that said, it's my understanding at this  
6 point that the emergency regulations are still on the  
7 books. They've not been set aside by a court and that  
8 OAL, the Office of Administrative Law, has not set them  
9 aside or hasn't disapproved them for some reason. I do  
10 understand and can really hear the passion behind the  
11 comments made by the different Commissioners, and I  
12 also understand this is the first time that you folks  
13 have gone through this process, which makes it even  
14 more difficult I think for any commission when you're  
15 dealing with a new process for the first time.

16 I really don't want to sit here and render and  
17 give an attorney general opinion as to the different  
18 comments made, but it seems as if, if you would like to  
19 continue with your grant process here, that perhaps the  
20 alternative offered by staff might be a way to go. By  
21 utilizing your discretion within the form of the  
22 emergency regulations that are still on the books,  
23 might be a way to keep your discretion as well as keep  
24 the process that the public has been going under the  
25 assumptions that the grants are going to be judged by.

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1           COMMISSIONER WALDHEIM: Mr. Chairman,  
2 Ms. Barnes, do you realize that the way the regulations  
3 are, they have a minimum cap. If we want to give the  
4 county say \$15,000 or \$20,000, we are precluded, if  
5 we're going to go on the assumption that these  
6 regulations, we are bound by them, we're going on the  
7 assumption of that, then we can't give them any money.  
8 We have to give them more money than we want to give  
9 them. And that's totally unfair. We want to give them  
10 money, yes, but we don't want to give some so much  
11 money that it hurts all the way down the chain. This  
12 is the quandary that we're in here.

13           The Commission voted against these criterias and  
14 this system. We told the Division if you want to run  
15 these criteria, be our guest do whatever you want to.  
16 We made it very clear. At no point did this  
17 Commission -- or was this Commission informed that if  
18 the Division picked it up, we as a Commission would be  
19 bound by that. I had no clue that that was going to  
20 happen to us because I would have fought it tooth and  
21 nail even all the way up to Division.

22           We have a discretion to give the counties money.  
23 There are counties that we are not giving them money  
24 because the law does not -- the way they have it  
25 written now, doesn't let us give them money unless we

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1 give them 45 percent, 44 percent or 45 percent of the  
2 money. That's too much money. That's too much money  
3 when we have a very narrow gap of funds to give away.  
4 We don't want to cut them off, but we can't give them  
5 50,000, we want to give them 20,000, but, no, by law  
6 you've got to give them 50,000. That's where we are  
7 at.

8 COUNSEL BARNES: I do understand what you're  
9 saying, and again I really want to recognize and  
10 acknowledge the passion with which you make your  
11 comments, and I do understand that there has been a lot  
12 of difficulty by the Commission, certainly Commission  
13 members about this process, and I don't want to give  
14 that short shrift at all. I've given my best advice.  
15 You're the Commission. You can make that -- you're the  
16 ones who are on this Commission. You are the  
17 decision-makers.

18 COMMISSIONER WALDHEIM: If Mr. Thomas gives a  
19 dollar amount, we just leave it at that, and then staff  
20 can massage the numbers any way they want to, as far as  
21 the ranking is concerned; would that be acceptable?

22 COMMISSIONER THOMAS: My suggestion is that,  
23 first of all, I want to say I agree with what you're  
24 saying because you and I led the charge on this issue  
25 initially. There were four votes, and that's a

1 majority on this Commission. Mr. Chairman, as much as  
2 I respect his skill and enterprise as a chairman, he  
3 dilutes that vote, and we decided not to apply these  
4 criteria to the Commission.

5 That being said, my suggestion is that we start  
6 with numbers and ask the staff to give us an adjusted  
7 rating system, and we will work with numbers, then they  
8 can build the rating behind the number.

9 COMMISSIONER WALDHEIM: Mr. Chairman, there is  
10 only one problem with that statement, Mr. Thomas, is  
11 that they have a minimum, the staff has a minimum  
12 criteria. And, though, if you want to give them say  
13 only \$20,000, according to their rule you have to give  
14 them \$50,000 or you got to give them zero. So you're  
15 stuck with that minimum that they have.

16 COMMISSIONER THOMAS: We love numbers.

17 COMMISSIONER WALDHEIM: I'd just as soon do away  
18 with that minimum. I think that minimum hurts the  
19 agencies and hurts our ability to do what we need to  
20 do.

21 COMMISSIONER PRIZMICH: Can I ask staff what the  
22 minimum score would be and what the percentage of the  
23 award would be with that minimum score? I don't recall  
24 it at this point.

25 CHIEF JENKINS: It's not based on a dollar

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1 amount.

2 COMMISSIONER PRIZMICH: I understand that.

3 CHIEF JENKINS: So 50 percent, let me double  
4 check in the manual here, 50 percent would be the  
5 lowest amount. So if you wanted to go below 50  
6 percent, the current system doesn't allow that. It's  
7 those percentage driven factors, and the basic  
8 principle behind that was if you have something that  
9 can't score at least halfway up the scale, then it  
10 didn't -- that's where that determination was all or  
11 nothing.

12 COMMISSIONER PRIZMICH: Without agreeing or  
13 disagreeing with that theory, I understand the theory,  
14 what I'm trying to find out is what is -- in terms of  
15 the numbers on the bottom, you've got a hundred points  
16 or percentages, and they scored 65, what do they have  
17 to get up to to get 50 percent?

18 CHAIR SPITLER: A score of 50 would put the  
19 grant at a 45 percent funding level.

20 COMMISSIONER PRIZMICH: They've got a 65.

21 COMMISSIONER ANDERSON: This is the law  
22 enforcement grant.

23 CHAIR SPITLER: This is the law enforcement  
24 grant, not the equipment grant.

25 COMMISSIONER THOMAS: Do you have the equipment

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1 grant? Is that that available, okay? So how do we get  
2 \$36,000?

3 COMMISSIONER PRIZMICH: We need a minimum of 50  
4 percent.

5 COMMISSIONER WALDHEIM: For equipment? Are we  
6 talking about equipment, Mr. Thomas? What do you want,  
7 45 percent?

8 CHAIR SPITLER: You would need to increase the  
9 score to 50.

10 COMMISSIONER WALDHEIM: 45 percent would be  
11 \$32,000.

12 CHAIR SPITLER: So if you increase the score, if  
13 I might suggest, to say 20, 20, and 10 -- staff used  
14 20, 20, and 10, just as an example here.

15 COMMISSIONER THOMAS: Well, thank you. That  
16 would be my motion then.

17 COMMISSIONER PRIZMICH: I'll second that.

18 COMMISSIONER WALDHEIM: So what's the  
19 percentage?

20 COMMISSIONER PRIZMICH: It would be half that.

21 COMMISSIONER ANDERSON: That would be 45  
22 percent.

23 COMMISSIONER WALDHEIM: 45 percent would be  
24 \$32,000.

25 COMMISSIONER THOMAS: We'll turn this meeting

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1 over to Ed and Paul, you can do all of the calculations  
2 for us. Thank you.

3 DEPUTY DIRECTOR GREENE: Chair Spitler, if I  
4 may?

5 CHAIR SPITLER: Deputy Director.

6 DEPUTY DIRECTOR GREENE: Good morning, everyone,  
7 and welcome. My apologies for, number one, my voice,  
8 and, number two, the signage this morning. Signs were  
9 up, but I guess the OHMVR Commission meeting signage is  
10 a collector item.

11 As we look at this first year of the new system,  
12 I would encourage you to recognize that it is the first  
13 year. And so as we work through here to get some of  
14 the bugs out, and that we will, we are doing that and  
15 will continue to do so. I think the important thing to  
16 remember from on the Division standpoint is, again, the  
17 body of evidence by which we had to work with.

18 And so I would caution the Commissioners, as I  
19 think Chairman Spitler indicated before, the need to  
20 make sure that while, yes, we recognize that all grant  
21 applicants want to make sure that they get dollars, it  
22 goes back again to the grant applicant to make sure  
23 that they work within those criteria to speak to where  
24 those numbers need to be changed, and why it is that  
25 the evidence which is presented here today should be

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1 able to be so persuasive to the individual  
2 Commissioners or the knowledge that the Commissioners  
3 have to make those changes.

4           So I would just encourage the Commissioners as  
5 they start to look at the scores to please provide for  
6 the Division so that we can work with those numbers.  
7 It's not just necessarily a changing it to 20, but  
8 please try and indicate to us where it is that that  
9 change should be made on what it is that we hear today,  
10 and I think that you've said it in this particular  
11 case. But as we go through it today, it's going to be  
12 very valuable because remember that those grant  
13 applicants who have scored high will then suddenly be  
14 finding themselves where they will start to drop down  
15 based on the fact that -- remembering that they  
16 provided good documentation, and provided good evidence  
17 in response to the criteria.

18           CHAIR SPITLER: Commissioner Anderson.

19           COMMISSIONER ANDERSON: I sympathize with what  
20 you're saying. I'm cycling back to the question about  
21 again increasing the information from the applicant so  
22 that they can actually do an improved grant next year.

23           The inconsistency within the staff's scoring in  
24 the first criteria, for example, is, is an example of  
25 where I think we're giving cross directions -- or the

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1 staff recommendations are giving cross indicators to  
2 the applicant about what to do. Clearly, all of the  
3 scores are low, but a score that varies from two to  
4 fifteen is not very clear indicators to the applicant  
5 about what needs to be fixed.

6           And I would say the same for the last category  
7 where the scores are -- seem to be jumping around, and  
8 there's one score that's out of line. It's amazing how  
9 much of an effect one small number like that can make  
10 in constructing an overall average, even though you're  
11 throwing out that largest and the smallest, that kind  
12 of inconsistent scoring is not helpful to the  
13 applicants when trying to figure out what to do for  
14 next year. And I realize that the Commission's  
15 adjusted scores give probably even less indication to  
16 the applicant. But there's no way that we're going to  
17 be able to do a detailed analysis of the justification  
18 because we're basing this partly on perceived need as  
19 expressed in the public opinion.

20           So we can load one of these categories or two of  
21 these categories or adjust all three of them, as in  
22 this example. My only personal preference would be  
23 probably to have loaded more onto the last one and less  
24 onto the first one, but we're talking about, you know,  
25 how do you get a score of 50. And I don't -- whether

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1 we load it, you know, fit the first two, and then the  
2 last one, the applicant really needs to have a clear  
3 sense of where they need to work for improvement for  
4 next year.

5 COMMISSIONER PRIZMICH: Mr. Chairman.

6 CHAIR SPITLER: Commissioner Prizmich, do you  
7 have a comment?

8 COMMISSIONER THOMAS: I have a comment.

9 CHAIR SPITLER: Commissioner Thomas.

10 COMMISSIONER THOMAS: In reviewing the  
11 regulations 4970.20, commission allocations of funds,  
12 at sub E it says:

13 "The Commission shall allocate  
14 grants and cooperative agreement  
15 program funds and approve the  
16 activities to be performed  
17 deliverable after public hearing and  
18 testimony, division's input in  
19 considering written comments."

20 That's it. That's our charge.

21 COMMISSIONER WALDHEIM: You got it.

22 COMMISSIONER THOMAS: I don't believe that we're  
23 bound by the numerical system based on this regulatory  
24 system, and I know the statute. I'll ask the Chairman  
25 what procedurally he would like to do as the question

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1 is posed, but I think there's some sentiment on this  
2 Commission to at least take a vote on this issue of how  
3 we are going to -- I don't want to engage in  
4 effectively a fraud that puts -- not a fraud, a  
5 misrepresentation that puts this information beyond the  
6 public's understanding.

7 I want the public to come to this meeting and  
8 say, Commissioner Thomas, I'm from X county, I need  
9 these funds. You should give us this money because  
10 this is what the Legislature said, not I don't want to  
11 engage in a misrepresentation that says let me go  
12 through here and adjust these numbers backwards so that  
13 we can mislead some poor soul who didn't sit through  
14 the meeting. So I would like to say we take a vote.

15 CHAIR SPITLER: Commissioner Prizmich.

16 COMMISSIONER PRIZMICH: With regard to that, I'm  
17 motivated to make sure the law enforcement grants get  
18 properly funded, and I'm prepared to be as safe as I  
19 can with that because these guys need the money. So  
20 with counsel's commentary and my belief, I think we are  
21 compelled to go along with the emergency information  
22 that we're faced with right now. But I understand and  
23 sympathize with Commissioner Thomas's comments on this  
24 matter.

25 COMMISSIONER WALDHEIM: Mr. Chairman, I can

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1 understand what Mr. Prizmich is saying and what  
2 Mr. Thomas is saying. In order for us to get moving  
3 today, perhaps today we just go -- it doesn't make any  
4 sense what we're doing, but at least legally we can go  
5 this time.

6 But I would like to warn the Commissioners that  
7 you need to get engaged in the permanent regulations  
8 like you've never gotten in before to make sure that we  
9 correct what we agree is not the right way to do it.  
10 So that is a proper time for to us do that when we get  
11 into that system. But right now I think we've made it  
12 very clear how we feel about it, and when we get to the  
13 regulation, we'll fix it. So let's keep going the way  
14 you've done it, do the minimum.

15 I believe the minimum we have, Mr. Jenkins said  
16 45 percent is the minimum?

17 CHIEF JENKINS: That's correct.

18 COMMISSIONER WALDHEIM: So in other words, if we  
19 change -- if you go into the computer and you change  
20 the percentage portion, regardless of what the score  
21 is, you can match that to the score whatever you want.  
22 But 45 percent would give us 32,400. That is the  
23 minimum that we can give.

24 CHIEF JENKINS: The way the system is built is  
25 you can't just change the score on the bottom because

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1 the spreadsheets don't calculate that way, won't  
2 calculate backwards. If you just do a percentage, then  
3 on the regulations that gives you a score range of  
4 about nine points. And when you get down to the  
5 points, since it is a competitive program, you have to  
6 rank them in order of where they scored, you can't rank  
7 them on a range of scores.

8 So the most -- if I may, the most appropriate  
9 way would be -- it's quite simple -- to look at the  
10 criteria, you know, on the first criteria what I have  
11 heard from them talking here today is that they  
12 addressed that much more clearly. So you just go down  
13 that line and enter the numbers based on what you  
14 heard. That's like criteria one, that was addressed  
15 well with the public testimony, so increase that score  
16 to -- I can't see the sheet from this angle, but 20 or  
17 whatever the man says there. If they fully address  
18 that score, and then the numbers come shoot down, then  
19 as you do that, every time you'll change one score, you  
20 will see the new number.

21 COMMISSIONER WALDHEIM: For the sake of this  
22 exercise, would you please change the 28 to -- what do  
23 you say, to 50. My computer -- I thought we had the  
24 same sheet, but my computer will not compute unless I  
25 put the percentage in. It will not do the score. So

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1 you got a different one. Mine will not do that.

2 COMMISSIONER THOMAS: And now you have  
3 downstream effects on the balance of the grant funds.  
4 So if you've got some floor percentage, that floor  
5 percentage is going to work its way out making sure  
6 everybody who happens to have a W in the first part of  
7 their name is finished, right? Right? Because, of  
8 course, it's a running spreadsheets, folks, by the end  
9 of it, there will be nothing left for the Ws.

10 CHIEF JENKINS: On the sheet over here on the  
11 Commission's left --

12 COMMISSIONER ANDERSON: If you take them in  
13 alphabetical order --

14 (Simultaneously speaking, inaudible.)

15 COMMISSIONER WALDHEIM: Mr. Chairman, this is  
16 not the way I envisioned it. On the computer that we  
17 had as of -- on 11/14, the formula, if I change the  
18 percentage formula, it gives me 32,400, the computer  
19 automatically gives us 32,400 and doesn't change -- it  
20 changes the total at the bottom but doesn't do any  
21 ranking. That's the way it needs to be. Each grant  
22 has to stand on its own.

23 COMMISSIONER THOMAS: Is that what they've done?

24 COMMISSIONER WALDHEIM: Well, evidently what  
25 they're doing there sure changes; is not the sheet that

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1 I got.

2 COMMISSIONER THOMAS: Ripples through everybody  
3 else's grant. Is there some floor that's --

4 (Simultaneously speaking, inaudible.)

5 COMMISSIONER WALDHEIM: That's not the right  
6 sheet.

7 COMMISSIONER ANDERSON: That's correct.

8 CHIEF JENKINS: The sheet that you're looking at  
9 on this side of the room over here, what that will  
10 reflect is as you assign scores, that will, when we get  
11 two or three on there, it will begin to rank them by  
12 score.

13 COMMISSIONER THOMAS: It reranks everyone else.  
14 Forget it.

15 COMMISSIONER WALDHEIM: Forget it. I'm not  
16 going to do it. We're going to come up with a number,  
17 32,400, if we ask, Commission to agree, for law  
18 enforcement to get their 32,400. We give it a 50  
19 percent points that stands by itself, and we leave it  
20 at that. And we realize that now all of a sudden we've  
21 got 32,000 more expense down at the bottom and  
22 something has to give.

23 COMMISSIONER THOMAS: Something has to give.

24 COMMISSIONER WALDHEIM: We're going to do that.  
25 We're not going to let the computer do the ranking all

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1 over the place for us. It would change all of the  
2 numbers.

3 COMMISSIONER THOMAS: I'm glad you're able to  
4 call it. I can't.

5 COMMISSIONER WALDHEIM: No way, no way. So the  
6 Chairman is not even here now.

7 COMMISSIONER PRIZMICH: We have a motion and a  
8 second.

9 COMMISSIONER WALDHEIM: For 32,400; is that your  
10 motion?

11 COMMISSIONER PRIZMICH: It was 50 percent.

12 COMMISSIONER WALDHEIM: So that's 32,400.

13 COMMISSIONER BRISSENDEN: That would have been  
14 36,000. Are you suggesting, Ed, that we blow off the  
15 whole percentage scoring, that minimum?

16 COMMISSIONER WALDHEIM: No, we're going along  
17 with the minimum. The minimum is 45 percent. If you  
18 do 45 percent, it's at \$32,400.

19 COUNSEL LaFRANCHI: Chair Spitler, if I might be  
20 recognized for a moment?

21 CHAIR SPITLER: Mr. LaFranchi.

22 COUNSEL LaFRANCHI: There are a couple of  
23 comments I'd like to make, first of all, to  
24 Commissioner Anderson. I believe on Saturday or Friday  
25 afternoon, the Chair has proposed some policy

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1 suggestions for consideration by the Commission that go  
2 to many, if not all, of the questions about the current  
3 procedure and the problems that you're addressing. And  
4 in terms of Deputy Director Greene's comments, the  
5 Division, as I've been instructed, is sincerely  
6 interested in refining this process, making it work  
7 better, making it work better for the Commission.

8           The intent of the current process, left the  
9 discretion with the Commission to go back, review the  
10 applications, review the scores that were given to the  
11 applicants, and if the Commission found in its  
12 discretion that the evidence in its judgment justified  
13 or warranted a different score or an adjustment to that  
14 score from what the staff did, the Commission has the  
15 full discretion to do that. And that's consistent, in  
16 our view, with the regulations and the competitive  
17 process as established.

18           One of the major problems with -- one of the  
19 major fundamental rules of competitive processes, is  
20 that if you don't follow the rules, the agency has no  
21 authority to enter into contracts that were not awarded  
22 based on the rules. If the Commission chooses today to  
23 not go back and reflect changed scores based on  
24 evidence presented here today or based on evidence in  
25 the applications as they read it, then the Division is

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1 going to be faced with a situation where it would not  
2 have authority to actually award the contract, and it  
3 would stall out the process. So I just wanted to make  
4 those two comments.

5 The final comment that I'd like to make in terms  
6 of the way the rules work, in terms of the scores  
7 establish the rankings, if you establish a 50 percent  
8 score for Alpine, 50 percent would go to the top of the  
9 list or wherever it would fit, and it would be  
10 reranked. It would be moved from --if it's number --

11 CHAIR SPITLER: Mr. LaFranchi, I could cut you  
12 off at that point because we're not using that ranking  
13 system. So we're not going to drop items off the  
14 bottom. We are just going to go through and score each  
15 grant and give grant allocations.

16 COUNSEL LaFRANCHI: With all due respect,  
17 Chair Spitler, that's not consistent with the rule as  
18 established in the regulations, and we would have to  
19 evaluate the impact of that and determine if it is a  
20 valid -- if it would be a valid approval in our  
21 perspective.

22 CHAIR SPITLER: Thank you.

23 COUNSEL LaFRANCHI: Thank you for giving me the  
24 chance.

25 CHAIR SPITLER: Okay. We're at a point here

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1 where we need to either decide to move forward or not.

2 COMMISSIONER ANDERSON: I want to --

3 CHAIR SPITLER: Excuse me, Commissioner  
4 Anderson, if I could just finish.

5 I think we have a system here that staff has  
6 proposed that we've discussed for most of the year. I  
7 understand some Commissioners aren't happy with the  
8 system. We have a policy discussion on Saturday, where  
9 we'll look at opportunities to revise this system and  
10 make changes for next year. I think the easiest way to  
11 move forward now and serve all of the people that have  
12 participated in this process and that are awaiting our  
13 decisions today is to move forward using the scoring  
14 system that the staff has proposed and, in fact,  
15 threatened not to implement grants that we approve not  
16 using that system. So if we have disagreement on that,  
17 we should resolve it now, and so we can move forward  
18 with the grants today.

19 Commissioner Anderson.

20 COMMISSIONER ANDERSON: Yes, those numbers were  
21 dropped in there as an example. I propose a different  
22 listing that would come out with 50 at the bottom.

23 CHAIR SPITLER: Before you get to that,  
24 Commissioner Anderson, I just want to make sure that  
25 the whole Commission is on the same page in terms of

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1 how we address the grants that we're hearing today.

2 COMMISSIONER ANDERSON: I would agree that we  
3 need to fix the numbers to make this work.

4 COMMISSIONER WALDHEIM: Mr. Chairman.

5 CHAIR SPITLER: Commissioner Waldheim.

6 COMMISSIONER WALDHEIM: I agree with you a  
7 hundred percent that we need to proceed forward. I'm  
8 willing, for the sake getting the grant process going  
9 today, that if there is public testimony in the  
10 Commission and we all agree -- using Alpine as an  
11 example -- we need to give them some money, instead of  
12 zero, we need to give them some money. So we agree  
13 that 45 percent is a minimum that we can do, whatever  
14 that 45 percent, we just plug that 45 percent in and  
15 figure out what the point system is. We just increase  
16 what you call the score to match that 45 percent. But  
17 that is for that grant.

18 At no time will I accept that because we put  
19 28,000 or 32,400 in that, that it changes everything  
20 else down the line. There is no way I can accept that.

21 CHAIR SPITLER: That's correct. It's just for  
22 that grant.

23 COMMISSIONER WALDHEIM: It's just for that  
24 grant. And then we, as the Commission, when the two  
25 days are over with, we look at the bottom, and if we've

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1 gone over the \$18 million, then we've got to make some  
2 decisions, where do we do our adjustment. That's our  
3 job to do, so we match not only the \$18 million, but  
4 the subcategories that we set by Commission votes. We  
5 make that decision when we get to it, and hopefully we  
6 will be really close by the end of the day.

7 COUNSEL BARNES: Thank you. If I may, very  
8 quickly, Deborah Barnes, Attorney General's Office, as  
9 you go through your process today, I would encourage  
10 the Commission to at some point if you are changing  
11 scores within each -- within an application, a grant  
12 application, just make sure you state why the score is  
13 being changed; either you got additional testimony or  
14 evidence today or, you know, reviewed the application  
15 and whether the score moves up or down, let's make sure  
16 that the record reflects why and how the Commission is  
17 exercising its discretion.

18 COMMISSIONER WALDHEIM: Ms. Barnes, the only  
19 problem I have in order to make this go faster, the  
20 computer program of the sheets that we've been working  
21 on for three months that was given to us on 11/14, when  
22 you put the score in, it does not automatically add the  
23 percentage. The computer works, if we put 45 percent  
24 into the percentage column, bingo, we get the 32,400.  
25 So the computer program right now, if you change the

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1 score, it does not automatically change the percentage.

2 CHAIR SPITLER: So you have a grant sheet up on  
3 the board there that should do that for you. And you  
4 have the one up on the right that should also show what  
5 the score is. You can look to your left or look to  
6 your right, and you can see --

7 COMMISSIONER WALDHEIM: Mr. Chairman, use that  
8 as an example, we're working on the 28. Change the 28.  
9 Who's doing that? Okay. Change the 28 to, what did  
10 you say, 50. See, his sheet does it. They fixed that.  
11 Julie, I did not get that sheet, so I don't have that.

12 CHAIR SPITLER: Okay.

13 COMMISSIONER THOMAS: I don't understand what  
14 just happened.

15 COMMISSIONER WALDHEIM: What he did -- what's  
16 your name? Aaron. What Aaron did, he changed the  
17 score to 50. Now it automatically put the minimum of  
18 45 into the percentage column, which automatically took  
19 the 45 off the 72 is 32,400. My computer, if I put the  
20 50 in it, it doesn't do anything. So they must have  
21 fixed that or corrected it. But if Aaron has it,  
22 that's fine. He puts 50, that means 45 percent. That  
23 means \$32,400.

24 COMMISSIONER THOMAS: Now, is there any ripple  
25 effect?

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1 CHAIR SPITLER: No, no, there isn't.

2 COMMISSIONER WALDHEIM: Aaron, each one is  
3 standing alone?

4 CHAIR SPITLER: There is no ripple effect.  
5 We'll go through each grant and take action on each  
6 grant.

7 COMMISSIONER THOMAS: And the 45 percent  
8 minimum, how did that number come into being?

9 CHAIR SPITLER: That is what the staff put into  
10 the regulations.

11 COMMISSIONER THOMAS: And why is that not  
12 arbitrary and capricious?

13 COMMISSIONER WALDHEIM: We need to deal with  
14 that when we do the permanent regulations.

15 COMMISSIONER THOMAS: I'd like to hear the staff  
16 tell us why 45 percent was not an arbitrary and  
17 capricious decision.

18 CHIEF JENKINS: That goes back to what I was  
19 stating a little bit earlier that as we designed the  
20 competitive scoring process, the thought was that if  
21 you don't meet at least half of the criteria, then it  
22 would be a no funding type grant. And so you have to  
23 make that cut-off line somewhere. It's a continuum.  
24 And, you know, a grant that answers everything, and all  
25 of the Commission's concerns, that's a hundred percent

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1 grant. A grant that answers none of them, that's zero.  
2 Somewhere you have to put that cut line. We put it  
3 just a little bit below average.

4 COMMISSIONER THOMAS: So that cut line could  
5 have been 30 percent or 60 percent.

6 CHAIR SPITLER: And the policies proposed for  
7 next year have a new cut line at 25 percent.

8 COMMISSIONER THOMAS: All right. Thank you.

9 COMMISSIONER PRIZMICH: Chairman, do we need to  
10 change these numbers now?

11 CHAIR SPITLER: Before we do, I want to make --  
12 excuse me, Commissioner Anderson.

13 Before we move on here, I want to just make sure  
14 that this conversation is at least as completed as it  
15 could be for now so that we don't have grant applicants  
16 standing before us while we're hashing this out.

17 Are we all comfortable and confident in the  
18 process that we're using to move forward with?

19 COMMISSIONER WALDHEIM: Mr. Chairman, we all  
20 understand that if we start adding numbers there, you  
21 got to remember, when it comes to the end of the day,  
22 and we're over our budget amount, we're going to have  
23 to go back and do some cuts. So even though the  
24 agency -- we approved something, it's not final until  
25 we do the adjustments.

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1           CHAIR SPITLER: Commissioner Waldheim, I would  
2 suggest that we score grants along the way such that we  
3 meet our funding target levels, rather than expect at  
4 the end of a two-day process we're going to go back and  
5 revisit motions that have already been made and passed.  
6 So I think the notion that we're going to come back and  
7 revisit scores at the end of this process is an  
8 incorrect one. I think we will score the grants as we  
9 go along, and those are the scores that we'll give  
10 those grants. We're not going to be coming back to  
11 revisit applications along the way.

12           COMMISSIONER WALDHEIM: Mr. Chairman, then given  
13 that statement, we're -- I take it back, we still got  
14 room. I'm looking at -- no. Given that statement,  
15 we're already -- what I have on the computer, we're  
16 already \$211,000 over on the enforcement already.

17           CHAIR SPITLER: Considering that we're on the  
18 first grant of the day --

19           COMMISSIONER WALDHEIM: That's pretty bad.

20           CHAIR SPITLER: -- that's amazing. So we'll  
21 just have to make modifications as we see fit  
22 throughout the next two days.

23           COMMISSIONER WALDHEIM: So we have to caution  
24 the Commissioners that when you do change a number, you  
25 have to take into consideration the bottom line, right?

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1 CHAIR SPITLER: That's correct.

2 COMMISSIONER THOMAS: So we increased Alpine by  
3 32K, so my running list has to have 32K debit someplace  
4 else.

5 COMMISSIONER WALDHEIM: Someplace else.

6 COMMISSIONER THOMAS: I will keep my own debit  
7 list.

8 COMMISSIONER WALDHEIM: If you can do that, that  
9 would be cool.

10 CHAIR SPITLER: If there's no more discussion,  
11 if we could go back to -- thank you, Mr. Levy, for your  
12 patience.

13 OR-725, Alpine County Sheriff. Why don't we go  
14 ahead and take that one first and then move on to  
15 OR-726?

16 COMMISSIONER BRISSENDEN: Is there not a motion  
17 on the floor for 726?

18 COMMISSIONER WALDHEIM: That was for the  
19 equipment.

20 COMMISSIONER BRISSENDEN: I realize we want to  
21 do this orderly --

22 CHAIR SPITLER: It's been so long now, I forgot.  
23 Was there a motion?

24 726, so there was a motion to approve the score  
25 of 50.

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1           COMMISSIONER BRISSENDEN: With a subsequent 45  
2 percent resulting in funding of 32,400.

3           COMMISSIONER PRIZMICH: Mr. Chairman, I would  
4 like to clarify. Do we need to change these numbers to  
5 comply with what the Division is asking us to do and  
6 that is justifying what we're doing.

7           CHAIR SPITLER: We have proposed numbers up  
8 there. I think Commissioner Anderson wanted to modify  
9 them somewhat.

10          COMMISSIONER ANDERSON: Right.

11          CHAIR SPITLER: Commissioner Anderson.

12          COMMISSIONER ANDERSON: Okay. Based on  
13 avoidance of future maintenance costs to be avoided, I  
14 would move the first category from 20 to 15.

15                 And based on harm to public health and safety,  
16 harm to natural and cultural resources, the second one,  
17 I would leave at 20.

18                 And the third category, based on extending the  
19 useful life of the trail system, because if we don't  
20 have compliance, we're going to have to close routes, I  
21 would raise that score to fifteen.

22          CHAIR SPITLER: Is that an amendment there to  
23 the --

24          COMMISSIONER THOMAS: I think we accept that  
25 amendment. And perhaps the Honorable Ms. Anderson will

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1 provide these same services all day. Thank you very  
2 much.

3 COMMISSIONER ANDERSON: That was needed.

4 CHAIR SPITLER: Okay. We have a motion and a  
5 second. Is there more discussion?

6 Okay. All those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR SPITLER: Opposed?

9 OR-725.

10 COMMISSIONER BRISSENDEN: I move the staff  
11 recommendation on this.

12 COMMISSIONER ANDERSON: Second.

13 CHAIR SPITLER: Discussion.

14 COMMISSIONER THOMAS: Just a second now, staff  
15 is 89 -- 48,950.

16 COMMISSIONER PRIZMICH: I'm sorry, I should have  
17 specified the amount.

18 COMMISSIONER THOMAS: Thank you. No objection.

19 CHAIR SPITLER: Okay. More discussion on this  
20 one?

21 All those in favor.

22 (Commissioners simultaneously voted.)

23 CHAIR SPITLER: Motion carries. Thank you,  
24 those from Alpine County.

25 Next grant is OR-767, Butte County Sheriff.

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1           STAFF HOM:  OR-767 Butte County Sheriff, they  
2   scored a 76, and the Division's funding determination  
3   is 9,100.

4           CHAIR SPITLER:  Okay.  We will go ahead and do  
5   public comments.  Sir, can you go ahead and start, if  
6   you can state your name for the record, followed by  
7   Bill Dart, Don Klusman, and Don Amador.

8           DAVE PANCHESSON:  Dave Panchesson representing  
9   the Butte County Sheriff's Office.  Don't want to  
10  belabor anything and ask you to really change our  
11  score.  I know that we wrote our grant for a request  
12  for \$19,000, and I'm trying to figure out from all of  
13  the different summations of all of the sheets we looked  
14  at, we ended up with recommendation by the staff of  
15  14,000.  Then after calculating the score, we now are  
16  at \$9100.  We can live with the \$9100.  We have  
17  snowmobiles that are about eight years old.  We will  
18  suffice and make those work also.  We have two other  
19  ones that are probably four years old.  We were  
20  requesting some extra fuel costs and a little bit of  
21  funding towards preparing some educational pamphlets.  
22  And if you could see fit to expend a few more dollars,  
23  in that way we could survive for the fuel costs.  But  
24  we are just happy to be considered for \$9100, actually.

25           COMMISSIONER THOMAS:  Sir, could you tell us

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1 what you do if the grant -- if the Commission decided  
2 to give you \$14,000, tell us what the additional money  
3 would be spent on?

4 DAVE PANCHESSON: The additional money would be  
5 spent on educational pamphlets for the public, the  
6 deputies will hand them out throughout the winter  
7 season. It will extend some extra funding for fuel,  
8 and perhaps some money to purchase some signs,  
9 directional signs and very minimal purchase that way.

10 COMMISSIONER THOMAS: All right. I'm prepared  
11 to support that number. Thank you.

12 CHAIR SPITLER: Okay. We'll get through our  
13 public comments here. Bill Dart, followed by Don  
14 Klusman and Don Amador.

15 MEMBER OF THE PUBLIC: We'll pass.

16 CHAIR SPITLER: Don Klusman.

17 THE WITNESS: Don Klusman, California 4-Wheel  
18 Drive Association. We support the 9,100.

19 CHAIR SPITLER: Thank you. Don Amador.

20 MEMBER OF THE PUBLIC: Pass.

21 CHAIR SPITLER: Followed by John Stewart.

22 MEMBER OF THE PUBLIC: Pass.

23 COMMISSIONER WALDHEIM: Mr. Chairman, move staff  
24 recommendation.

25 COMMISSIONER THOMAS: I'd like to amend that and

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1 move the 14, and ask Ms. Anderson to --

2 COMMISSIONER WALDHEIM: I beat you.

3 COMMISSIONER THOMAS: I can amend it -- and ask

4 Ms. Anderson to give us some rationale for us.

5 COMMISSIONER ANDERSON: I worked one out myself

6 for the last one.

7 COMMISSIONER THOMAS: You're going to make me do

8 this?

9 COMMISSIONER ANDERSON: I am.

10 COMMISSIONER THOMAS: I can't see the sheet.

11 That probably a problem when you find can't find the

12 criteria, not available to us. I guess we have to do

13 this --

14 COMMISSIONER BRISSENDEN: I have a minor

15 clarification. There were two motions, but no second.

16 If I heard that correctly.

17 COMMISSIONER WALDHEIM: I made a motion to

18 accept staff recommendation.

19 CHAIR SPITLER: Which I didn't hear a second to.

20 COMMISSIONER BRISSENDEN: I will second that.

21 Then we can go to discussion.

22 COMMISSIONER ANDERSON: Parliamentary

23 procedures, you have to move to amend it.

24 COMMISSIONER THOMAS: I'd like to move to amend

25 the 14,000 because of the public information section,

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1 which is the last set of criteria. I would increase  
2 the number of possible points from 10 to 15 because, in  
3 fact, that's a priority that we would -- and that would  
4 give us what? That would give us 10,000. I keep going  
5 until I get to 14?

6 How about gas, increase gas cost. Is there a  
7 certain criteria there for increased gas cost? What  
8 would that be? Operations, there we go up points up on  
9 there. Thank you. I can't see the criteria.

10 CHAIR SPITLER: Staff, could you move this board  
11 so it faces us, so we can actually read it?

12 COMMISSIONER ANDERSON: Maybe slide it back.

13 CHAIR SPITLER: Whatever you need to move. It's  
14 more important I think that we be able to read these.  
15 Maybe the public can follow along with their books.

16 (Video screens were rearranged.)

17 COMMISSIONER THOMAS: Education efforts, we can  
18 go to 15 on that, that's the first block of criteria.  
19 Where do we increase gas, their operation? What number  
20 is that?

21 COMMISSIONER PRIZMICH: Eighteen.

22 COMMISSIONER THOMAS: Okay. Number 18, we will  
23 go to 23 for that. Let's see what we get. Number 18,  
24 can you reduce that to 23, as opposed to 20?

25 Yes, that's 18.

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1 COMMISSIONER ANDERSON: What's your target here?

2 COMMISSIONER WALDHEIM: He wants 14.

3 COMMISSIONER THOMAS: 23 doesn't increase the  
4 bottom line. Isn't that interesting? How does that  
5 work? You add factors, and they don't increase.

6 STAFF: There is a range of scores and within  
7 that range it's a percent.

8 COMMISSIONER THOMAS: Well, let's try 25. Oh,  
9 there's a floor percentage.

10 COMMISSIONER WALDHEIM: What a joke.

11 (Speaking without a microphone, inaudible.)

12 COUNSEL BARNES: Excuse me, excuse me very  
13 quickly. If there is a response to one of the  
14 commissioner's questions, if we can put that on the  
15 record, that would be great.

16 CHAIR SPITLER: Commissioner Thomas, I might  
17 suggest under the second category there a score of 20,  
18 based on my review of the application.

19 COMMISSIONER THOMAS: Thank you. Very good, I  
20 could move as a substitute motion the \$12,600 as  
21 rescored by the collective wisdom of this Commission.

22 COMMISSIONER PRIZMICH: Second.

23 CHAIR SPITLER: Okay. We have a motion and an  
24 amendment. Is there any more discussion?

25 COMMISSIONER WALDHEIM: Yes, Mr. Chairman. I

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1 would like to let Commissioner Thomas know if he keeps  
2 spending like that, it's going to come off of his wage.  
3 In other words, anything you keep spending here past  
4 what the staff recommended is going to come off.  
5 You've got to remember that

6 COMMISSIONER THOMAS: I've got my tally sheet  
7 here. I'm working very diligently to keep it under  
8 control.

9 CHAIR SPITLER: Let's take the amendment first.  
10 We'll do a roll call vote.

11 MS. ELDERS: Anderson.

12 COMMISSIONER ANDERSON: Pass.

13 MS. ELDER: Brissenden.

14 COMMISSIONER BRISSENDEN: No.

15 MS. ELDER: Spitler.

16 CHAIR SPITLER: Aye.

17 MS. ELDER: Thomas.

18 COMMISSIONER THOMAS: Aye.

19 MS. ELDER: Prizmich.

20 COMMISSIONER PRIZMICH: Aye.

21 MS. ELDER: Waldheim.

22 COMMISSIONER WALDHEIM: No.

23 COMMISSIONER ANDERSON: Aye.

24 COMMISSIONER THOMAS: Wait for the big numbers  
25 later, Ed.

1 CHAIR SPITLER: We have an amended motion. All  
2 those in favor of the original motion as amended.

3 COMMISSIONER ANDERSON: Aye.

4 CHAIR SPITLER: Let me restate.

5 The motion now is to support the grant at the  
6 score of 91, which equates to a funding level of  
7 12,600.

8 COMMISSIONER ANDERSON: That's where we are.

9 CHAIR SPITLER: All those in favor?

10 (Commissioners simultaneously voted.)

11 CHAIR SPITLER: Opposed. Okay. Motion carries.

12 COMMISSIONER WALDHEIM: What's the amount?

13 CHAIR SPITLER: 12,600.

14 Why don't we take a five-minute break? We'll  
15 come back and do public comments and then we'll  
16 continue with the grants.

17 (Break taken in proceedings.)

18 CHAIR SPITLER: Let's go ahead and grab our  
19 seats, and we will get started.

20 We'll do the public comment now on item not on  
21 today's agenda. If you want to comment on an items not  
22 on today's or tomorrow's or Saturday's agenda, please  
23 fill out one of these blue forms if you haven't done  
24 so. I've had several requests to make sure that  
25 Commissioners are speaking into the mike and having

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1 only one of us speak at the same time so we can make  
2 sure that the reporter can actually get down everything  
3 that's being said. So I'll try my best to police  
4 people, but if you could help out, that would be great.

5 Okay. Again, this is public comment for items  
6 not on today's agenda. Start with Dave Pickett,  
7 followed by John Stewart, and Larry Anderson.  
8 Mr. Pickett, then Mr. Stewart.

9 JOHN STEWART: Good morning, Commissioners. I'm  
10 John Stewart, California Association of 4-Wheel Drive  
11 Clubs. I would like to take this opportunity to  
12 congratulate Deputy Director Daphne Greene and OHV  
13 Division staff for implementing this new OHV grant  
14 process this year. For the first time, the OHV grants  
15 are being reviewed under a competitive process with  
16 objective evaluation criteria and a scoring system as  
17 contrasted with past years where the grants were  
18 reviewed under subjective criteria and personal bias.

19 The recently completed OHV audit faulted the  
20 management of the grants program for its lack of an  
21 objective evaluation and scoring. The OHMV Act  
22 requires the Division and the Department of Parks and  
23 Recreation to administer the OHV program which provides  
24 opportunities for off-highway motor vehicle recreation  
25 throughout the State of California. Recent

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1 modifications to this act require the Division to  
2 comply with various new reporting requirements and to  
3 assist in the designation of corridors for the  
4 California Statewide Motorized Trail System. These  
5 changes also stipulate that grant funding is to be  
6 available for projects that are designed to sustain and  
7 manage off-highway recreation programs solely for  
8 activities on lands in the off-highway motor vehicle  
9 system.

10 It is clear from reviewing the recent audit, the  
11 OHMV Division is attempting to comply with governing  
12 statute, while the OHVMR Commission is ignoring the  
13 governing statute. The Division has implemented a  
14 competitive grants process. The Commission has opted  
15 to be a non-participant. The Division is attempting to  
16 manage an OHV program for the benefit of the people in  
17 the State of California. The Commission is attempting  
18 to manage an OHV program for special and personal  
19 interests and selfish ego. Both the Division and  
20 Commission lack a shared vision and a strategic plan  
21 for recreation as required by statute.

22 I urge the Division and Commission to engage and  
23 develop a coordinated vision and strategic plan for the  
24 state OHV recreation program for the benefit of the  
25 people of the State of California. The state

1 population is growing, the demand for OHV recreation  
2 increases, meanwhile opportunities for recreation are  
3 decreasing. I call upon the Division and Commission  
4 and the state and federal land managers to mitigate the  
5 loss of recreation opportunity by replacing each acre  
6 of lost recreation opportunity with new opportunity.  
7 Designation of the corridors for the California  
8 Statewide Motor Trail System would be a major step  
9 toward providing recreational opportunity for the  
10 people of the state. Opening new recreation facilities  
11 is necessary.

12 In closing, the State Legislature enacted  
13 legislation creating and governing the OHV program for  
14 the people of the state. Managing the program for  
15 special and personal interests and selfish egos is not  
16 managing the program for the people of the State of  
17 California. Thank you.

18 CHAIR SPITLER: Thank you. Larry Anderson.

19 LARRY ANDERSON: Chair Spitler and  
20 Commissioners, thank you for the opportunity to say a  
21 few words on behalf of the Humboldt-Toiyabe National  
22 Forest. We thank you for the opportunity to have our  
23 equipment application still under consideration. We  
24 would like to ask that our law enforcement application  
25 be taken off Consent and placed on the calendar to be

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1 considered. And just we feel that these are needed  
2 funds for both Bridgeport and the Carson District. And  
3 thank you very much. Just hope that we can be  
4 considered for that OR-2-HT-14 of our law enforcement  
5 application.

6 CHAIR SPITLER: Okay. Thank you. Judith  
7 Spencer, followed by Don Klusman.

8 JUDITH SPENCER: Judith Spencer with CORE. I'd  
9 like to address a little bit about the evaluation  
10 process. And while I heartily agree with having  
11 criteria and appreciate the work the Division has done,  
12 some of the criteria simply are not addressing what  
13 seems to me, as a public person, to be important. And,  
14 for example, all of the applicants certainly for  
15 cooperative agreements are required to hold public  
16 meetings, to record those comments, they receive  
17 letters of support or lack of same and many are  
18 returned with the applications, some are sent later,  
19 yet there's nothing in this evaluation process that  
20 addresses that, and I think that these evaluations that  
21 are a broad base, that reach beyond just providing  
22 off-road opportunities, which clearly are important and  
23 what this is about. But there's also that bit about  
24 doing that with protecting the environment. So our  
25 environmental groups, as well as off-road groups in

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1 agreement with the project or disagreement, that kind  
2 of thing, that's really important to me as a member of  
3 the public. And it's really important to me to see  
4 this Commission ask the primary vehicle for public  
5 input, and so that somehow has got to be wedded with  
6 this subjective process. Thank you.

7 CHAIR SPITLER: Thank you. Don Klusman,  
8 followed by Robert Roudabush.

9 DON KLUSMAN: Don Klusman, California 4-Wheel  
10 Drive Association. I totally agree with what the  
11 previous speaker said about the public needs to be  
12 involved in this process of the scoring. This being  
13 the first year, I commend the Division for trying to  
14 come up with something. I'm not -- I don't think it's  
15 perfect. I think there's things that need to be  
16 changed. The public needs to be involved in the  
17 scoring, and I think it's really kind of unfair that we  
18 have to come to a Commission meeting and adjust numbers  
19 at this point.

20 That being said, I'm also -- I've been involved  
21 in the OHV program for the last 20-plus years and been  
22 to about 95 percent of the Commission meetings over the  
23 years. I find it very disheartening that there seems  
24 to be a disconnect between the Commission and the  
25 Division. I fully understand over the years there's

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1    been many personal disagreements among staff, among  
2    Commissioners, vice versa, but this is a program. I  
3    would encourage both the Division and the Commission to  
4    start working more closely together to get a process  
5    that works, not only in the grants process, one of the  
6    things that it seems like we're constantly dealing with  
7    the grants process. We also need to look at the SVRAs.  
8    We need to look at the program as a whole, what our  
9    money is being spent on, is it valuable to the  
10   community, those types of issues. And policies need to  
11   be revised because as things change -- but, like I  
12   said, again, there seems to be a disconnect, and I hate  
13   seeing that. Thank you.

14           CHAIR SPITLER: Thank you. Robert Roudabush.

15           ROBERT ROUDABUSH: Good morning, my name is  
16   Robert Roudabush. I work for the Bureau of Land  
17   Management, and I might be a little bit out of place,  
18   but I got some permission since you adjusted the  
19   schedule on me and I have some commitments this  
20   afternoon.

21           I am the acting district manager of the  
22   California Desert, and I will soon return to  
23   Washington, D.C. where I am a manager in the National  
24   Landscape Conservation System. I've been aware of the  
25   green sticker program for a number of decades and the

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1 long-term partnership between the state, the Commission  
2 and the Bureau of Land Management. I think that this  
3 is a model program for many of the other states to look  
4 at, and I think in the Bureau of Land Management, this  
5 program is recognized at all levels of our  
6 organization.

7 As you folks are aware, we do multiple use  
8 management. That's our mandate. We make -- we fulfill  
9 this mandate through land use plans. And in the  
10 California desert, we are moving towards completion of  
11 our land use planning process, although it never ends.  
12 But we will have coverage of recent land use plans in  
13 most of the desert and we will be moving into the  
14 implementation phase. That is very important for us.

15 As many of you are aware, recreational motorized  
16 use is a challenge in the desert, and one which we pay  
17 specific attention to and spend an awful lot of time  
18 and energy and have a number of partners that we work  
19 with. When we implement our land use plans -- in our  
20 land use plans, we open -- we identify areas opened and  
21 closed to motorized use. We also identify routes for  
22 various kinds of motorized and non-motorized uses. We  
23 have a wide range of public opinion about motorized use  
24 on public lands, and, therefore, we find implementing  
25 our OHV program very important to be balanced across

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1 law enforcement, resource management considerations,  
2 outreach, monitoring, adaptive management, and very  
3 importantly restoration. I think we have an  
4 outstanding restoration program, which we have  
5 developed over a number of years with the Student  
6 Conservation Association. They started in the  
7 wilderness areas. I think they do outstanding  
8 restoration work. These are young people from all over  
9 the country. We train them about the desert. We teach  
10 them about reclamation. They do outstanding work.  
11 They have moved this program out of wilderness and are  
12 trying to move it across the desert. Obviously  
13 resource limitations are a challenge.

14 As many of you know, the federal budget has a  
15 number of challenges on it. And being in a  
16 discretionary program within the federal government, we  
17 know that budgets are decreasing. That makes -- with  
18 implementation that makes the green sticker program and  
19 your job extremely important to us and very critical  
20 for federal managers in managing plans. I know that  
21 you folks are harried. I asked staff some information  
22 about use in California in OHV, and I got numbers back  
23 from the grant applications that says roughly 80  
24 percent, not quite but almost 80 percent of the OHV  
25 activities in California occur in the desert, about a

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1 little more than two-thirds of those occur at Imperial  
2 Sand Dunes. I know you folks are doing as hard a job  
3 and as good a job as you can. You have a hard job in  
4 allocation. I would encourage you, as you refine your  
5 criteria and grow through this new system, that we look  
6 strongly at where the visitors are going. I ask myself  
7 a simple question. What happens if for some reason  
8 Imperial Sand Dunes got shut down and what would that  
9 do to California, and particularly the Southern  
10 California OHV community.

11 I will conclude my remarks by making a few brief  
12 comments. I would challenge and request that both  
13 everybody in the department and the Commission visit  
14 the desert. We'd love to take you out, show you our  
15 successes, show you our challenges, show our  
16 partnerships, show you our cost savings. I look  
17 forward to providing you guys accomplishment reports  
18 for everything funded and financial accountability data  
19 for everything funded. And with that, I will conclude  
20 my remarks. Thank you very much. This has taken my  
21 third meeting to make these comments to you, and I very  
22 much appreciate it.

23 CHAIR SPITLER: Thank you for your persistence.  
24 Okay. Bruce Brazil, followed by Dave Pickett.

25 BRUCE BRAZIL: Good morning, Bruce Brazil,

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1 California Enduro Riders Association. And I've got two  
2 items I'd like to speak on, the first being the minutes  
3 of the meeting. And just like in the Keene/Bagley Act  
4 of having public access to the meetings, I feel that  
5 it's very important for the public to also have quick  
6 access to the minutes of the meetings. Some of the  
7 minutes have not been posted in a very timely manner,  
8 and so I'd like to make a suggestion. And I notice  
9 that we've got an outside source doing the recording  
10 now, which is very positive. If that company that is  
11 doing the contracting work for us could provide the  
12 minutes maybe like in a PDF format so that the Division  
13 could post it on the web in a timely manner that would  
14 be very good. And there may be a stipulation somewhere  
15 in the regulations that I've not been able to find that  
16 the Commission has to approve the minutes before they  
17 can be posted. That seems to be one of the hang-ups.  
18 I'm not sure. If that's a possibility or if that is  
19 the case, I would possibly suggest that the Commission  
20 at the end of the meeting automatically agrees to the  
21 minutes of the meeting, unless they find fault in it,  
22 say within ten days of them being posted. That's  
23 number one item.

24 Second item, back earlier this year the  
25 Commission up here and the Chairperson was generating

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1 subcommittees, one of which was the Grants and  
2 Cooperative Agreements Subcommittee, of which Chairman  
3 Spitler and Mr. Waldheim were members. That's the ones  
4 that were appointed. According to the Public Resources  
5 Code, the Commission may designate a grants and  
6 cooperative agreements program subcommittee to hold  
7 public meetings for preliminary consideration of the  
8 grants or cooperative agreement applications, and it  
9 goes on.

10 In the last -- before these preliminary  
11 meetings, there have been other Commissioners in  
12 attendance and participating in that process. I'm just  
13 wondering under what authority they were there. Thank  
14 you.

15 CHAIR SPITLER: Thank you. Okay, Dave Pickett.

16 DAVE PICKETT: Good morning, Dave Pickett, AMA  
17 District 36, Motorcycle Sports Committee. I'd like to  
18 reiterate my frustration at what transpired at the  
19 non-OHV grants meeting last month. I still don't  
20 understand why we had two attorneys there that were  
21 arguing and leaving the members of the public, as well  
22 as our federal and state partners in OHV, hanging at a  
23 great deal of expense and waste. I'm not happy about  
24 that and so state.

25 I'd like to continue again commending the

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1 Division for staying the course on working with this  
2 point system. We've had some hiccups, but I think  
3 we've worked very, very hard to address each and every  
4 concern. In the long-term, I think it's going to be  
5 good for everybody involved.

6 Next two items that I'd like to talk about have  
7 to do with existing acquisition projects. One is the  
8 Onyx Ranch project, and the other is Riverside DeAnza.  
9 I would like the Division and Commission, on  
10 District 36's behalf, to stop both of those projects  
11 from moving forward until a full investigation has been  
12 put forth. The amount of money for the return to the  
13 OHV community is disgusting. I don't like it. It's  
14 tens of millions of dollars. It's a bad project, and  
15 I'm tired of wasting money on toxic wastelands. You  
16 guys have got to look real long and hard at that. It's  
17 just not enough value for the return, 600 acres for  
18 \$30 million, plus or minus, that doesn't cut it, guys.  
19 Thank you very much.

20 CHAIR SPITLER: Thank you. Is there anyone else  
21 who wants to comment on items not on the agenda over  
22 the next 30 days. Okay. Seeing none, we'll get back  
23 to grants.

24 Calaveras County OR-737, 738, and 739. Have the  
25 staff recommendation, please.

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1           STAFF HOM:  OR-737, Calaveras County Sheriff Law  
2 Enforcement, it scored 50 points, and the funding  
3 determination by the Division is 30,600.

4           OR-739, Calaveras County Sheriff Equipment, it  
5 scored four points; therefore, the Division's funding  
6 determination was zero dollars.

7           And OR-738, Calaveras County Sheriff Interface  
8 Law Enforcement, it scored 30 points, with a Division  
9 funding determination of zero dollars.

10          CHAIR SPITLER:  Okay.  Thank you.  We have a  
11 number of members of the public who wish to comment on  
12 these grants.  Start with Mr. Lamb, followed by  
13 Mr. Spencer, followed by Mrs. Spencer.

14          ERIC LAMB:  Good morning, Calaveras County  
15 Sheriff's Department and off-highway motor vehicle  
16 officer for the county.  Through part of our grant, we  
17 continue with our education programs through the  
18 schools and community organizations.  We are also  
19 working with the Forest Service with some of their  
20 programs, trail maintenance, establishing new trails in  
21 the Interface.  As the only full-funded law enforcement  
22 officer for the county, I'm responsible for the  
23 Calaveras Ranger District.  It falls within our  
24 boundaries.  Also, we have a big portion of the north  
25 side of the county.  Sierra Pacific Industries in the

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1 last year, they've had a major influx of riders in that  
2 area as a result is being completely shut down to all  
3 off-highway vehicle activities. One of the primary  
4 responsibilities of the sheriff's department is search  
5 and rescue functions within the county. In my position  
6 with my equipment and knowledge of the area, I'm called  
7 on frequently to assist with the search functions.

8 Can I entertain any questions?

9 CHAIR SPITLER: Stick around. We'll get through  
10 public comments. We might have more questions for you.

11 Bob Spencer, followed by Judith Spencer.

12 BOB SPENCER: My name is Bob Spencer. I'm a  
13 homeowner and adjacent to the national forest. And I  
14 encourage the financing of the sheriff's department for  
15 that area, and I'd like to read you part of a letter  
16 from the president of the homeowner's association that  
17 is most closely associated to this area. It says:

18 "It has come to my attention  
19 that the thoughts of the Commission  
20 did not fund enforcement personnel  
21 for the Calaveras County Sheriff's  
22 office and the U.S. Forest Service  
23 for this area. We in Milwoods  
24 totally disagree with this thinking  
25 as we will be the most affected by

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1 the illegal use of trails in the  
2 Interface. As a result of over seven  
3 years of hard work by the U.S. Forest  
4 Service, the Calaveras County  
5 Sheriff's Department and the various  
6 homeowners and their associations and  
7 the OHV enthusiasts, the use  
8 compromises was generated that  
9 requires some monitoring through law  
10 enforcement. For example, there was  
11 a recent article in the local  
12 newspaper, the Calaveras Enterprise,  
13 describing some renegade OHV people  
14 have destroyed U.S. Forest Service  
15 property, that is tearing down  
16 recently installed gates to the off-  
17 limit trails. Without law  
18 enforcement, this type of unlawful  
19 behavior will continue; therefore, I  
20 believe it is critical and imperative  
21 that the Commission provide funding  
22 for the law enforcement personnel  
23 needed by the U.S. Forest Service and  
24 Calaveras County Sheriff's Department  
25 to back up seven years of hard work

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1                   and compromise."

2                   That's signed by James R. Huth, president of  
3                   Milwood Homeowners Association. And I would like to  
4                   add that we not only need to retain our current  
5                   full-time sheriff's had deputy for this work, but we  
6                   also need to add an additional half-time person so that  
7                   we can cover not only the entire county of -- the  
8                   entire area of the Stanislaus National Forest, but the  
9                   other areas of the county, such as West Point and so  
10                  forth that are also having problems. Thank you.

11                  CHAIR SPITLER: Thank you. Judith Spencer.

12                  JUDITH SPENCER: Judith Spencer, CORE. I asked  
13                  Sandy if she would distribute to you folks a packet of  
14                  letters. I am advised I might just as well say  
15                  straight up that the public should have a big voice  
16                  while there is a very large portion of the funding for  
17                  this comes from non-motorized users and homeowners and  
18                  hikers. And so I think it's important to recognize  
19                  them, but I think it's most important, as I said a  
20                  little earlier, that we recognize a broad base of  
21                  support for what's happening.

22                  And in your packet there are eight letters from  
23                  organizations in support of this Calaveras County  
24                  Sheriff's and the Stanislaus. They are inextricably  
25                  combined because we need them both. There are also

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1 photographs of the gates that were referred to that  
2 were torn up, just to let you know that in the  
3 Interface, while most folks are happy, there are a few  
4 that aren't and willing to do a lot of damage.

5           And I spoke earlier at the subcommittee meeting  
6 about how effective the sheriff's department has been.  
7 They have good law enforcement -- law enforcers.  
8 They've given over 30 citations, over 30 warnings, five  
9 arrests last year. They are on the job. Not to have  
10 them will do us a great deal of damage.

11           So to that end -- and I want to refer a little  
12 bit more to the nature of the letters. One is from a  
13 group about non-motor trails, one is from the  
14 homeowners that my husband read. There is another  
15 group called Mountain Alliance in the area whose  
16 concern is to maintain the rural quality of the  
17 community. The spokesperson for that appeared at the  
18 non-meeting and couldn't make it back to this meeting.  
19 And basically he's referring to the compromise that led  
20 to the Interface agreement and the need for  
21 enforcement. And we have a letter from Sierra Pacific  
22 Industries, obviously with interest about protecting  
23 their private property, and one from Two Care, which is  
24 a multiple use supporter in Tuolumne County. That's  
25 the range of support that this sheriff's department is

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1 getting.

2 So to make it easy for you, I've rescored them.

3 Do you want to know my numbers?

4 CHAIR SPITLER: Please.

5 JUDITH SPENCER: And we are looking at both --

6 I'm not talking about their equipment grant. I'm not

7 qualified to do that because that's about snow

8 equipment, and I don't know about it.

9 But I do know that for the full-time position,

10 that for the first criterion, that has to do with

11 providing efficient uses of funds in cooperation with

12 other agencies, I would score them twelve.

13 COMMISSIONER ANDERSON: Which grant application?

14 JUDITH SPENCER: On the full-time position.

15 COMMISSIONER ANDERSON: Is that 737?

16 JUDITH SPENCER: The one that's not Interface,

17 yes, 737.

18 COMMISSIONER ANDERSON: Thank you.

19 CHAIR SPITLER: Can I get you -- because we have

20 other people waiting to speak, if you could read

21 through your numbers quickly, that would be great.

22 JUDITH SPENCER: I just have to say this one

23 thing. Eric Lamb has put cooperation between the

24 Forest Service back with Forest Service and the

25 sheriff's department. That's real important. That's

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1 how come they get a 12.

2 The second one I would give them 15 points  
3 because without them, without enforcement, there will  
4 be danger to public safety and illegal trespass.

5 COMMISSIONER THOMAS: Ms. Spencer, they're  
6 grouped. If you could address, three through eight I  
7 think are one set of numbers, then nine through 14 gets  
8 another number, fifteen gets another number.

9 JUDITH SPENCER: No, I think I'm following the  
10 possible points for those.

11 COMMISSIONER THOMAS: If you look at the  
12 criterion along the left side.

13 CHAIR SPITLER: I think she was doing that,  
14 Commissioner Thomas.

15 JUDITH SPENCER: But I wasn't breaking it down  
16 into the individual ones.

17 Out of the possible 15 points for the first one,  
18 I would give them 12. Of the possible 20 points, I  
19 would give them 15, that it's a unique enforcement  
20 issue because of the sharp change in this area from an  
21 unmanned site, that's pretty unique. That gets an  
22 eight. Will it be enough? Yes, if you fund them, that  
23 gets a 20. And I'll stick with the 15. And really I  
24 do give this serious thought. I'm not just picking  
25 numbers.

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1 CHAIR SPITLER: What's your final score?  
2 JUDITH SPENCER: My final score is 75.  
3 CHAIR SPITLER: Okay.  
4 JUDITH SPENCER: Can we do the Interface one?  
5 CHAIR SPITLER: If you promise only to read your  
6 scores because you're way over your time. We have  
7 other people.  
8 JUDITH SPENCER: Okay. Let's go just down the  
9 line. I would score them twelve, 18, 8 or 10 -- I'm  
10 sorry, 10, I'm sorry. 20, if they can do the job; 12,  
11 and 8. And I need the math, Commissioner Anderson,  
12 does that add up to 68?  
13 COMMISSIONER ANDERSON: I don't have a  
14 calculator.  
15 CHAIR SPITLER: Looks like 70.  
16 JUDITH SPENCER: I'll go with that.  
17 CHAIR SPITLER: Thank you. Obviously you've  
18 done your homework.  
19 JUDITH SPENCER: Just did it here on the spot.  
20 Thank you very much.  
21 CHAIR SPITLER: Thank you.  
22 COMMISSIONER THOMAS: Quick learner.  
23 CHAIR SPITLER: Jeff Sanford, followed by Sue  
24 Warren.  
25 JEFF SANFORD: Good afternoon, Jeff Sanford,

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1 Alpine County Sheriff's Office. Not going to speak  
2 towards the equipment grant because I don't know what  
3 they need or what they're asking for.

4           Specifically to the Interface grant, they need  
5 the money for the Interface grant. The Interface --  
6 we're right up the road from them. We -- what I'm  
7 seeing from the education efforts is that the people  
8 are coming from Calaveras County to Alpine County now.  
9 It's working. We're getting more responsible riders in  
10 our area. The Interface is a problem. The Interface  
11 is a big problem. It was a nightmare to begin with,  
12 and it's still a problem. If you don't give them any  
13 law enforcement dollars, it's going to be chaos down  
14 there again. They're just now starting to get a handle  
15 on it. I suggest you fund this grant. Thank you.

16           CHAIR SPITLER: Thank you. Sue Warren, followed  
17 by Sylvia Milligan.

18           SUE WARREN: Sue Warren, Public Service Program  
19 Leader for the Stanislaus National Forest. I don't  
20 believe I've seen Eric so many times as I have this  
21 year working on issues associated with Calaveras County  
22 and law enforcement. We've been trying to resolve and  
23 get into community planning early in the game. Law  
24 enforcement issues and OHV issues and conflicts outside  
25 the Railroad Flat / West Point area, that's the request

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1 for increased law enforcement from the county to fund  
2 that part-time position. We will be working with the  
3 communities of Railroad Flat and West Point in  
4 community planning using the BLM process, along with  
5 OHV route designation.

6 Southern Pacific Industries is actively involved  
7 with us in trying to deal with the law enforcement  
8 issues, trespass, and OHV use that is occurring on  
9 their lands. Additionally, Eric has worked closely in  
10 the Calaveras County Sheriff's Department, closely with  
11 law enforcement, Forest Service in dealing with  
12 implementing the Interface decision. Any funding you  
13 can give them would be greatly appreciated. Thank you.

14 CHAIR SPITLER: Thank you. Sylvia Milligan.

15 SYLVIA MILLIGAN: I'm Sylvia Milligan with the  
16 California Nevada Snowmobile Association. And the best  
17 way to educate the public is when they pull up and  
18 there is law enforcement present that has the equipment  
19 to keep up with them and people know that they cannot  
20 go out there and be illegal because they can be caught  
21 is a very effective way to educate the public. I hope  
22 you look very closely at what they're asking for and  
23 fund them accordingly. Thank you.

24 CHAIR SPITLER: Thank you. Okay, Commissioners.

25 I've got a whole list here. Sorry, forgot the

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1 regulars. Don Klusman, followed by Bill Dart.

2 DON KLUSMAN: Don Klusman, at least I know I'm a  
3 regular now. Don Klusman, California 4-Wheel Drive  
4 Association.

5 On OR-737, we agree with the recommendation of  
6 the 30,600.

7 On OR-739, we agree with the zero funding at  
8 this time. And that's due to just dollars and demand.

9 On OR-738, we disagree with your recommendation  
10 of zero. We came up with a recommendation of 20,000.  
11 The reason being that here again, being an old-timer,  
12 the Interface area was a disaster. It has become  
13 better. We spoke in front of commissions in the past  
14 saying zero funding until they get their act together.  
15 They got their act together, are making good progress  
16 up there. I would hate to see that go backwards. I  
17 think \$20,000 could go a long ways in keeping that  
18 under control and actually improving it. So we would  
19 encourage 20,000. And, no, I'm not a mathematician. I  
20 was terrible in math, so I can't help you with scores.

21 CHAIR SPITLER: Thank you. Bill Dart.

22 MEMBER OF THE PUBLIC: Passes.

23 CHAIR SPITLER: Don Amador.

24 MEMBER OF THE PUBLIC: Pass.

25 CHAIR SPITLER: John Steward.

1 MEMBER OF THE PUBLIC: I'll pass.

2 CHAIR SPITLER: Bruce Brazil.

3 MEMBER OF THE PUBLIC: Pass.

4 CHAIR SPITLER: Mr. Brazil, I'm not clear, would  
5 you like me to call you up on every grant?

6 BRUCE BRAZIL: No, if I could just speak when  
7 the grants come up that I would like to present on, if  
8 that would be possible.

9 CHAIR SPITLER: Okay. I won't call you up every  
10 time, but I will ask for public comments on each one.

11 MEMBER OF THE PUBLIC: Thank you.

12 CHAIR SPITLER: Anyone else wish to comment on  
13 the Calaveras County Sheriff's grants, go ahead and  
14 step forward to the microphone.

15 DAVE PICKETT: David Pickett, District 36,  
16 Motorcycle Sports Committee.

17 OR-737, 30,000 allocation as Division  
18 recommendation, we would support that in its entirety.  
19 Thank you.

20 CHAIR SPITLER: Great. Thank you.

21 ROBERT LEVY: Robert Levy, Undersheriff Alpine  
22 County. We worked very closely with Calaveras County  
23 over on the Bear Valley side. We only have three  
24 deputies, two patrol officers, and a sergeant assigned  
25 to Bear Valley. We've had OHV issues in the past.

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1 It's not uncommon for us to only have one deputy on in  
2 the Bear Valley area. Deputy Lamb is the back-up  
3 officer for OHV issues. We do have a -- as identified  
4 last year, a wilderness incursion problem running  
5 between Indian Valley, which is on the Markleeville  
6 side over the crest of the Sierra to Elbow Creek, which  
7 is on Highway 4, Bear Valley side. So for us it's  
8 critical that Calaveras have an up and running  
9 effective OHV program because we do -- we are both in  
10 the Stanislaus National Forest on that side of the  
11 county, and we do work hand in hand. Eric is  
12 frequently up in our staging area assisting with  
13 vehicle enforcement with our agencies. So we wanted to  
14 stress to the Commission the importance of their  
15 project being funded to back up us up with wilderness  
16 enforcement and other issues.

17 COMMISSIONER THOMAS: Question. If you're -- if  
18 the equipment grant for this county isn't fully funded,  
19 are you willing to share your newfound \$32,000  
20 equipment money with the unit on that side of the  
21 mountain?

22 ROBERT LEVY: Well, I think that's -- you're  
23 asking me a difficult question, which is does Alpine  
24 County not have an effective enforcement, and we're  
25 going to sacrifice Calaveras. My recommendation is we

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1 don't sacrifice either one. I understand the  
2 Commission is in the position of having to make some  
3 sacrifices; however, again, Calaveras is a small  
4 county, not dissimilar to Alpine, and, in fact, in the  
5 worst position because their foothill areas are  
6 impacted by growth, uncontrolled growth out of the Bay  
7 Area. They're in worse shape than we are as far as  
8 growth and the difficulty of those additional  
9 recreation folks.

10 My support for them is very simple. We -- they  
11 need the tools and the manpower to accomplish a  
12 mission, just like we do. And so, again, you're the  
13 Commission, you get to make those tough choices. So  
14 I'm not going to advocate one county for the other.  
15 What I'm just saying is this is another small county we  
16 work very closely with, and we're advocating that they  
17 get funded, also.

18 CHAIR SPITLER: Thank you.

19 COMMISSIONER THOMAS: Thank you.

20 CHAIR SPITLER: Are there any other members of  
21 the public wishing to comment on the Calaveras County  
22 Sheriff grant?

23 MIKE WALKER: Mike Walker, Undersheriff,  
24 Calaveras County. If it came down to a choice between  
25 funding Alpine or funding Calaveras for the equipment,

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1 I would not have you take any funding away from Alpine  
2 County. We wouldn't feel right in doing that. We feel  
3 that we have a justified need for that equipment as it  
4 stands alone because of the age of our equipment, the  
5 enforcement capabilities of our equipment. But if we  
6 had to take it from somebody else, we wouldn't want it.

7 CHAIR SPITLER: Thank you. Okay. We'll start  
8 with OR-737.

9 COMMISSIONER WALDHEIM: Mr. Chairman.

10 CHAIR SPITLER: Mr. Waldheim.

11 COMMISSIONER WALDHEIM: Do you want all of them  
12 or separate?

13 CHAIR SPITLER: Do one at a time.

14 COMMISSIONER WALDHEIM: OR-737, I'd like to  
15 recommend staff recommendation, 30,600.

16 COMMISSIONER THOMAS: I don't think --

17 COMMISSIONER BRISSENDEN: For sake of  
18 discussion, second.

19 COMMISSIONER THOMAS: So how about we start a  
20 substitute position -- perhaps I'm wrong on that. No.

21 COMMISSIONER PRIZMICH: We're going to have to  
22 deal with this.

23 COMMISSIONER THOMAS: We're going to have to do  
24 our sheet now. So we think we have a unique  
25 enforcement issue, I'd say that's clearly a 10 on line

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1 15, if you could adjust. We heard great cooperation  
2 with other agencies, I think we should give them a 15  
3 through criteria eight. The health and safety issue  
4 was paramount given this large and continuing level of  
5 illegal trespass and loss of recreational activity and  
6 loss of responsible use, so I would give them a 19 out  
7 of 20 out of criteria nine through 14. Let's see,  
8 where am I at now? And part-time staffing, we heard  
9 testimony from the sheriff. You suggest that number.

10 COMMISSIONER PRIZMICH: There is both a summer  
11 and winter staffing issue. I believe Deputy Lamb  
12 handles both.

13 Deputy, do you handle both summer and winter  
14 off-road issues?

15 ERIC LAMB: Yes, I do.

16 COMMISSIONER PRIZMICH: And we're clearly only  
17 funding them part-time, so I'd like to see that more.

18 COMMISSIONER THOMAS: So 14 should be criteria  
19 21 through 25, correct? And 14 -- that's the last, 21  
20 through 25, on the list on the left there, you go 14  
21 there, that gives us 89. And let's see, we're one  
22 short. Would we want to increase staffing equipment,  
23 we actually heard they're sharing, that's very good.  
24 We want to add four points there at criteria 16 through  
25 19. And how much do we get. So that's 21, we're

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1 almost -- we need a couple more points, I guess.

2 COMMISSIONER ANDERSON: Ninety-three.

3 COMMISSIONER PRIZMICH: We are at 93.

4 COMMISSIONER THOMAS: We're at 93.

5 COMMISSIONER PRIZMICH: That should adjust the

6 bottom line to 61,2.

7 COMMISSIONER THOMAS: I think if we were to get

8 to a 96 number, we heard a lot of excellent testimony

9 about the degree of importance for this matter. Let's

10 see, I would increase the 15 -- 16 through 19, let's go

11 to 24 and see what we got. Very good. That would be

12 my substitute motion.

13 CHAIR SPITLER: Take it as an amended motion.

14 COMMISSIONER PRIZMICH: I'll second that.

15 CHAIR SPITLER: Have an amendment and -- a

16 motion and an amendment. Is there a discussion?

17 Okay. Let's vote on the amendment first. This

18 is to amend the grant from the staff's score of --

19 DEPUTY DIRECTOR GREENE: Fifty.

20 CHAIR SPITLER: -- 50 to the amended score of

21 94. Let's do a roll call vote.

22 MS. ELDERS: Anderson.

23 COMMISSIONER ANDERSON: Aye.

24 MS. ELDER: Brissenden.

25 COMMISSIONER BRISSENDEN: Aye.

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1 MS. ELDER: Spitler.  
2 CHAIR SPITLER: Aye.  
3 MS. ELDER: Thomas.  
4 COMMISSIONER THOMAS: Aye.  
5 MS. ELDER: Prizmich.  
6 COMMISSIONER PRIZMICH: Aye.  
7 MS. ELDER: Waldheim.  
8 COMMISSIONER WALDHEIM: Aye.  
9 COMMISSIONER THOMAS: You have to get that one  
10 out.  
11 CHAIR SPITLER: We'll vote on the amended  
12 motion, which is to fund the grant at the score of 96  
13 which amounts to \$68,000. All those in favor.  
14 (Commissioners simultaneously voted.)  
15 CHAIR SPITLER: Motion carries.  
16 Let's take OR-738 next, Interface law  
17 enforcement.  
18 COMMISSIONER WALDHEIM: Mr. Chairman, OR-738, I  
19 want to go with the score of 96, which would bring it  
20 to 39,000.  
21 CHAIR SPITLER: Okay.  
22 COMMISSIONER BRISSENDEN: How are you dispersing  
23 those funds?  
24 CHAIR SPITLER: I might just suggest some scores  
25 there.

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1           COMMISSIONER WALDHEIM:  Score would be 15 for  
2 the first section, 20, 10, 25, 15, 11; total score, 96.

3           COMMISSIONER THOMAS:  I heard the record reflect  
4 testimony that supports each of those allocations.

5           COMMISSIONER PRIZMICH:  Same agency, and the  
6 people that came up and supported the agencies, that  
7 was an across the board on all three of the grant  
8 applications, so I think he's right.

9           CHAIR SPITLER:  So there is a motion.  Is there  
10 a second?

11          COMMISSIONER THOMAS:  Second

12          CHAIR SPITLER:  Discussion.  All those in favor?

13          (Commissioners simultaneously voted.)

14          CHAIR SPITLER:  Opposed.  Motion carries.

15          DEPUTY DIRECTOR GREENE:  Chairman Spitler, can I  
16 interject for one quick moment and say I do appreciate  
17 and I think this is the part where the public process  
18 is so important because the members of the community  
19 who have voiced their support today were not reflected  
20 in that grant application.  And so I know that the  
21 Division appreciates that because all of these  
22 individual groups, that is what needs to be  
23 communicated to the grant applicant so that we can make  
24 those funding determinations.  So I just appreciate  
25 those members of the community who are speaking up

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1 today.

2 CHAIR SPITLER: Thank you. OR-739, Calaveras  
3 County Equipment.

4 COMMISSIONER WALDHEIM: Mr. Chairman, we go for  
5 staff recommendation of zero.

6 COMMISSIONER ANDERSON: Come back next year.

7 CHAIR SPITLER: Is there a second?

8 COMMISSIONER ANDERSON: I'll second that.

9 CHAIR SPITLER: Discussion. All those in favor?  
10 (Commissioners simultaneously voted.)

11 CHAIR SPITLER: Opposed. Okay. Motion carries.  
12 Thank you.

13 OR-728, Colusa County Sheriff's Office.

14 STAFF HOM: OR-728, Colusa County Sheriff's  
15 Office law enforcement, it scored a 72, and the  
16 Division funding determination is 3,250.

17 CHAIR SPITLER: Thank you. We'll go ahead with  
18 public comments. Dave Pickett, followed by Don Klusman  
19 and Bill Dart.

20 MEMBER OF THE PUBLIC: Pass.

21 DON KLUSMAN: Don Klusman, California 4-Wheel  
22 Drive Association. I guess I've got to clarify  
23 something. First, I was trying to be real conservative  
24 on numbers, and it wasn't that I was picking on any  
25 counties or any other agencies. I was just trying to

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1 make numbers line up at the bottom line by the  
2 allegations the Commission had made earlier.

3 On the Colusa County grant, I came up with the  
4 figure of 4550, because of the issues of trespass and  
5 so forth. Colusa County does need the money. If you  
6 can see fit to give them more than that, okay.

7 COMMISSIONER THOMAS: And how would you  
8 recommend we score that desire to give more?

9 DON KLUSMAN: You're doing fine.

10 CHAIR SPITLER: Thank you.

11 COMMISSIONER THOMAS: We appreciate your  
12 support.

13 CHAIR SPITLER: Bill Dart, Don Amador, John  
14 Stewart.

15 MEMBER OF THE PUBLIC: I'll pass.

16 CHAIR SPITLER: Dave Pickett.

17 MEMBER OF THE PUBLIC: Pass.

18 CHAIR SPITLER: Any other members of the public  
19 wish to comment on Colusa County?

20 Okay, Commissioners.

21 COMMISSIONER WALDHEIM: Mr. Chairman, OR-726 --  
22 28 go with staff recommendation of \$3,250, 65. You  
23 want the score, 72 score, 65 percent for \$3,250.

24 COMMISSIONER THOMAS: I'm going to make a second  
25 or substitute motion on that.

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1 CHAIR SPITLER: The motion doesn't have a  
2 second. Do we have a second on that?

3 COMMISSIONER ANDERSON: I will.

4 CHAIR SPITLER: Okay.

5 COMMISSIONER THOMAS: And the reason being, when  
6 you have a small county that's asked for \$5,000, and if  
7 you know about the extent of the Colusa County off-road  
8 opportunities are very large up in the Williams area to  
9 the west of that. And then those of you guys who know  
10 the area know that this grant was probably under  
11 requested, that should have been a lot more money.  
12 These are very small counties that do not have a lot of  
13 staff, and I think certainly the 16 through 19 criteria  
14 should be a 25. I think the -- there are a number of  
15 important natural and cultural resources, and I see  
16 heads nodding in the front of the audience that would  
17 justify criteria nine through 14 going to a 20. And so  
18 20 -- let's see, we still have to go, 21 through 25  
19 would go to 15. And let's see, recreation experience,  
20 environmental, public safety is very high in Colusa  
21 County, even though it's not a lot of people that live  
22 there. Item 20 should go to 15 and that gets us to  
23 full funding of a very small county, and that would be  
24 the substitute motion. And I would trust that we have  
25 the support of Mr. Klusman and Mr. Pickett up there.

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1 And if not, I would ask them to articulate that.

2 MEMBER OF THE PUBLIC: Give them a \$100,000

3 grant; let's go for it.

4 COMMISSIONER PRIZMICH: Second.

5 COMMISSIONER THOMAS: Apparently we can't go up

6 above the request. Mr. Klusman raised that issue.

7 CHAIR SPITLER: We have an amendment and a

8 second from Mr. Prizmich. Is there discussion? Okay.

9 We'll vote on the amendment first as to increase the

10 score to 95. Do a roll call.

11 MS. ELDERS: Anderson.

12 COMMISSIONER ANDERSON: Aye.

13 MS. ELDER: Brissenden.

14 COMMISSIONER BRISSENDEN: Aye.

15 MS. ELDER: Spitler.

16 CHAIR SPITLER: Aye.

17 MS. ELDER: Thomas.

18 COMMISSIONER THOMAS: Aye.

19 MS. ELDER: Prizmich.

20 COMMISSIONER PRIZMICH: Aye.

21 MS. ELDER: Waldheim.

22 COMMISSIONER WALDHEIM: Aye.

23 CHAIR SPITLER: Okay. The amended motion and

24 the score of 95 in the amount of 5,000; all those in

25 favor?

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1 (Commissioners simultaneously voted.)

2 CHAIR SPITLER: Opposed. Motion carries. Okay.

3 Thank you.

4 OR-762, Nevada County Sheriff.

5 STAFF HOM: OR-762 Nevada County Sheriff Law

6 Enforcement, it scored 64 points with a Division

7 funding determination of 75,350.

8 CHAIR SPITLER: Okay. Public comment, Dave

9 Pickett, followed by Don Klusman, and Bill Dart.

10 DAVE PICKETT: Dave Pickett, District 36,

11 Motorcycle Sports Committee. Folks, do a good job up

12 there, staff recommendations considering we've only got

13 three million to work with for the whole state, we're

14 going to have to show some conservatism here as we go

15 through the process. They've done a good job. Thanks.

16 CHAIR SPITLER: Thank you.

17 DON KLUSMAN: Don Klusman 4-Wheel Drive

18 Association. Nevada County Sheriff has been exemplary

19 with working with the OHV community. There are a lot

20 of issues with non-motorized as well as motorized

21 because of the mountain biking community in that

22 county. We put on a huge event in that county. The

23 county sheriff has bent over backwards to work with us.

24 And originally I had staff recommendation, but I'd like

25 to give them more if we can. Thank you.

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1           COMMISSIONER THOMAS:  Again, Mr. Klusman, you're  
2 going to have to give us some numbers then.

3           CHAIR SPITLER:  Bill Dart.

4           COMMISSIONER THOMAS:  You like this program, not  
5 me.

6           CHAIR SPITLER:  Bill Dart followed by  
7 Don Amador, and John Stewart.

8           JOHN STEWART:  John Stewart, California  
9 Association 4-Wheel Drive Clubs.  I may sound like just  
10 a reiterate of what Don had said, but, yes, Nevada  
11 County is a site of a significant OHV opportunity and  
12 it is a very important recreation destination spot, and  
13 there is a lot of cooperation from the local  
14 authorities out there in support of recreation.  It's  
15 something that's extremely important to the people of  
16 the State of California, so if we -- if they can get  
17 more funding to help them out, again, like the others,  
18 they are a small population county and something like  
19 this really helps them out and helps out the people of  
20 the state for the recreation.  Thank you.

21           CHAIR SPITLER:  Thank you.  Commissioners.

22           COMMISSIONER WALDHEIM:  Well, Mr. Chairman,  
23 somewhere along the line we're going to have to get in  
24 line because we want to give everything to everybody,  
25 and I frankly had rated this one at 47 points instead

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1 of the 64. And the main reason for this is that this  
2 is the first time they've come here. The amount of  
3 visitors that are going into the area doesn't match the  
4 amount of dollars -- I mean where we have the -- where  
5 we have the public going, the amount of cooperation  
6 between the different bureaus of -- whatever you call  
7 it, the federal agencies, I didn't really see where  
8 this is really making that big of an impact on us. I'd  
9 love to fund everybody, but if we keep going the way we  
10 are right now and keep increasing, it's going to have  
11 to come out of somebody's pocket down the way. This is  
12 one that I had just gone to 47 with a score of 47.

13 COMMISSIONER ANDERSON: Which would have given  
14 them zero.

15 COMMISSIONER WALDHEIM: Would have given them  
16 zero. That's the way I have it right now.

17 CHAIR SPITLER: Can you just walk through your  
18 scores there?

19 COMMISSIONER WALDHEIM: The scores. The first  
20 one is five points, ten points for the second one, zero  
21 for the third one, fifteen for the next one, ten, seven  
22 and that should add up to 48. Five, ten, zero,  
23 fifteen, ten, and it comes up to 47.

24 CHAIR SPITLER: Is that a motion?

25 COMMISSIONER WALDHEIM: I'm making such a

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1 motion.

2 CHAIR SPITLER: Is there a second?

3 I'll second it for discussion. Discussion?

4 COMMISSIONER WALDHEIM: Call for a vote.

5 CHAIR SPITLER: Commissioner Anderson.

6 COMMISSIONER ANDERSON: In terms of discussion,  
7 I would agree that the scale of this application is not  
8 in line with what's going on with the other counties,  
9 and I certainly don't want to send the message that all  
10 you have to do to get more money is to ask for more and  
11 more and more. In dealing with Calaveras County,  
12 \$5,000 -- Colusa County, \$5,000 application, and this  
13 one at 137,000, I don't know how we sort that out  
14 except on the basis of need. And the grant request  
15 here is way out of line in terms of the use level. So  
16 I don't think I would agree with zero, but I don't want  
17 to give them \$75,000 either.

18 CHAIR SPITLER: Okay. Is there more discussion?

19 COMMISSIONER PRIZMICH: If I could make an  
20 alternative motion to go with staff recommendation?

21 CHAIR SPITLER: You could make an amendment.

22 COMMISSIONER PRIZMICH: Amendment.

23 CHAIR SPITLER: Is there a second?

24 COMMISSIONER THOMAS: I'd second it for  
25 discussion. If Commissioner Anderson wants to provide

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1 numbers to make it consistent with her views, I would  
2 be happy to consider that in my second.

3 COMMISSIONER ANDERSON: I can live with \$75,000,  
4 but I still think it's a little high.

5 COMMISSIONER THOMAS: Well then, propose  
6 something then.

7 COMMISSIONER WALDHEIM: Mr. Chairman, if we do  
8 it at 37 percent, it comes out to 61,650. That's the  
9 minimum that you can do.

10 CHAIR SPITLER: Got you.

11 COMMISSIONER WALDHEIM: That's the minimum you  
12 can do.

13 CHAIR SPITLER: We have a motion and an  
14 amendment. Is there more discussion? Okay. Let's do  
15 a roll call.

16 COMMISSIONER ANDERSON: I'm sorry, Mr. Spitler,  
17 so my question would be to you, Ed, can you suggest  
18 where you could find three more points, three more  
19 points under probably category one, two, three, four --  
20 add three more points there, make that an 18. That's  
21 sufficient.

22 COMMISSIONER WALDHEIM: So 61,650.

23 COMMISSIONER ANDERSON: So I'm now 29  
24 Mr. Prizmich and Mr. Waldheim.

25 COMMISSIONER PRIZMICH: I hate to see a program

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1 that's clearly been highly touted that's just gotten  
2 off the ground and that has been successful come in and  
3 get whacked by staff and then again whacked by us. I  
4 would rather encourage them to continue doing a great  
5 job is what I'd like to see.

6 COMMISSIONER BRISSENDEN: What was the funding  
7 level last year?

8 COMMISSIONER WALDHEIM: New.

9 COMMISSIONER BRISSENDEN: Oh, it is new. Okay.

10 COMMISSIONER PRIZMICH: That's why I recommend  
11 the staff.

12 CHAIR SPITLER: So we have an amendment to  
13 support the staff recommended funding level.

14 COMMISSIONER WALDHEIM: My motion -- if you want  
15 me to withdraw my motion, I'll go with the 47, which  
16 brings it to 61,550. I'll go along with that.

17 CHAIR SPITLER: Okay.

18 COMMISSIONER WALDHEIM: I withdraw my motion and  
19 make the new motion that we have -- what is 45 percent?  
20 What's the points I don't have that staff -- staff  
21 scores a 60.

22 COMMISSIONER ANDERSON: Can we vote on the  
23 amendment?

24 CHAIR SPITLER: Okay. So I'm not hearing  
25 support from the makers of the amendment to withdraw

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1 that, so we'll go ahead and vote on the amendment  
2 first.

3 COMMISSIONER WALDHEIM: What is the amendment?

4 COMMISSIONER PRIZMICH: Staff recommendation.

5 CHAIR SPITLER: Amendment to fund the staff  
6 recommendation, so, Sandy, can we do a roll call?

7 MS. ELDERS: Anderson.

8 COMMISSIONER ANDERSON: Aye.

9 MS. ELDER: Brissenden.

10 COMMISSIONER BRISSENDEN: No.

11 MS. ELDER: Spitler.

12 CHAIR SPITLER: No.

13 MS. ELDER: Thomas.

14 COMMISSIONER THOMAS: Aye.

15 MS. ELDER: Prizmich.

16 COMMISSIONER PRIZMICH: Aye.

17 MS. ELDER: Waldheim.

18 COMMISSIONER WALDHEIM: No.

19 CHAIR SPITLER: So the amendment fails. Now we  
20 have the original motion, which is score of 47 and a  
21 funding level of zero. Go ahead and do roll call on  
22 that, Sandy.

23 COMMISSIONER THOMAS: Let's do the substitute at  
24 61 then.

25 COMMISSIONER WALDHEIM: 61,650.

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1 CHAIR SPITLER: Are you making that motion?

2 COMMISSIONER WALDHEIM: I'll accept that  
3 amendment.

4 CHAIR SPITLER: Okay.

5 COMMISSIONER THOMAS: Let's vote.

6 CHAIR SPITLER: So the motion now is a score of  
7 50 and a funding level of 61,650. All those in favor?  
8 (Commissioners simultaneously voted.)

9 CHAIR SPITLER: Opposed. Okay. Motion carries.  
10 Thank you.

11 COMMISSIONER THOMAS: Thank you, Mr. Waldheim.

12 COMMISSIONER WALDHEIM: You're welcome,  
13 Mr. Thomas.

14 CHAIR SPITLER: OR-644 and 645 Plumas County  
15 Sheriff.

16 STAFF HOM: OR-745, Plumas County Sheriff  
17 Equipment, scored 67 points with Division determination  
18 of \$4,950. OR-744, Plumas County Sheriff Law  
19 Enforcement scored 52 points with a Division funding  
20 determination of 13,500.

21 CHAIR SPITLER: Does someone from the county  
22 want to say a few words?

23 TODD JOHNS: Yes, sir. I've written so many  
24 notes in the last three meetings, I'm not sure where to  
25 begin. If I could speak on OR-744 to begin with.

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1 CHAIR SPITLER: Could you state your name for  
2 the record?

3 TODD JOHNS: Sergeant Todd Johns, I'm the OHV  
4 coordinator for the county. As I stated in the meeting  
5 before, the last meeting, with the recommendations by  
6 the Division of 13,500, I can provide what would be  
7 considered a minimum amount of law enforcement. By  
8 that I mean I can provide deputies on the snow at  
9 special events and on sporadic weekends during the  
10 winter months. There would be no patrols in poor  
11 weather days or during holidays.

12 On OR-744, when I look at the scoring, I could  
13 justify more scoring or better scoring in areas. As  
14 far as application demonstrates the proposed project  
15 addresses a unique enforcement issue, on any given  
16 weekend, I have four officers patrolling 679,000 acres  
17 of open OHV opportunity covering 4,813 miles of OHV and  
18 OSV trails. And I scored all zeros with the exception  
19 of one four there. But, again, as I stated, I would be  
20 happy with at least 13,500 on that grant.

21 If I could speak on the equipment grant now.  
22 When I originally turned in my request, it was for two  
23 new snowmobiles. The amount of money that I need is  
24 \$20,000. Somehow that was cut. I was told that the  
25 Division was only going to fund one piece of equipment,

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1 and then after the percentage of where I was scored, it  
2 was dropped down to the \$4,000. At this time I've  
3 contacted every major snowmobile manufacturer that I  
4 know of, as well as several of the local clubs. I have  
5 no other means of getting snowmobiles. I've tried  
6 every avenue that I'm aware of. I've gone into my  
7 sheriff's office many times and begged him and begged  
8 him. And basically at this point he has told me that  
9 he will match anything that he is given by the  
10 Division. So at this point, I'm requesting \$10,000,  
11 which will allow me to buy one snowmobile. And as  
12 stated before, I'm happy with the 13,500 that was  
13 approved or recommended by the staff. Thank you.

14 CHAIR SPITLER: Thank you. Sylvia Milligan,  
15 followed --

16 COMMISSIONER THOMAS: Let me ask a question of  
17 the county. If you had -- if the criteria were  
18 developed such that you had an increase from staff  
19 recommendation in the amount of staff time and a zero  
20 recommendation for equipment, how would you choose?  
21 Would you rather have the equipment and less staff time  
22 or staff time and get the equipment locally.

23 TODD JOHNS: To be honest with you, sir, I doubt  
24 that my program will continue -- right now I run four  
25 snowmobiles a weekend. Right now I don't believe that

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1 I will be able to continue that if I don't get two new  
2 snowmobiles. One of them doesn't run or when it does  
3 run, it's extremely poorly. So I'm running in a  
4 condition where I'm endangering my officers if I send  
5 them out in the snow. Secondly, they're eight years  
6 old, and I'm probably the most experienced rider in our  
7 department. I went out last year, I spent roughly four  
8 hours getting unstuck and that was on what should have  
9 been a groomed trail. So they're both equally  
10 important; however, without at least the 13,500, there  
11 is no way that I can even get the guys out on the  
12 weekends when they need to be out there.

13 COMMISSIONER THOMAS: You've asked for 30, if  
14 you got 30 and zero equipment dollars, are you saying  
15 that you'd rather have the equipment dollars than your  
16 full staff funding?

17 TODD JOHNS: Yes, sir. I'm sorry, I didn't  
18 understand what you were asking.

19 COMMISSIONER THOMAS: We're forced to be a bit  
20 opaque.

21 CHAIR SPITLER: Why don't you stick around? We  
22 might have a bit more questions for you. Sylvia  
23 Milligan, followed by Fred Krueger.

24 SYLVIA MILLIGAN: I'm Sylvia Milligan with the  
25 California Nevada Snowmobile Association, and I can

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1 tell you from experience that the Plumas County  
2 Sheriff's Department does an incredible job. They are  
3 out there at every event. Every time I've been out  
4 there, I've seen them. They have a lot of area to  
5 cover, and it's a very dispersed area, so it's very  
6 difficult to be in all of these areas, and I have -- I  
7 totally support any kind of equipment grant that you  
8 can give them. The \$4,000, the 3,500 that they've  
9 recommended, that's not even keeping up with the  
10 repairs on the machines that they have.

11           And I don't know if you're familiar with the  
12 15-minute rule or not. But in snowmobiling, we have a  
13 15-minute rule. You can ride farther in 15 minutes  
14 than you can walk in a lifetime. You get a deputy out  
15 there 15 minutes from the parking lot, if his  
16 snowmobile breaks down, that's further than he could  
17 walk in a lifetime. That's the same way with people  
18 that are out there. If they call the sheriff's  
19 department say we have somebody broken so far out and  
20 their sleds cannot get there, there again is a real  
21 safety issue.

22           I would like to see you look very, very closely  
23 at funding one full snowmobile. I know as a rider that  
24 when I get two to 3,000 miles on a snowmobile, I buy a  
25 new one because I do not want to suffer the 15-minute

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1 rule. And that to me is every other year I buy a new  
2 snowmobile, and they start out about \$5800 and now I'm  
3 spending well over \$9,000 a year for a snowmobile. So  
4 I would really like to see you take the equipment grant  
5 into consideration. They're willing to buy one. I  
6 would hate to send a snowmobiler out there on one new  
7 one and one old one because they're going to spend half  
8 their time they should be patrolling towing the other  
9 snowmobile back. So if they are willing to fund one  
10 and you are willing to fund one, we would certainly  
11 appreciate it. Thank you.

12 CHAIR SPITLER: Thank you. And with all due  
13 respect, Ms. Milligan, you have no idea how far I could  
14 walk in my lifetime.

15 SYLVIA MILLIGAN: We're going to put you to the  
16 test, Paul Spitler. I'll get you 20 minutes out there,  
17 and we'll see how far you can walk.

18 COMMISSIONER WALDHEIM: She knows what she's  
19 talking about.

20 SYLVIA MILLIGAN: Just a minute, one more  
21 comment. We're going to put you on the Plumas County  
22 sled when we do it.

23 FRED KRUEGER: Fred Krueger from the Plumas  
24 National Forest. I'm the Public Service Staff Officer  
25 and have the oversight and leadership over the snow as

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1 well as the OHV program. I just want to note to you  
2 that I see Mr. -- officer Todd Johns in the office on a  
3 regular basis, and that points to his cooperation and  
4 communication with us, as well as our people are in his  
5 office. He checks with us on the current rules,  
6 regulations, areas closed, et cetera. So I want to  
7 encourage you to continue to look at that, the regular  
8 law enforcement grant, because these folks communicate,  
9 coordinate with us. It stretches our enforcement on a  
10 very large area as he noted.

11 From the equipment standpoint, I, as what Sylvia  
12 said, would really encourage you folks to up the  
13 funding for one snowmobile. This needs to be looked at  
14 as a best buy because the sheriff of Plumas County has  
15 stated that he will then match what you give Officer  
16 Johns. And you'll have the two new snowmobiles that  
17 they can be out there patrolling. Our folks  
18 schedule -- Officer Johns schedules with our folks,  
19 excuse me, and we have areas that we don't have double  
20 coverage. It's that communication coordination again,  
21 and I want you to look at that as a best buy because of  
22 the matching monies from the Plumas County Sheriff.  
23 Thank you very much.

24 CHAIR SPITLER: Thank you. Okay. David  
25 Pickett, followed by Don Klusman, and Bill Dart.

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1           DAVE PICKETT: David Pickett, District 36. It's  
2 interesting testimony. As a snowmobiler I understand  
3 all of the concerns, but I think in both of these  
4 situations, I'm going to go with Division's  
5 recommendations, especially with the sheriff offering  
6 the match. It's kind of a modified 401K plan with good  
7 results. Thank you.

8           CHAIR SPITLER: Thank you. Don Klusman. Bill  
9 Dart. Don Amador.

10          MEMBER OF THE PUBLIC: Pass.

11          CHAIR SPITLER: And John Stewart.

12          MEMBER OF THE PUBLIC: I'll pass.

13          CHAIR SPITLER: Okay.

14          COMMISSIONER WALDHEIM: Ready, Mr. Chairman?

15          CHAIR SPITLER: Sure. Why don't we start  
16 with -- let's start with -- we will take them in order  
17 on this sheet here. OR-745, the equipment.

18          COMMISSIONER WALDHEIM: Okay. Mr. Chairman, I'd  
19 like to recommend that we change the ranking on the  
20 first one. That's the equipment, right? Okay. The  
21 equipment 30 points, number one, 30 number two, and 30  
22 number three for a total of 98; \$9,000.

23          COMMISSIONER THOMAS: I'll second that.

24          CHAIR SPITLER: Okay. We have a motion and a  
25 second. Is there discussion? Okay. All those in

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1 favor?

2 (Commissioners simultaneously voted.)

3 CHAIR SPITLER: Opposed. Motion carries.

4 OR-744.

5 COMMISSIONER WALDHEIM: This one, Mr. Chairman,

6 OR-744, I would like to change the ranking 14, 20, 10,

7 23, 15, 13, bingo, \$30,000.

8 COMMISSIONER PRIZMICH: Second that, but I would

9 like --

10 COMMISSIONER WALDHEIM: You're not arguing with

11 me?

12 COMMISSIONER PRIZMICH: I would like to comment

13 that this is based on the testimony that was given

14 relative to their needs.

15 COMMISSIONER WALDHEIM: Actually it was based on

16 the testimony of the young lady that says the 15-minute

17 rule. That is a scary proposition, with all deference

18 to Mr. Spitler's ability. Yes, it's on the testimony.

19 COMMISSIONER THOMAS: You're basing your entire

20 opinion on the record, right?

21 COMMISSIONER WALDHEIM: That is correct.

22 COMMISSIONER THOMAS: Thank you.

23 CHAIR SPITLER: There is a motion and a second.

24 Is there discussion? Okay. All those in favor?

25 (Commissioners simultaneously voted.)

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1 CHAIR SPITLER: Opposed. Motion carries.

2 Okay. We have a couple more, and then we will  
3 take a break for lunch here, if we could just get  
4 through the local grants, we have three more.

5 San Joaquin County Sheriff, OR-746.

6 STAFF HOM: OR-746 San Joaquin County Sheriff  
7 Law Enforcement scored 70 points with the Division  
8 funding determination of 118,300.

9 CHAIR SPITLER: Okay. I have a request to speak  
10 from the sheriff's office with no name attached to it.

11 DANIEL ANEMA: Good afternoon, Daniel Anema  
12 representing San Joaquin County Sheriff's Department.  
13 I'm been involved with the off-highway vehicle  
14 enforcement in San Joaquin County for the last five  
15 years, and I think we are definitely a model  
16 department. The staff are incredible. We've made a  
17 huge difference in the county. And if you guys don't  
18 remember me, five years ago I was the officer who broke  
19 his back, and I was forced to retire from the sheriff's  
20 department. I wanted to stay involved with the  
21 sheriff's department. The sheriff asked me to head up  
22 this program. So I've headed up quite a few  
23 volunteers. I'm still active in it. I take pride  
24 coming here and working with the department. It makes  
25 me feel good to be part of the department because I did

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1 not want to retire.

2 A couple notes I had, I was approached a couple  
3 of months ago by a couple of folks, and they told me  
4 that they had seen a documentary by the Parks and  
5 Recreation. I had no idea what they were talking  
6 about. I'd actually like to see it. They said it was  
7 a documentary on the off-highway vehicle program. They  
8 used some news reports and some other stuff from our  
9 county. And I guess in that documentary -- and, again,  
10 I think that shows also that we are a very good model  
11 program, and we've been putting this money to good use.  
12 And also San Joaquin County is a large wetland area.  
13 We had a flood this last year at Jones Track. All of  
14 the equipment went in there and rescued people and  
15 their pets out of that. About three months ago with  
16 the flooding on Mokelumne river, all of the equipment  
17 was brought in and used to search and rescue.

18 Unfortunately, we had deaths in that situation. But  
19 the equipment and the enforcement is unbelievable. We  
20 thank you for everything you've given us. If it wasn't  
21 for you guys, five years ago we would still have the  
22 two broken-down motorcycles in the garage. Thank you.

23 CHAIR SPITLER: Thank you.

24 LIEUTENANT CRUZ: I'm Lieutenant Cruz, I'm with  
25 the San Joaquin County Sheriff's Office. I just want

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1 to thank Dan for all of his hard work for the last  
2 three or four years writing up the grants. I just want  
3 to thank the Commission and looking forward to working  
4 with the OHV program in the future. Thank you.

5 CHAIR SPITLER: Thank you. Dave Pickett,  
6 followed by Don Klusman.

7 DAVE PICKETT: When you call my name, do I have  
8 to keep repeating it every time I come up? Do you want  
9 that for the record?

10 CHAIR SPITLER: If you would, that would be  
11 great.

12 DAVE PICKETT: Dave Pickett, District 36,  
13 Motorcycle Sports Committee. District 36 for the most  
14 part has always supported law enforcement grants. The  
15 San Joaquin folks have stepped up to the plate.  
16 They've got a good solid proven track record. They  
17 scored high. I urge you to go with Division  
18 recommendation in its entirety. Thank you.

19 CHAIR SPITLER: Thank you. Don Klusman.

20 MEMBER OF THE PUBLIC: Pass.

21 CHAIR SPITLER: Bill Dart, Don Amador,  
22 John Stewart.

23 MEMBER OF THE PUBLIC: Pass.

24 CHAIR SPITLER: Mr. Brazil.

25 BRUCE BRAZIL: Thank you. Bruce Brazil,

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1 California Enduro Riders Association, and on the grant  
2 request, the educational material and the signs portion  
3 of it sounds like a great thing for prevention.  
4 However, for the grant request, funding for the law  
5 enforcement personnel should not be given and for these  
6 reasons. In their request it is stated that there were  
7 a total of 483 warnings or citations given. Only 15 of  
8 those are covered in the California Motor Vehicle Code,  
9 Division 16.5 commencing with Section 38,000 as being  
10 OHV related. Trespass, parking, and warrants making up  
11 the remaining warnings and citations are not OHV  
12 citations in the Motor Vehicle Code. Public Resources  
13 Code 5090.32, in describing some of the duties of the  
14 Division in Subsection M, provide for the enforcement  
15 of Division 16.5 commencing with Section 38,000 with  
16 the Vehicle Code and other laws regulating the use or  
17 equipment of off-highway vehicles in all areas  
18 acquired, maintained or operated by funds from the  
19 fund; however, the Department of California Highway  
20 Patrol shall have responsibility for enforcement on  
21 highways. I understand they've got quite a problem  
22 over there, but I don't feel that our OHV funds should  
23 be used to take care of that. We've got plenty of  
24 areas within our OHV system that require law  
25 enforcement funds. Thank you.

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1 CHAIR SPITLER: Thank you.

2 COMMISSIONER WALDHEIM: Okay. Mr. Chairman, I  
3 would like to make a motion on OR-746. Ready, Aaron?  
4 12 points first block, ten points second block, seven  
5 for the next one, seventeen the next one, five, seven;  
6 total of 58 bringing the total amount to -- should be  
7 \$81,900. Last year they received \$80,000 is what they  
8 received last year.

9 COMMISSIONER THOMAS: Second.

10 CHAIR SPITLER: Discussion.

11 COMMISSIONER PRIZMICH: So your recommendation  
12 is based upon what they received last year?

13 COMMISSIONER WALDHEIM: No, I wanted to make  
14 sure that they received at least what they did last  
15 year. And also because of the visitors, testimony has  
16 been brought that we haven't really done the numbers,  
17 giving warnings is not really -- we need to do more,  
18 plus this is an area that we need to start working on  
19 getting more opportunity, find more places to do the  
20 opportunity. We don't have -- there's hardly any  
21 opportunity except Frank Rain Park. We've got that out  
22 of Stanislaus. And the scoring, when we came down in  
23 the scoring, is a whole bunch of reasons on that.

24 COMMISSIONER PRIZMICH: Well, I've always  
25 understood that warnings are an effective use of law

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1 enforcement, not necessarily always tickets. So it  
2 really comes down to how well it's being managed in  
3 terms of law enforcement. And I think we heard from  
4 the AMA that they were completely happy with the  
5 enforcement there, so I would argue that they should  
6 get staff recommendation.

7 COMMISSIONER WALDHEIM: That's my point.

8 CHIEF JENKINS: If I may interject? Just as all  
9 law enforcement grants, this one stood out. They have  
10 nice, unique methods using aerial surveillance, mapping  
11 of the areas, using volunteers to map where the damage  
12 goes. And it does sound like what you're saying,  
13 they're after compliance here, not necessarily out just  
14 writing tickets, get those statistics, looking at  
15 compliance, looking at the county and their budget, and  
16 wanted to approach it. That's why this one was scoring  
17 a little higher.

18 CHAIR SPITLER: Okay. We have a motion. Is  
19 there more discussion? Okay. All those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIR SPITLER: Opposed.

22 COMMISSIONER PRIZMICH: No.

23 COMMISSIONER ANDERSON: No.

24 CHAIR SPITLER: Thank you.

25 OR-750, Trinity County Resource Conservation.

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1           STAFF HOM:  OR-750 Trinity County Resource  
2 Conservation Restoration, it scored 47 points with the  
3 Division funding determination of zero dollars.

4           CHAIR SPITLER:  Okay.  Pat Frost.

5           PAT FROST:  Okay.  I'm Pat Frost.  I'm district  
6 manager of the Trinity County Resource Conservation  
7 District.  I would say that one thing I've learned is  
8 next year when we apply, we will be under County of  
9 Trinity Resource Conservation District to get us higher  
10 up in the alphabetical order.  Anyway, I would like to  
11 go kind of in reverse order.

12           I believe the Division staff did the best they  
13 could with our application.  We're new to this.  We're  
14 new to applying to the Commission for funds, and we sat  
15 down after receiving our scores and reevaluated how we  
16 presented it.  I believe that the scores for our  
17 application should be as follows.  As I'm going to  
18 start at the bottom, I apologize.  It's just the way  
19 I've got my information organized.  We very narrowly  
20 looked at the idea of volunteers, and we thought of  
21 volunteers initially, you know, driving excavators is  
22 not a good idea and dump trucks.  But in fact we use  
23 volunteers to a large degree.  Volunteers through our  
24 Coordinated Resource Management Planning Groups are the  
25 ones who set our priorities and through our Resource

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1 Advisory Committee who also set priorities and do our  
2 multi-party monitoring. They alone dedicate probably a  
3 hundred hours a year in effectiveness monitoring,  
4 projects that we do, and help us adapt for our next  
5 year's work to do a better job on each project.

6 Innovative, I really wasn't sure -- we weren't  
7 sure what the Division staff were looking for. We  
8 believe that our program, which is a multi-year program  
9 that began in 1995 with a listing of the South Fork  
10 Trinity River as a watershed on the 303(d) list of the  
11 State of California EPA as impaired for sediment, that  
12 we took the lead, we created and put together the  
13 people who organize our information and set the  
14 priorities, and we have a multi-group program to  
15 accomplish that. And I would recommend that for that  
16 one we receive the full 20 points.

17 Demonstration of that we actually are  
18 accomplishing, restoration, the third from the bottom,  
19 I think it is a 30. I mean we are doing the great work  
20 that needs to be done to protect rare and endangered  
21 species. We have listed salmon to endemic species on  
22 serpentine soils primarily plant species, cultural  
23 resources along the South Fork Trinity River, which is  
24 a wild and scenic river. The cultural resources are  
25 mining-era cabins that are still visited along the

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1 South Fork National Recreation Trail.

2           If this project doesn't happen, what are the  
3 consequences. On the forest, the consequences are that  
4 more and more roads will be simply closed in an attempt  
5 to meet the ultimate total amount daily load goals for  
6 sediment for the South Fork Trinity River, and that's  
7 unacceptable. We need to balance the roads that need  
8 to stay in use for recreation and management purposes.  
9 Again the roads that we can mitigate for those uses by  
10 decommissioning or hydro closing roads that are  
11 presented in this proposal for the Smoky Creek  
12 Watershed. And partnerships, we have so many.  
13 Yesterday morning I was at a ceremony with the U.S. EPA  
14 in which the U.S. EPA Yurok Tribe and Trinity County  
15 Resource Conservation District were recognized for  
16 their work in the South Fork. We have the North Coast  
17 Regional Water Quality Control Board, California  
18 Department of Fish and Game, of course, our Forest  
19 Service partners who are the managers of the green on  
20 the map and all of the landowners in that basin that  
21 work with us day in and day out, private timber  
22 companies included. And I would recommend a ten there.  
23 Law enforcement, we don't do law enforcement. I'm the  
24 first one up here I think that doesn't have a badge or  
25 gun somewhere hidden away here today, but the Forest

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1 Service does that work. That is a big part of their  
2 partnership, and I would recommend a 15 for that score.  
3 Thank you.

4 CHAIR SPITLER: Thank you. Stick around, we  
5 might have questions for you.

6 Don Klusman, followed by Bill Dart.

7 DON KLUSMAN: Don Klusman, California 4-Wheel  
8 Drive Association. This is a toughy since we are bound  
9 by law to spend X amount of dollars on restoration.  
10 That being said, I understand the Division's scoring of  
11 these grants, but we also, if we funded every single  
12 restoration grant for the total amount, we still would  
13 not get that dollar number. So that being said, the  
14 California 4-Wheel Drive Association is going to  
15 support these restoration grants a hundred percent,  
16 especially this one. I know this area well, and for  
17 the people in Southern California, guess where your  
18 water comes from, that Trinity River, a lot of it. So  
19 we've got to keep the sediment down in it. There are a  
20 bunch of old logging roads that were put in not for OHV  
21 use. They were put in to get the timber out of the  
22 woods. Due to some bad practices or the technology  
23 just was not there back in the '50s and '60s when they  
24 were doing a lot of these roads, they need to be  
25 restored, that being specific to the project. But I

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1 would ask the Commission to go ahead and vote for a  
2 hundred percent funding on this grant. Thank you.

3 CHAIR SPITLER: Thank you. Bill Dart, followed  
4 by Don Amador, John Stewart.

5 JOHN STEWART: John Stewart, California  
6 Association of 4-Wheel Drive Clubs. One of the things  
7 the legislators wanted for this program is something  
8 that's ecologically balanced, and this is -- you know  
9 restoration activities in many cases are an essential  
10 and very important part of having a balanced program.  
11 And for that, yes, I agree with Don's comments from Cal  
12 4-Wheel. We do endorse this particular grant because  
13 it is part of an ecologically balanced program,  
14 something that is important, and we believe it should  
15 be funded the full level. Thank you.

16 CHAIR SPITLER: Dave Pickett.

17 DAVE PICKETT: Dave Pickett, District 36,  
18 Motorcycle Sports Committee. Can I address a question  
19 on participation by this county at the grant school  
20 last April to confirm they were there?

21 CHAIR SPITLER: It's not your opportunity to ask  
22 questions. It's your chance for public comment.

23 DAVE PICKETT: Okay. I'm going to assume that  
24 they were not in participation at the grant school for  
25 the two days where everybody learned the initial outlay

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1 of the new process. So my colleagues have both  
2 supported this grant in full funding. Division has a  
3 recommendation of zero. I would like to know if these  
4 logging roads had actual damage created by OHV, thus  
5 they would qualify for funding for restoration. So on  
6 the surface I don't know that. So if OHV did not  
7 create resource damage, then I don't believe they would  
8 be qualified for restoration dollars. Thank you.

9 CHAIR SPITLER: Thank you. Okay. I'm going to  
10 go ahead and allow Commissioner Anderson to step  
11 forward.

12 COMMISSIONER ANDERSON: All right. I have some  
13 suggested numbers. Based on the public testimony, I'm  
14 trying to decide which ones to use here. Okay.  
15 Category one, 20; category two, 15; category three,  
16 also 10; category four, 30; category five, 18; and  
17 category six, eight. How am I doing?

18 CHAIR SPITLER: You're doing great.

19 COMMISSIONER WALDHEIM: I'll second that.

20 CHAIR SPITLER: Okay. Is there more discussion?

21 COMMISSIONER PRIZMICH: I have a question. I  
22 haven't really heard that there's a direct connection  
23 between OHV use and the damage that has been caused  
24 here. Did I miss something?

25 CHAIR SPITLER: Mr. Frost, do you want to

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1 address that?

2 PAT FROST: I will to the extent that I can.  
3 And maybe I'm not entirely clear on, you know, OHV  
4 damage and how you define that. But clearly there is  
5 1100 miles of forest roads in the South Fork Trinity  
6 River watershed, all of those being essentially native  
7 soil roads, and they are heavily used seasonally.  
8 Right now they aren't because everything in the South  
9 Fork Trinity River watershed is under snow. But  
10 heavily used by recreational motorists, primarily  
11 hunters I think would be the number one users  
12 seasonally and recreationalists. There's a group  
13 called Humboldt Trinity Recreational Alliance that is  
14 actually opposing off-highway recreational uses from  
15 Humboldt County over through Trinity County to Shasta  
16 County, and most of the damage we see is related to  
17 vehicle use.

18 CHAIR SPITLER: Okay.

19 COMMISSIONER WALDHEIM: Mr. Chairman, we need a  
20 clarification on this. When we are doing a restoration  
21 project, it was the understanding that the restoration  
22 project would be through management styles, whatever  
23 description of the Forest Service, that these trails  
24 are no longer utilized by the recreationists right now.  
25 But if you're testifying that these existing trails,

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1 these existing roads that we're using, then I may have  
2 to rethink this one. We are not supposed to do any  
3 restoration on any trails that the public has use to  
4 right now with a wheeled vehicle.

5 PAT FROST: These specific roads are roads that  
6 have been recommended for decommissioning. I mean they  
7 are being taken off of the Forest Service system, at  
8 least one of those roads is a phantom road, a road that  
9 does not show up on the system.

10 COMMISSIONER WALDHEIM: But here again, under  
11 the route designation project that Dr. Farrington is  
12 working on, they are to inventory all routes out there.  
13 They're not to close a single route until we go through  
14 the designation process. Are these roads in this  
15 restoration project, have they already gone through  
16 this process or are they off the table? Because your  
17 testimony was that now there's snow, you can't use it;  
18 but when there is no snow, everybody in the world is  
19 using it.

20 PAT FROST: I apologize. I meant the road  
21 network in the larger sense, but not the specific  
22 roads. All of these roads have been analyzed by the  
23 Forest Service under their transportation planning  
24 process. They have NEPA completed on them. They've  
25 had watershed assessments done on them. That's the

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1 best I can do. I'm sorry.

2 COMMISSIONER WALDHEIM: Mr. Chairman, I want to

3 make sure that my counterparts up in the north are

4 agreeing with that statement now, Mr. Klusman?

5 DON KLUSMAN: Yes.

6 COMMISSIONER WALDHEIM: So it was a

7 misstatement.

8 DON KLUSMAN: Yes.

9 COMMISSIONER WALDHEIM: Okay. Thank you.

10 COMMISSIONER THOMAS: Or there is a difference

11 of opinion.

12 COMMISSIONER WALDHEIM: No, it's not a question.

13 The rule is the rule.

14 COMMISSIONER THOMAS: Okay. There are different

15 opinions about that rule.

16 CHAIR SPITLER: All right. Is there more

17 discussion about this grant? We have a motion and a

18 second. All those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIR SPITLER: Opposed.

21 COMMISSIONER PRIZMICH: No.

22 CHAIR SPITLER: Commissioner Prizmich votes no.

23 Motion carries.

24 The final grant before lunch is OR-747 Tuolumne

25 County Sheriff.

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1           STAFF HOM:  OR-747, Tuolumne County Sheriff's  
2 Law Enforcement scored 40 points; therefore, the  
3 Division's funding determination, zero dollars.

4           DICK ROGERS:  Good afternoon, Mr. Chair, members  
5 of the Commission.  I'm Sheriff Dick Rogers of Tuolumne  
6 County.  I won't beat around the bush at all about  
7 this.  The individual that prepared this grant did not  
8 fully understand how it was to be done.  Since that  
9 time that individual has actually retired.  We have  
10 another individual that has been replaced and has been  
11 working very diligently with Chief Bill Jenkins, and I  
12 want to thank him for his assistance, basically been  
13 pointing out the weaknesses in our grant, and we have  
14 gone over it in great detail.  And I want to cover  
15 things that should definitely have been put into our  
16 grant application, and I take the hit because I signed  
17 off on it originally not realizing the situation.

18           Just starting with the beginning of it, having  
19 to do with our application demonstrates a proposed  
20 budget and is designated to provide for efficient use  
21 of funds taking into consideration, yes, we do  
22 efficiently use our funds.  We have been doing so since  
23 the 2001 fiscal year, otherwise that winter we'd have  
24 no snow vehicle program.  You people helped start that  
25 for us.  We have expanded that program.  Initially

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1 started out with two snowmobiles and a trailer and  
2 expanded to four. We covered a heck of a lot more  
3 area. The program works successfully. Unfortunately,  
4 the funding has decreased year after year. And  
5 essentially \$8,000 -- we started out with 20 and got  
6 all the way down to \$8,000 last year, have an extremely  
7 difficult time. Had no other funding to basically  
8 match this, and we were very limited in our operations,  
9 but we do have an active program. We'd like to keep it  
10 going. It's that simple.

11 The other thing is -- dealing with the other  
12 areas, apparently our grant didn't too strongly address  
13 the issue of having to do with public safety. What can  
14 I say? Before we had the grant, we had people trapped  
15 in that area. We had some deaths. We had people that  
16 were out there that they would lose toes and fingers.  
17 Since that time, we have done -- we do literally pull  
18 in or towed or dug people out, anywhere from one to two  
19 dozen people per year. It is a major safety issue. I  
20 think it's adequately served the public. We're very  
21 happy about that.

22 The grant also addressed the fact that -- having  
23 to do with lack of patrol in the area as a result of  
24 wilderness intrusions. We had a pretty good rate for  
25 several years. Last year, unfortunately, we didn't

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1 catch anybody doing any wilderness intrusions, but we  
2 were able to detect evidence of 15 intrusions into the  
3 area, and that was very important for us. Believe me,  
4 it's very disheartening, when you don't have enough  
5 patrols out there, to get some people doing damage to  
6 our territories.

7 One of the things that was a big issue, and I  
8 think you really need to know about this, and I didn't  
9 even know about it until the Forest Service opened a  
10 particular area, but we're talking about our unique  
11 geographical location, right now 30,000 acres. This  
12 summer, the U.S. Forest Service opened a particular  
13 area that is just outside of our county, but it's going  
14 to have a huge, huge effect on us. And that happens to  
15 be the Leavitt Lake area, which is actually in Mono  
16 County, just over the top of Sonora Pass.  
17 Unfortunately -- others would say fortunately in some  
18 respects, unfortunately in my point of view, there's  
19 been a lot of publicity. For instance, I'll just read  
20 something that was on our Mother Lode Internet, comes  
21 out from KBML radio:

22 "Tuolumne County based  
23 snowmobile club, The Sonora Pass  
24 Sno-Goers, is looking forward to new  
25 access around Leavitt Lake. The

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1 Humboldt-Toiyabe National Forest is  
2 planning to open 7,000 acres on the  
3 eastside of Sonora Pass to  
4 snowmobiler riders this winter. The  
5 U.S. Forest Service says that the  
6 land has been off limits to motor  
7 vehicles because of its pristine land  
8 and possible use as a protected  
9 wilderness area."

10 However, they have now opened this, and  
11 basically it grants access from our side of the pass,  
12 and snowmobile clubs are already well informed that  
13 they can come out and go through our area and up 108  
14 over Sonora Pass and into that area, and they're going  
15 to have to return the same way. A lot our citations  
16 written last year had to do with parking, particularly  
17 on the highway and also in the snow park areas. And  
18 the reason is there's not enough parking up there. We  
19 have tremendous amount of usage to this area. We're  
20 the closest area really from the Bay Area, and  
21 basically from San Joaquin Valley directly up to  
22 snowmobile areas. I could carry on about a lot of  
23 things about the weakness of our grant, but one thing I  
24 do want to point out it had to do with training.

25 CHAIR SPITLER: I'm sorry to interrupt you but

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1 if I could ask you to conclude. We have a lot of  
2 people waiting to speak.

3 DICK ROGERS: Very simple, I think we have a  
4 great program. I now have got a huge responsibility  
5 over and above what I had before. I don't have -- I've  
6 run out of funds basically to even match anywhere near  
7 the amount of money we got last year, which was only  
8 \$8,000. We've asked for 25. I'd like to try to get  
9 our program really sustained and keep moving because  
10 we're going to have a lot of search and rescue missions  
11 I don't want to have. It's that simple.

12 COMMISSIONER THOMAS: I've got a question. If  
13 you were fully at 25, would you be doing patrol  
14 adjacent to this 7,000 acres of new open area?

15 DICK ROGERS: Yes, we would. We patrol all the  
16 way up to the top of Sonora Pass and actually sometimes  
17 meet up with the Mono County patrols up there. That's  
18 a brand new area that's open. It's going to draw a lot  
19 more people. We do a vast majority of our patrolling  
20 in the Dardanell Basin, and you have no idea until you  
21 get up and look at the elevation, climb over Sonora  
22 Pass.

23 COMMISSIONER THOMAS: I know the area.

24 THE WITNESS: That's going to be the danger  
25 zone. That's where I've really got to emphasize our

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1 patrols to keep it as safe as possible.

2 COMMISSIONER THOMAS: Do you work cooperatively  
3 with the wilderness --

4 DICK ROGERS: Absolutely. We've helped put  
5 signage up for them and check out people.

6 COMMISSIONER THOMAS: Thank you. I need to fill  
7 in your chart.

8 CHAIR SPITLER: Okay. Sue Warren, followed by  
9 John Klusman.

10 SUE WARREN: Sue Warren, Public Service Program  
11 Leader for the Stanislaus National Forest. We are  
12 working cooperatively with Tuolumne County Sheriff, and  
13 any assistance you can give them would be greatly  
14 appreciated; got a lot of challenges ahead of us.  
15 Thank you.

16 CHAIR SPITLER: Thank you. Don Klusman.

17 MEMBER OF THE PUBLIC: Pass.

18 CHAIR SPITLER: Bill Dart, Don Amador, John  
19 Stewart.

20 MEMBER OF THE PUBLIC: Pass, and Dave Pickett.

21 COMMISSIONER WALDHEIM: Mr. Chairman, I've got  
22 numbers. I spoke first.

23 COMMISSIONER THOMAS: But you've been the first  
24 every time.

25 COMMISSIONER WALDHEIM: Listen to me. Fifteen

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1 first number, 20 is for the next number, 10 for the  
2 next number, 22 for the next number, 14 for the next  
3 number, 14 for the next number, total of 95; funding  
4 25,000.

5 COMMISSIONER THOMAS: Now you're a star. I  
6 second that.

7 COMMISSIONER PRIZMICH: Mr. Waldheim, that is  
8 based upon the testimony given?

9 COMMISSIONER WALDHEIM: Yes, thank you.

10 COMMISSIONER THOMAS: And of course the record  
11 is complete in that matter because we heard from the  
12 sheriff.

13 COMMISSIONER WALDHEIM: That is correct.

14 CHAIR SPITLER: Okay. Motion and second. Is  
15 there a discussion? All those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR SPITLER: Opposed. Motion carries.

18 DAVE ROGERS: Thank you very much. Your county  
19 thanks you very much.

20 CHAIR SPITLER: We are at about ten minutes to  
21 1:00. Let's start two o'clock sharp with the federal  
22 grants.

23 (Lunch break taken in proceedings.)

24 CHAIR SPITLER: This afternoon's agenda is to  
25 deal with the Northern California federal agency

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1 grants. We'll deal with these by national forest or  
2 field office.

3 So we'll start with Arcata BLM and do all of the  
4 field office grants at the same time. So OR-2-N-52 and  
5 53 Arcata Field Office Planning and Restoration.

6 STAFF HOM: OR-1-NO-52, BLM Arcata Field Office  
7 Planning, it scored a zero; therefore, the Division  
8 spending determination is zero dollars. And  
9 OR-1-NO-50, BLM Arcata Office Field Restoration scored  
10 25 points with Division recommendation of zero dollars.

11 BRUCE CANN: My name is Bruce Cann. I work with  
12 BLM out of the Arcata Field Office. Chairman and  
13 Commissioners, thank you for the opportunity to speak  
14 about this funding request. The Lacks Creek management  
15 area totals 800 acres containing approximately ten  
16 miles of road open to various types of vehicle use.  
17 Most of the uses are from four-wheel drive, and ATV  
18 motorcycles are also allowed on these roads. The BLM  
19 recently acquired 4500 acres adjacent to the old 4,100  
20 BLM block containing the accessible road network, these  
21 recently acquired lands, although not accessible by  
22 vehicle should be considered in context with the total  
23 public land area, and that vehicle access and OH  
24 vehicle opportunities currently exist and will most  
25 likely be expanded by opening up some old logging roads

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1 that have not been used in many years. This project  
2 requests funds to inventory and assess the 90-mile road  
3 network on the 4500 acres of recently acquired land.  
4 This information would then be used to write a  
5 multi-resource activity plan for the entire 8600 acres,  
6 not just a restoration plan for the acquired land as  
7 stated in the project description. This activity plan  
8 would describe which roads would continue to be  
9 accessible for motorized recreation uses, additional  
10 roads to be opened for OHV use, roads that would be  
11 restored and rehabilitated, and roads that would be  
12 converted to non-motorized recreation uses. Of course,  
13 the other resources such as cultural and ecological  
14 wildlife resources and geology would be evaluated, as  
15 well.

16 We also have a lot of support from volunteer  
17 organizations to help us out on this planning effort,  
18 including the International Mountain Biking  
19 Association, Horseman's Association, and one of the  
20 local new off-highway vehicle clubs that's interested  
21 in helping us. So if there are any questions on that  
22 Lacks Creek planning grant.

23 CHAIR SPITLER: Why don't you go ahead and talk  
24 about the other one, and we'll do public comment, and  
25 we'll get back to you with questions.

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1 BRUCE CANN: Okay. The other one is the  
2 restoration project out at the Samoa Dunes Recreation  
3 Area. Back on October 14th, the California Coastal  
4 Commission approved a coastal development permit for  
5 another five-year period, which would allow riding on  
6 the Eureka Dunes portion of the Samoa Dunes Recreation  
7 Area. And one of the conditions for this coastal  
8 development permit would be that we have to do  
9 restoration work in that area. So that was -- we  
10 talked a little bit about that at the last meeting.  
11 And so there is a requirement under that coastal  
12 development permit to do restoration work.

13 If you'd like me to review some of the points, I  
14 would be more than willing to, unless you want to do  
15 it.

16 CHAIR SPITLER: We'll take our whack at it. Go  
17 ahead and stay close. We'll do our public comment and  
18 we will get back to you.

19 Lois Silvernail, followed by Don Klusman.

20 MEMBER OF THE PUBLIC: I'll pass.

21 CHAIR SPITLER: Don Klusman.

22 DON KLUSMAN: Don Klusman, California 4-Wheel  
23 Drive Association. On the planning grant OR-52, we  
24 appreciate BLM stepping forward in wanting to do this.  
25 We also understand the need for it, but at this time we

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1 have to agree with the staff recommendation of zero  
2 funding, not because the way the grant was written, but  
3 just due to the amount of public that's available, and  
4 I think this can be done cheaper than what we're  
5 looking at here with some help from the rest of the  
6 community. I know the mountain biking community is  
7 eager because they want some of the roads that are  
8 motorized now to be non-motorized. But the main reason  
9 is just the money is not available.

10 As far as the restoration grant, we are  
11 supporting it a hundred percent because of several  
12 reasons, but the main reason being that we've worked  
13 closely with the Coastal Commission, because this is a  
14 sensitive area. This is the last area in Northern  
15 California where vehicles are allowed. In this area  
16 BLM has done an exemplary job. We have proved to the  
17 Coastal Commission that we can manage this area. As  
18 part of this permit, the restoration must occur. So we  
19 would support this grant a hundred percent. Thank you.

20 CHAIR SPITLER: Bill Dart, followed by Don  
21 Amador.

22 MEMBER OF THE PUBLIC: Pass.

23 CHAIR SPITLER: Don Amador.

24 DON AMADOR: Don Amador, Blue Ribbon; agree with  
25 Cal 4 on the planning, also just reaffirm our support

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1 for the restoration for 100 percent because of its  
2 integral part of the Coastal Commission's requirements  
3 for keeping that area open. Thanks.

4 CHAIR SPITLER: John Stewart and Dave Pickett.

5 MEMBER OF THE PUBLIC: Pass.

6 CHAIR SPITLER: I'm going to go ahead and make a  
7 motion on the planning grant. I'm going to move a  
8 score of 20 in the first category, 15 in the second, 30  
9 in the third and 15 in the fourth, based on my review  
10 of the application and the comments that I've heard  
11 today. So final score would be 80 for an allocation  
12 level of 55,000.

13 COMMISSIONER BRISSENDEN: I'll second that.

14 COMMISSIONER ANDERSON: Question.

15 CHAIR SPITLER: Commissioner Anderson.

16 COMMISSIONER ANDERSON: Could I hear how they  
17 managed to get zero, zero, zero, zero, zero?

18 COMMISSIONER THOMAS: We were thinking of  
19 getting an award here because there isn't anybody else  
20 in Northern California that got a zero. I didn't think  
21 it was possible.

22 COMMISSIONER ANDERSON: Totally zero.

23 CHIEF JENKINS: If you look down at the  
24 criteria -- I didn't mean to speak over you.

25 CHAIR SPITLER: Mr. Jenkins.

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1 CHIEF JENKINS: If you look down at the  
2 criteria, and they were addressing once again what we  
3 have in the package, which is just is a couple of pages  
4 of describing what they're doing. But, for instance,  
5 on that first one, the application demonstrates  
6 implications of not funding the project will have an  
7 adverse effect on the provision of OHV opportunities,  
8 there was just really no discussion of that that we  
9 could -- it just wasn't addressed in the application  
10 and so.

11 COMMISSIONER ANDERSON: So they missed it.

12 CHIEF JENKINS: Nothing there to give any points  
13 for. And that was the case as we read down through  
14 each of these specific criteria. It's not saying this  
15 isn't a valid and great project to do with the resource  
16 there. It's just based on these criteria, all of the  
17 raters combined couldn't find a nexus between what was  
18 described on these criteria and the project that we had  
19 the package in front of us.

20 COMMISSIONER THOMAS: Mr. Chairman, doesn't the  
21 fact that a proposal adds opportunity to an existing  
22 area, increases opportunity, doesn't that meet the  
23 first criteria that there is adverse effect of not  
24 adding increased opportunity. And you would say well,  
25 gosh, we don't want adverse effects because these guys

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1 are proposing to add opportunity. So rather than  
2 giving them zero, you would say, we need to give you a  
3 better score.

4 CHIEF JENKINS: If we could have determined from  
5 the application that they were going to add  
6 opportunity, then we would have given them points in  
7 that criteria. Did I follow what you said correctly?

8 COMMISSIONER THOMAS: Correctly, but I didn't --  
9 anyway, very good.

10 CHAIR SPITLER: I think Mr. Cann has addressed  
11 that in his comments here today.

12 COMMISSIONER THOMAS: He has.

13 CHAIR SPITLER: Is there more discussion on this  
14 one? All those in favor?

15 (Commissioners simultaneously voted.)

16 CHAIR SPITLER: Opposed. Motion carries.

17 OR-1-NO-53 restoration, I will also move this  
18 one since I'm familiar with the project. Based on my  
19 review of the application and the comments I've heard  
20 today, I'm going to move a score of 20 in the first  
21 category, 10, 10, 30, 20, and five, for a final score  
22 of 95 at a funding level of \$38,000.

23 COMMISSIONER BRISSENDEN: I will also second  
24 that.

25 CHAIR SPITLER: Discussion.

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1           COMMISSIONER PRIZMICH: Just a comment, it's  
2 somewhat uncomfortable that we've got such disparity  
3 between the rating board and the Commission. I don't  
4 know how to resolve that or find a solution to it, but  
5 it's troubling for me.

6           CHAIR SPITLER: Yeah, I think that's fair. I  
7 think part of the -- you know, that's part of our job  
8 today is to hear the comments, including those from the  
9 grantees, and sometimes they just didn't -- they  
10 weren't able to describe the project well enough in the  
11 application, as well as they can do it in person. But  
12 I hear the concern.

13           Okay. Any more discussion? All those in favor?

14           (Commissioners simultaneously voted.)

15           CHAIR SPITLER: Opposed. Motion carries. Thank  
16 you, Mr. Cann.

17           BLM Eagle Lake, OR-1-NO-58 and 1-NO-57.

18           STAFF HOM: Chairman Spitler, how about the  
19 other one before, that OR-1-SW-36?

20           CHAIR SPITLER: Excuse me, I missed one,  
21 OR-1-SW-36, BLM California State Office.

22           STAFF HOM: Yes. OR-1-SW-36, BLM California  
23 State Office, facility operations and maintenance, it  
24 received 61 points, with a Division funding  
25 determination of a 110,000.

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1 CHAIR SPITLER: Mr. Keeler.

2 JAMES KEELER: Chairman Spitler and Commission,  
3 I appreciate your consideration of the grant. I would  
4 be willing to accept the Division recommendation on  
5 this. I'm also willing to answer questions if you have  
6 any, and would also be happy to accept any additional  
7 funding, either way you want to go.

8 What this part of my grant does, this funds my  
9 salary, plus my ability to bring in staff once in a  
10 while or move them around for training assignments or  
11 bring them in to help. It's all of my travel when I'm  
12 working down in the desert or doing things like that,  
13 when I'm participating in front of the stakeholders  
14 process or coordinating any of the other programs. So  
15 that is my explanation for the moment.

16 COMMISSIONER THOMAS: Question, though, can you  
17 help with us this table and provide your input?

18 CHAIR SPITLER: Before we do that, let's go  
19 through the public comment and bring Mr. Keeler back.

20 COMMISSIONER THOMAS: You think about it while  
21 he's waiting.

22 CHAIR SPITLER: Lois Silvernail, followed by Don  
23 Klusman.

24 LOIS SILVERNAIL: Lois Silvernail, CORVA. I  
25 just kind of have one problem that I'm debating here.

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1 I'm still concerned why I, as a state representative,  
2 am supporting federal office. He's talking about this  
3 is basically his salary, and I thought he was a federal  
4 employee. And I understand that what he's working for  
5 is for our opportunity out here, but it still boils  
6 down I pay federal taxes for that, not state taxes.  
7 Thank you.

8 CHAIR SPITLER: Thank you. Don Klusman.

9 DON KLUSMAN: Don Klusman, California 4-Wheel  
10 Drive Association. We have decided to go with staff  
11 recommendation. And like Mr. Keeler says, if the  
12 Commission has it in their ability and thinks the  
13 funding is there, more funding would always help.  
14 Mr. Keeler has done a wonderful job in running up and  
15 down this state trying to keep a lot of the issues  
16 intact. So thank you.

17 CHAIR SPITLER: Thank you. Bill Dart, followed  
18 by Don Amador.

19 BILL DART: Bill Dart, representing the Off-Road  
20 Business Association, and we support the staff  
21 recommendation. We think it's valuable work that  
22 Mr. Keeler does.

23 CHAIR SPITLER: Thank you. Don Amador.

24 MEMBER OF THE PUBLIC: Pass.

25 CHAIR SPITLER: John Stewart, followed by Dave

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1 Pickett.

2           JOHN STEWART: John Stewart, California  
3 Association 4-Wheel Drive Clubs. I deal with Jim  
4 Keeler, and the BLM staff, that he mentioned,  
5 receives -- he funds training on a regular basis.  
6 Without their efforts, recreation especially in the  
7 desert areas would be at a disadvantage. And like the  
8 acting supervisor for the Desert District mentioned  
9 this morning is that, you know, within the BLM Desert  
10 District on the southern part of the state, we have a  
11 significant impact on recreational activity. You know,  
12 a lot of people go there for recreation. Anything that  
13 we can do to keep the training of their BLM staff up  
14 and keep working on the issues through the various  
15 stakeholder meetings, it's important work and it should  
16 be funded. To that extent, we do support at minimum  
17 the staff scoring recommendation or the scoring  
18 allocations, as is. But if there is anything extra,  
19 it's always appreciated.

20           CHAIR SPITLER: Thank you. Dave Pickett.

21           DAVE PICKETT: Dave Pickett, District 36,  
22 Motorcycle Sports Committee. As time has gone on, I've  
23 gotten to know Jim better and the process, his  
24 operation. It improved. We'll recommend that funding  
25 go at the staff recommendations for this. Thank you.

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1 CHAIR SPITLER: Thank you.

2 COMMISSIONER BRISSENDEN: Can Mr. Keeler come  
3 back to the podium? I have the same question that Lois  
4 Silvernail has, and I beat this horse to death for  
5 three years. Don't you have a salary?

6 JAMES KEELER: I do. Well, actually, my salary  
7 though is entirely dependent upon the grant. Now that  
8 doesn't mean that they won't find money to fund me  
9 otherwise if I am not funded under the grant. However,  
10 my memory is that BLM California statewide for the  
11 entire state gets less than \$8 million in recreation  
12 funding. And that has to cover all of the field  
13 operations, plus the state recreation operations. So  
14 either way, if my funding comes out of the federally  
15 appropriated dollars, then that means less monies  
16 available for the grant.

17 Another issue that we don't talk about too often  
18 is the federal government brings in PILT money, for  
19 example, that goes into each county, which is payment  
20 in lieu of taxes on the federal land. So there is  
21 quite a trade back and forth between federal and state  
22 dollars. I still believe, though, as a whole that I'm  
23 bringing in additional dollars, and I think that  
24 dollars invested into my program are pretty well  
25 invested in OHV dollars. But we have to have that

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1 discussion some more. I'm willing to have it.

2 CHAIR SPITLER: I've supported these positions  
3 in the past, and I just have to say that looking at the  
4 need out there for trail maintenance and other  
5 on-the-ground activities, I can't find a way to weigh  
6 this grant favorably compared to the other important  
7 applications that we have before us. So my scoring for  
8 this grant does not give it such a favorable score as  
9 the Commission. My score -- excuse me, as the  
10 Division.

11 My score is 15 for the first column, 14 for the  
12 second, 15 for the third, five for the fourth, and zero  
13 for the fifth; for a final score of 49 and a funding  
14 level of zero. I think that Mr. Keeler provides  
15 important service that BLM certainly will find a means  
16 to pick up, and I think, again, when I weigh these  
17 efforts here compared to the pressing needs we have for  
18 on-the-ground trail maintenance and other activities, I  
19 just kind find a way to balance this one favorably in  
20 that equation. So I'd move that funding level.

21 COMMISSIONER BRISSENDEN: I'll second.

22 CHAIR SPITLER: Discussion.

23 COMMISSIONER WALDHEIM: Mr. Chairman, this is a  
24 tough one because even though we're talking about  
25 coordinations within the State of California with the

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1 Bureau of Land Management, in '84/'85, I made the  
2 motion to create these positions in the first place, a  
3 \$110,000 for the Forest Service, 110,000 for the BLM.  
4 Because staff and myself personally could not go around  
5 the whole state to cover the areas that had to be  
6 covered. We just didn't -- Brian Clock and I and Lola  
7 Dusk, we just ran our wheels off trying to cover this  
8 state. We just couldn't do it. That's in the '80s.

9 Through the years, the value of having a  
10 coordinator has been pretty good because they do  
11 interact with all of the field managers throughout the  
12 state, up and down the state. It's very unfortunate  
13 that -- and I can understand where the Chair is coming  
14 from is that we're trying to save money for the -- for  
15 the trail maintenance, which is what we desperately  
16 need and is totally, totally underfunded, as is law  
17 enforcement totally under funded.

18 And I'm starting to wonder if this a wise move  
19 to cut them totally out because now Mr. Poole can  
20 decide, well, since they're not paying for you, I need  
21 you to go work on this other project; therefore, all of  
22 a sudden we're left at the mercy of every field office.  
23 Now, I haven't had 100 percent trust in every field  
24 office. I have a good working relationship with quite  
25 a few of them, but there's a lot of them where we don't

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1 have true representation. Conversely, a field manager  
2 or a recreation officer in a field, all he has to do is  
3 pick up the phone and get ahold of Mr. Keeler up in  
4 Sacramento or they call Kathy in the Forest Service and  
5 say we've got a problem here. We have somebody who's  
6 going to advocate our cause and work over there.

7 So I really -- when you look at the total  
8 budget, we're going to have to start thinking about  
9 cutting. At lunchtime we're way over already, and it's  
10 very unfortunate that the people who are going to be  
11 last are the ones that are going to be cut, and that's  
12 totally not acceptable.

13 But the budget that I've preliminarily gone  
14 over, I had 218,000 left over in the O&M side, what we  
15 now call the non-CESA side. I'm almost willing to  
16 say -- I was trying to also think about cutting down  
17 the Forest Service when we get to Kathy Mick's  
18 position. We should almost bring them both back to the  
19 equal position. They do fill a service for our local  
20 user community, and our local people. And to cut it  
21 totally out, that is pretty severe. I had 273,000 left  
22 over.

23 So I think I would like to leave it at the  
24 staff's recommendation at the 110, because with all of  
25 the changes and all of the things that are happening

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1 with us right now, there's two people in the BLM we  
2 really depend on, one is Jim Weigand, and one is Jim  
3 Keeler. Jim from the restoration point of view from  
4 the resources, without him, we would be totally lost.  
5 Those two positions, I think we should do everything we  
6 have in our power to keep them going. So I wouldn't  
7 vote for the removing of the 110. I would go with  
8 staff recommendation on that one.

9 CHAIR SPITLER: Let me just ask a question of  
10 Mr. Keeler. You mentioned that BLM would likely find  
11 the funding for your position if the Commission didn't  
12 find its way to do so. Do you think that's the case?

13 JAMES KEELER: I honestly have not talked with  
14 my supervisor about that. I've been expecting the  
15 Division recommendation level. I haven't asked what  
16 his opinion is. There is certainly the risk that he  
17 would have me do other projects, as well as what I'm  
18 doing.

19 CHAIR SPITLER: My opinion is that it's very  
20 likely that, as opposed to Mr. Weigand's position,  
21 which really, you know, relies exclusively on these  
22 funds and was created out of these funds, Mr. Keeler's  
23 position most likely BLM is likely to fund that  
24 position and continue their position with their own  
25 funding and allow us to direct our funds to more

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1 pressing on-the-ground needs.

2 COMMISSIONER THOMAS: Let me ask a question of  
3 Ed. Didn't the audit fault us for funding these  
4 positions when -- wasn't there something in the audit  
5 about we're not supposed to fund ancillary services  
6 that make it easier for governmental agencies to apply  
7 for grants. Didn't I hear that?

8 COMMISSIONER WALDHEIM: It did mention some  
9 things like that, but there's a lot of -- there's a lot  
10 of misconceptions that were brought up in the audit  
11 that had we had a chance to interact with them more  
12 clearly on exactly what is the function of these people  
13 in the federal government for the California citizens  
14 and for the California resources, they would have  
15 realized it's either the staff would have to take that  
16 position --

17 COMMISSIONER THOMAS: I thought they were wrong.  
18 I thought that audit was wrong, but I was just trying  
19 to refresh my recollection. This is a one of the kind  
20 of things that we're complaining about, right?

21 COMMISSIONER WALDHEIM: Yes.

22 COMMISSIONER THOMAS: And then --

23 COMMISSIONER WALDHEIM: But staff is  
24 recommending. Staff is not doing it, I think.

25 COMMISSIONER THOMAS: Maybe staff is ignoring

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1 the audit, too. But my other question to you is what  
2 would you suggest to make up the 213? If we did vote  
3 for this, where would we cut it, to make up for this?

4 COMMISSIONER WALDHEIM: If we did this 110,  
5 going over the records that I have, we're at 213. We  
6 would end up -- it's going to get awful. It's going to  
7 get tight. There is absolutely no way on the facility  
8 maintenance, it's at 250 right now. So if we get that,  
9 we would be at a 150 left over, left over, not  
10 negative, left over.

11 CHAIR SPITLER: Having overspent law enforcement  
12 by over 300,000.

13 COMMISSIONER WALDHEIM: 271,000, that's been  
14 over on the law enforcement.

15 CHAIR SPITLER: That's getting made up of O&M.

16 COMMISSIONER WALDHEIM: No, it's not getting  
17 made up of O&M and -- it better not get made up of O&M.

18 CHAIR SPITLER: Daphne, where is it coming out  
19 of?

20 DEPUTY DIRECTOR GREENE: Chairman Spitler, if I  
21 may, with all due respect to the final decision that's  
22 made by the Commission, I would like to be able to go  
23 on the record to try and support this particular  
24 project because the services that BLM -- and I don't  
25 know what your decision is on the Forest Service, but

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1 the position that Jim Keeler holds at the current time  
2 is invaluable to the Division. And per  
3 Commissioner Thomas' comment about the audit, even more  
4 importantly now because of the audit and the number of  
5 issues that we have with both BLM and Forest Services,  
6 we're trying to get some clarity on some of the  
7 dollars, the outstanding dollars. Jim in particular  
8 has been invaluable to work with us and BLM's  
9 commitment to the state to try and address the issues  
10 in the audit have really been admirable. But I would  
11 keep in mind that they have -- Jim did try and address  
12 the criteria to the best of his ability. And  
13 particularly as we go now into the development of the  
14 permanent regs, we just had a meeting this week in  
15 working with those regulations, and both the Forest  
16 Service and BLM were represented. So it would have a  
17 serious impact, I think for the Division in particular  
18 to not have a coordinator in that position.

19 CHAIR SPITLER: And I'm no one is saying  
20 Mr. Keeler's work is not admirable or important. The  
21 only question today is who should pay for it, the  
22 federal government, as Mr. Keeler is a federal  
23 employee, or the State of California. And I think the  
24 BLM should pay for it, and I think that they will pay  
25 for it if the Commission finds it in a lower priority.

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1           COMMISSIONER WALDHEIM: Mr. Chairman, the BLM  
2 did not create those positions. We, the Commission,  
3 created those positions in the '80s. This was not  
4 something that the BLM did. We did it, namely, myself,  
5 and the Commissioners all agreed with me at that point.

6           Going back again, the Division does not have the  
7 staff to go out and keep track of all of the numerous  
8 grants and the things that are taking place in the  
9 field. They haven't had it in the past. They're not  
10 going to have it in the future. They're barely keeping  
11 up with what's going on. As you well know, we, as the  
12 Commission, wanted to go audit every single grant out  
13 there. And it's just not being done. At least  
14 Mr. Keeler, he is working in concert with the Division,  
15 is helping them make sure what we spend or what we give  
16 him actually gets done. When we say Mr. Keeler or  
17 Kathy Mick, it's the same thing. It's the same job  
18 that these two people have. It's through the  
19 coordination between their agencies, with the Division  
20 and with us.

21           So we'll keep looking -- Mr. Chairman, we'll  
22 keep looking as we go down and see where we can shave  
23 some money or what we can do. But I really don't think  
24 this is the time to play -- to take chances with the  
25 Department of the Interior or Mr. Poole, thinking that

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1 he's going to fund it. I've got this funny feeling  
2 that we're probably going to end up with the short end  
3 of the stick if we don't fund this. The program will  
4 suffer if we don't fund this.

5 CHAIR SPITLER: Okay. Is there more discussion  
6 here or can we call for a vote?

7 COMMISSIONER ANDERSON: I would basically align  
8 myself with Mr. Waldheim's comments. I don't really  
9 think we can zero this program out. I don't know how  
10 much -- you may have worked primarily with Mr. Keeler.  
11 My connections have been primarily with Mr. Weigand in  
12 getting useful feedback on the various grants up and  
13 down the state that he's been looking at the  
14 environmental side of. So in terms of protecting  
15 natural and cultural resources, I think that  
16 Mr. Weigand's services have been particularly valuable  
17 to me as a commissioner, so I don't -- I'd like to give  
18 him another point.

19 CHAIR SPITLER: Was this an amendment to the  
20 motion?

21 COMMISSIONER ANDERSON: An amendment? All  
22 right. Under the third category, I would give them 16  
23 at least.

24 CHAIR SPITLER: Okay. Is there a second?

25 COMMISSIONER PRIZMICH: I'll second that.

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1 CHAIR SPITLER: Okay. Do you want to discuss  
2 the amendment or shall we go ahead and vote on it?

3 COMMISSIONER THOMAS: Mr. Chairman, I'm looking  
4 for the audit to try to find out whether we're going to  
5 be voluntarily violating what was, in the view of the  
6 auditor, something that was an unauthorized act.

7 COMMISSIONER ANDERSON: Do you want to table  
8 this?

9 CHAIR SPITLER: Let's take it up. Let's finish  
10 it.

11 COMMISSIONER THOMAS: I guess I'm going to vote  
12 one way or the other, but when I do, if in the course  
13 of this meeting I come across this audit and figure out  
14 the issue, I'll reconsider it if a motion is  
15 appropriate. If the evidence of the auditor is  
16 consistent, I'm going to pass.

17 CHAIR SPITLER: Let's vote on the amendment  
18 first, which would be to score the grant at a 50 for a  
19 funding level of 90,000.

20 Sandy, can we do a roll call?

21 MS. ELDERS: Anderson.

22 COMMISSIONER ANDERSON: Aye.

23 MS. ELDER: Brissenden.

24 COMMISSIONER BRISSENDEN: No.

25 MS. ELDER: Spitler.

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1 CHAIR SPITLER: No.  
2 MS. ELDER: Thomas.  
3 COMMISSIONER THOMAS: Aye.  
4 MS. ELDER: Prizmich.  
5 COMMISSIONER PRIZMICH: Aye.  
6 MS. ELDER: Waldheim.  
7 COMMISSIONER WALDHEIM: Aye.  
8 MS. ELDER: Four to two.  
9 CHAIR SPITLER: We will vote on the original  
10 motion as amended. Can you do roll call?  
11 MS. ELDERS: Anderson.  
12 COMMISSIONER ANDERSON: Aye.  
13 MS. ELDER: Brissenden.  
14 COMMISSIONER BRISSENDEN: No.  
15 MS. ELDER: Spitler.  
16 CHAIR SPITLER: No.  
17 MS. ELDER: Thomas.  
18 COMMISSIONER THOMAS: Abstain.  
19 MS. ELDER: Prizmich.  
20 COMMISSIONER PRIZMICH: Aye.  
21 MS. ELDER: Waldheim.  
22 COMMISSIONER WALDHEIM: Aye.  
23 MS. ELDER: Three to two.  
24 CHAIR SPITLER: Okay. Thank you, Mr. Keeler.  
25 Next grant we have is 1-NO-58, BLM Eagle Lake

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1 Field Office, Law Enforcement.

2 DEPUTY DIRECTOR GREENE: Just for the record,  
3 can you repeat the score?

4 CHAIR SPITLER: Funded at a score of 50, for a  
5 dollar amount of 90,000.

6 DEPUTY DIRECTOR GREENE: Thank you.

7 DUANE JACKSON: Good afternoon, Duane Jackson,  
8 with BLM Eagle Lake Field Office. My comments this  
9 morning or this afternoon is in regard to the  
10 evaluation criteria score that this application  
11 received. Specifically in regards to number three,  
12 which deals with how the application addressed the  
13 unique enforcement issue, and also two and five, which  
14 deal with the environmental issues coming that the  
15 application deals with.

16 Fort Sage OHV area is in a high desert setting,  
17 and primarily the large woody vegetation that we have  
18 there is just the sagebrush. And we've had some  
19 wildfires out there, certainly not caused by OHVs,  
20 but lightening strikes and such. And when the fires  
21 removed this large woody vegetation, it makes it very  
22 difficult to enforce the limited use designation  
23 because it takes so long to regrow the sagebrush. And  
24 when you put in barriers and signs, it's really easy to  
25 go around them. So this causes us some concern and

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1 it's difficult to deal with. Also, the Fort Sage  
2 Mountains, which the OHV area is located in, it's a  
3 critical winter range, and the biologists are concerned  
4 about any root proliferation that occurs. And so we  
5 work closely to try and monitor that root  
6 proliferation.

7 So I would just appreciate if the Commissioners  
8 would reconsider the scores that we received in those  
9 three areas because it certainly is a concern for our  
10 field office as we deal with this OHV area. Those are  
11 the only comments I have. Thank you.

12 CHAIR SPITLER: Thank you. Okay. We'll start  
13 with some public comments. Lois Silvernail, followed  
14 by Don Klusman.

15 MEMBER OF THE PUBLIC: Pass on this one.

16 CHAIR SPITLER: Don Klusman.

17 DON KLUSMAN: Don Klusman, California 4-Wheel  
18 Drive Association. I agree with the comments that BLM  
19 just made. Also one other thing to consider is that  
20 this area is on the border of California/Nevada.  
21 Nevada is wide open. They have not went to route  
22 designation. They have not went to area, even,  
23 designation. The law enforcement that's needed up in  
24 this area is strongly due to the people coming over  
25 from Nevada not knowing or not wanting to know, I don't

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1 know which. But this will be -- what we were  
2 suggesting was 17,000 for this grant to help out with  
3 the law enforcement issues up there. Like I say,  
4 mostly all of their lands are on the California/Nevada  
5 border, and it is a real issue of them trying to keep  
6 peace, you might say, between the borders. Thank you.

7 CHAIR SPITLER: Thank you. Bill Dart, followed  
8 by Don Amador.

9 BILL DART: Bill Dart, Off-Road Business  
10 Association. And we support the staff recommendation.

11 CHAIR SPITLER: Mr. Amador, John Stewart,  
12 followed by Dave Pickett.

13 MEMBER OF THE AUDIENCE: Pass.

14 CHAIR SPITLER: Dave Pickett.

15 DAVE PICKETT: Dave Pickett, District 36. Staff  
16 recommendations, please.

17 CHAIR SPITLER: Okay. Commissioners?

18 COMMISSIONER PRIZMICH: I have a question of  
19 staff, if you could. Can you define for me -- for us  
20 how the applicants were given an idea of what unique  
21 law enforcement issues are? How were they addressing  
22 that or what was it that you were asking them to  
23 identify?

24 CHIEF JENKINS: In the regulations there is a  
25 definition that's given in there. It is one that

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1 we use "unique" so much in the common language, that if  
2 you haven't gone through the training we put on or  
3 looked in the manual or kind of gone through the  
4 definition of how we interpret "unique" in this setting  
5 in this criteria, it can be a little bit confusing. So  
6 "unique" isn't like the only place it's ever done is  
7 right there, which was kind of if you were to just go  
8 straight to the dictionary and try to apply our common  
9 understanding daily uses of "unique".

10 So we're looking more, and it's described -- so  
11 in the manual we have:

12 Unique means that the proposed  
13 project meets a need that stands out  
14 or differs from routine situations  
15 encountered and/or services routinely  
16 provided."

17 So that's what we had here in the  
18 recommendations, were in the manual, and that's how we  
19 interpreted that on the criteria.

20 CHAIR SPITLER: Can you tell me why unique law  
21 enforcement is more important than typical law  
22 enforcement?

23 CHIEF JENKINS: General principle there is that  
24 your routine or you have a law enforcement agency, be  
25 it a sheriff's department or police agency, BLM,

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1 whatever, and they're doing their job. In this  
2 application, for instance, it said under the  
3 implications of not funding the project, that they  
4 would still have law enforcement out in that area, but  
5 they wouldn't be able to necessarily focus it on this  
6 particular activity. So the OHV funding that when it  
7 was given to the law enforcement program was kind of --  
8 they have the program that they run with the additional  
9 OHV funds, they are able to focus some additional  
10 efforts on whatever that unique problem is that they  
11 have to deal with, as opposed to just the day-to-day  
12 law enforcement needs that you would address in your  
13 patrol areas.

14 CHAIR SPITLER: Can you give me an example of a  
15 unique law enforcement problem?

16 COMMISSIONER THOMAS: Armed robbery.

17 DEPUTY DIRECTOR GREENE: Something near and dear  
18 to your heart, Chairman Spitler, a unique issue would  
19 be where you have a restoration area that has just  
20 recently been completed and to make sure that that's a  
21 unique area, where you might also have issues such as a  
22 trail which is very well-known, used quite a bit,  
23 there's not a trail like it -- I think that we've seen  
24 that in the El Dorado National Forest in El Dorado  
25 County. So it is with the idea in mind that it's not

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1 to -- as you just said a few minutes ago, that it is  
2 not to supplant the federal government, it is to  
3 supplement, in this case whether it be the county or  
4 the federal agencies.

5 CHAIR SPITLER: Is trespassing to private  
6 property unique?

7 DEPUTY DIRECTOR GREENE: In the particular  
8 instance where it would come up, yes, it may, in fact,  
9 be a unique situation because in a normal day-to-day  
10 business, you really would not want to see trespass  
11 occur. I think the question would be what's causing  
12 that trespass.

13 As we looked at these grants, as you start to  
14 looking at them, one of the things that was troublesome  
15 is I think the cut-and-paste syndrome, which is year  
16 after year. If the monies that the Commission is  
17 allocating, recognizing that you are on a tight budget  
18 with all of these, but if, in fact, year after year the  
19 same issue is coming up, I think that could be looked  
20 at, too, is it just a standard law enforcement issue or  
21 is it something that really needs to be addressed and  
22 have a good thought-out solution. And so it is trying  
23 to have the agencies who are applying for additional  
24 funds from the state to be thinking about their  
25 program, to be thinking about creative solutions that

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1 they may have whether it be using volunteers to help  
2 control to address some of the issues that are on the  
3 ground.

4 CHAIR SPITLER: Is driving into wilderness areas  
5 unique?

6 DEPUTY DIRECTOR GREENE: I would hope that it's  
7 not something that we see on a regular basis. And  
8 therefore it is something that certainly needs to be  
9 addressed.

10 CHAIR SPITLER: But we see it on a regular basis  
11 in wilderness areas across the state.

12 DEPUTY DIRECTOR GREENE: I think that we would  
13 both recognize that driving into wilderness is never  
14 appropriate. I don't know that we have clear  
15 documentation that it's happening on a regular basis.  
16 I think that we know that we need to address it where  
17 it is occurring.

18 CHAIR SPITLER: Okay. Commissioner Prizmich,  
19 I'm sorry, I butted in on your questions there.

20 Do you have more questions?

21 COMMISSIONER PRIZMICH: Well, I guess it's a  
22 philosophical question that I have. An area that has a  
23 unique law enforcement problem would have a leg up on  
24 an area that has a standard law enforcement problem  
25 then; would that be accurate?

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1 CHIEF JENKINS: That would be accurate.

2 COMMISSIONER PRIZMICH: You're trying to give  
3 points to areas that have greater issues than areas  
4 that don't. Is that the purpose for this possible ten  
5 points?

6 CHIEF JENKINS: I don't know if I would say it  
7 exactly like that.

8 COMMISSIONER PRIZMICH: How would you say it?

9 CHIEF JENKINS: Probably the best way to  
10 illustrate it is in that last example of driving into  
11 the wilderness is never appropriate. And if you have a  
12 wilderness that interfaces with a driving area, of  
13 course, you're going to control that boundary. I'm  
14 just using this as an exact case in point. So you  
15 would, of course, patrol that entire area to make sure  
16 there is no trespass. But now if you have a trail that  
17 becomes really popular and word gets out, you can go to  
18 this particular trail and start getting through, now  
19 you have a little bit of a unique situation in that  
20 vicinity you need to deal with it. And you might need  
21 additional funding for that year or couple of years to  
22 get that particular unique problem under control. Then  
23 you're back to your routine when you need to patrol  
24 that entire boundary. So it's a situation that stands  
25 out, you need a little bit of extra help to address it

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1 a little bit above and beyond what your normal patrol  
2 pattern needs are in a particular area.

3 COMMISSIONER PRIZMICH: I'm almost sorry I  
4 brought it up.

5 COMMISSIONER THOMAS: So the upshot is if  
6 someone in an agency in a county is doing a very good  
7 job on routine matters, they'll never get more than 90  
8 percent of their request. They've got to have armed  
9 robbery before they can get the ten. So, you know, I  
10 think the criteria is defective. But you created them,  
11 and we will work with them.

12 CHAIR SPITLER: Okay. Current grant is  
13 OR-1-NO-58, BLM Eagle Lake BLM Office Law, Enforcement.

14 COMMISSIONER ANDERSON: I'll move the staff  
15 recommendation. No second?

16 COMMISSIONER WALDHEIM: You're moving the staff  
17 recommendation?

18 COMMISSIONER ANDERSON: Yes.

19 COMMISSIONER WALDHEIM: I'll second that.

20 COMMISSIONER PRIZMICH: I'll second that.

21 CHAIR SPITLER: Okay. We have a motion that's  
22 been seconded twice. Do we have any more discussion?

23 All those in favor?

24 (Commissioners simultaneously voted.)

25 CHAIR SPITLER: Opposed. Motion carries.

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1 BLM Field Office OR-1-NO-62 and OR-1-NO-64.

2 STAFF HOM: OR-1-NO-62 BLM Redding Field Office,  
3 Restoration, scored 68. Division determination is  
4 55,550. OR-1-NO-64, BLM Redding Field Office,  
5 Acquisition, scored 81 points with a Division funding  
6 determination of 295,500.

7 CHAIR SPITLER: Before we get too far on these,  
8 I'm going to actually move that we table OR-1-NO-64,  
9 the acquisition project, until the end of the day where  
10 we see where we are with our funding to make sure that  
11 we have enough funds to consider the request. So I'll  
12 leave it to the applicant to decide if you want to take  
13 up the OR-1-62 now, the resource management now, and  
14 wait until the end to do the other one, or do them both  
15 together at the end.

16 SKY ZAFFARANO: We can get the one over with.

17 CHAIR SPITLER: Okay.

18 SKY ZAFFARANO: Sky Zaffarano with the Redding  
19 BLM Office. OR-1-NO-62 is our resource management  
20 project. This project will provide funding for  
21 monitoring and surveying specific species within the  
22 off-highway vehicle area, Chappie Shasta off-highway  
23 vehicle area. It provides funding to support ongoing  
24 survey and monitoring, and we would be fine with the  
25 staff recommendation of 55,550.

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1 CHAIR SPITLER: Stick around for questions.

2 Lois Silvernail, followed by Don Klusman.

3 LOIS SILVERNAIL: Lois Silvernail, for CORVA.

4 And we support the staff recommendations for this  
5 particular grant. We have quite a few of our people  
6 that use that area, particularly here in the north. So  
7 definitely support that one.

8 CHAIR SPITLER: Don Klusman, followed by Bill  
9 Dart.

10 DON KLUSMAN: Don Klusman, California 4-Wheel  
11 Drive Association. What I'd like to say is give them a  
12 lot more money. I understand the restraints. The  
13 Redding Field Office has done wonders up there in  
14 providing opportunity, keeping it lawful, keeping the  
15 trespass down to a very minimum, and working with the  
16 local landowners up there because this is a  
17 checkerboarded area, not only of private property but  
18 with the Forest Service, so I think they've done an  
19 outstanding job. That being said, we would request  
20 that you go with staff recommendations. Thank you.

21 COMMISSIONER THOMAS: Can we get a description  
22 again of what the content of this proposal is?

23 CHAIR SPITLER: Before we do that, can we get --  
24 since we're right in the middle of public comment --  
25 get through that.

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1 COMMISSIONER THOMAS: Whenever it's appropriate.

2 CHAIR SPITLER: Bill Dart, followed by Don  
3 Amador.

4 BILL DART: Dart Bill, Off-Road Business  
5 Association. Concur with the remarks by Mr. Klusman,  
6 and support staff recommendation.

7 CHAIR SPITLER: John Amador. John Stewart,  
8 followed by Dave Pickett.

9 DAVE PICKETT: Dave Pickett, District 36,  
10 Motorcycle Sports Committee. If the Commission will  
11 look up there at line items 10 through 14, 28.3 score  
12 of the Division. Sky's team, that whole group up  
13 there, right attitude, they take their dollars, they  
14 stretch them to the max. I'd like to see a little more  
15 than Division's recommendations, if possible. I  
16 understand the funding restraints this year.  
17 Otherwise, we will support staff recommendations, but  
18 they've done a good job. They got a high score overall  
19 here, and just two points from moving it up to number  
20 70, which would increase it anyways. Thank you.

21 CHAIR SPITLER: Sylvia Milligan.

22 SYLVIA MILLIGAN: Yes, I'm Sylvia Milligan.  
23 This time I have a different hat on. I'm chairperson  
24 of Recreation Outdoors Coalition. I'm also on the  
25 BLM-TRT, and I work with the BLM in Redding. We have a

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1 really unique situation up there because we have an  
2 incredibly wonderful opportunity for people in the  
3 Chappie, but it is riddled with private property. And  
4 while I'm not an advocate for changing from private  
5 property into public lands, this is a unique situation.  
6 We have a willing seller on this, a friend of mine  
7 that's going through a divorce, and so we do not want  
8 to pass up that opportunity to purchase this piece of  
9 land and several others that right now are in that  
10 position. So I would like to see us go with staff  
11 recommendations on the acquisition. And even if we had  
12 to pull a little bit out of 62, that wouldn't be bad.  
13 But keep the acquisition funds there. Thank you.

14 CHAIR SPITLER: Thank you. Okay. We'll deal  
15 with OR-1-NO-62 first, resource management.

16 COMMISSIONER THOMAS: Staff, can you give us a  
17 quick summary of what that OR-1-NO-62 consisted of  
18 again? RESO is what?

19 COMMISSIONER ANDERSON: Resource.

20 COMMISSIONER THOMAS: That's studies that's --

21 STAFF PELONIO: Did you want me to answer that?

22 COMMISSIONER THOMAS: Anybody who can answer the  
23 question. All I'm trying to find out is what's going  
24 to happen here.

25 SKY ZAFFARANO: I'll give you the first

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1 paragraph of the grant here. This project requests  
2 funding to continue wildlife species surveying and  
3 monitoring within the Chappie Shasta off-highway  
4 vehicle area. Funding will support monitoring and  
5 survey activities for Northern Spotted Owl, amphibians,  
6 pacific fish and mollusks species. This project will  
7 also fund surveying for new archeological sites within  
8 the Chappie Shasta OHV area.

9           Essentially the surveying is ongoing. This  
10 project has been funded in the past. We've had some  
11 good survey results come from that, and this type of  
12 surveying, you know, drives management decisions as far  
13 as trail alignment, and management, and potential trail  
14 construction in the future, so.

15           CHAIR SPITLER: How does this interrelate to the  
16 Forest Service Spotted Owl stories that you're doing?

17           SKY ZAFFARANO: That's a separate study.

18           COMMISSIONER THOMAS: Is it separate by miles or  
19 separate by ownership?

20           SKY ZAFFARANO: As far as I know, this is  
21 completely separate from the Forest Service Spotted Owl  
22 specific study.

23           JIM WEIGAND: The Forest Service study is a  
24 study that really goes beyond just the normal  
25 monitoring for Northern Spotted Owl, as mandated under

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1 the --

2 CHAIR SPITLER: Please state your name for the  
3 record.

4 JIM WEIGAND: I'm sorry, I'm Jim Weigand BLM  
5 wildlife ecologist.

6 COMMISSIONER THOMAS: Okay.

7 CHAIR SPITLER: Well, I think that Dr. Weigand's  
8 regional studies out of the regional office is really  
9 important. I can't weigh these projects here favorably  
10 with the regional studies that Dr. Weigand is doing. I  
11 have a hard time giving this grant a favorable score,  
12 especially when weighed against regional office grants  
13 at both BLM and Forest Service.

14 My score gives it a 12 in the first category, 17  
15 in the second, zero in the third, ten in the fourth,  
16 and four in the fifth; for a total score of 43, and a  
17 funding level of zero.

18 COMMISSIONER THOMAS: I'll second that.

19 CHAIR SPITLER: Discussion.

20 COMMISSIONER BRISSENDEN: So you're suggesting  
21 that Jim Weigand's program is duplicative of this?

22 CHAIR SPITLER: I think his program  
23 competitively is superior to this.

24 COMMISSIONER THOMAS: This is the third Spotted  
25 Owl monitoring in this area. Apparently Forest

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1 Service, BLM one and BLM two. So maybe we can make  
2 some more...

3 CHAIR SPITLER: Discussion. Okay. All those in  
4 favor?

5 (Commissioners simultaneously voted.)

6 CHAIR SPITLER: Opposed. Motion carries.

7 Okay. We will take OR-1-NO-64 out of turn at  
8 the end of the day. Next grant is Ukiah, BLM Ukiah,  
9 OR-A-NO-59.

10 STAFF HOM: OR-A-NO-59, Ukiah BLM Field Office,  
11 Law Enforcement scored 67 points with the Division  
12 funding determination of 56,100.

13 CHAIR SPITLER: Mr. Burns.

14 RICH BURNS: Hi to the Commission. I'm Rich  
15 Burns, field manager for the Ukiah Field Office. And  
16 their grant request is for just strictly law  
17 enforcement and strictly for Cobb Mountain. Basically  
18 what we have seen in our area has been a significant,  
19 as I would call it, increase in users from the Bay Area  
20 who come up. Cobb Mountain is pretty much the closest  
21 thing to that particular region. And it seems like  
22 over the past year, we've had a lot of people come up  
23 our way. Now to accommodate that, we have installed  
24 new rest room facilities. We've done trail  
25 maintenance. We have improved campgrounds. We have

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1 improved the water system out there, all in knowledge  
2 of this particular influx of people coming in.

3           What I see we need to do is be able to protect  
4 those resources that we have. We do that with our law  
5 enforcement staff currently of three individuals. And  
6 this grant basically goes to help supplement them to  
7 protect those resources that we need. We do have  
8 partnerships which help us in this area, Mendocino  
9 County Sheriff's Department has been up, as has some  
10 from Lake County. And in addition to that we also have  
11 other groups that help us with clean-up efforts. So  
12 all in all, we would support -- or actually we would  
13 like the level that's been determined, and it will go  
14 to our particular needs for law enforcement. Thank  
15 you.

16           CHAIR SPITLER: Thank you. Okay. Lois  
17 Silvernail, followed by Don Klusman.

18           LOIS SILVERNAIL: Lois Silvernail from CORVA,  
19 and a lot of our group, particularly like you talked  
20 about, we have several Bay Area clubs that are indeed  
21 going up and using this area and are very impressed  
22 with what's going on up there. We support it at staff  
23 recommendations.

24           CHAIR SPITLER: Thank you. Don Klusman.

25           DON KLUSMAN: Don Klusman, California 4-Wheel

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1 Drive Association. As Mr. Burns pointed out, this is  
2 just a law enforcement grant. BLM has stepped up to  
3 the plate to put in the facilities, maintain the  
4 facilities. It is also went far and beyond in working  
5 with the local groups, the volunteers on Cobb Mountain,  
6 also working with the counties. They have contracted  
7 with both counties to help with law enforcement in the  
8 area at certain times. I would love for full funding,  
9 but since Mr. Burns said he would accept what the  
10 Division has said, we will also go along with that.  
11 Thank you.

12 CHAIR SPITLER: Thank you. Bill Dart.

13 MEMBER OF THE PUBLIC: Pass.

14 CHAIR SPITLER: Don Amador.

15 MEMBER OF THE PUBLIC: Pass.

16 CHAIR SPITLER: John Stewart.

17 JOHN STEWART: John Stewart, California  
18 Association of 4-Wheel Drive Clubs. I'd like to  
19 underscore one thing here, is that this is a law  
20 enforcement grant, and law enforcement is a very  
21 important component of a well-managed recreation  
22 program. As stated, this area is receiving increased  
23 attention. This area has also received a lot of work  
24 in order to improve facilities there. And with the  
25 increased activities, with the increased visitation

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1 there, it goes along with they need the law  
2 enforcement. And we encourage that this be funded to  
3 the fullest extent possible. Thank you.

4 CHAIR SPITLER: Thank you. Dave Pickett.

5 DAVE PICKETT: Dave Pickett, District 36,  
6 Motorcycle Sports Committee. I mirror the comments of  
7 Mr. Klusman and others. This area continues to have  
8 growth in use. Law enforcement, again, District 36  
9 always supports it. And we urge you to go with the  
10 minimum of staff recommendations. Thank you.

11 CHAIR SPITLER: I have a question for staff.  
12 Can staff just tell me the total sum of their  
13 recommendations for law enforcement grants in total?

14 CHIEF JENKINS: Just give me a moment. I don't  
15 have the exact number right in front of me. I can  
16 actually get it for you at the break perhaps. It was  
17 in the neighborhood of --

18 CHAIR SPITLER: The sheet I have here says  
19 3,673,000.

20 STAFF HOM: That's correct.

21 CHAIR SPITLER: Okay. And the Commission  
22 increased grants this morning in law enforcement by --  
23 I don't know how much, a hundred or 200,000 total. So  
24 at this point, we're at, roughly, if we follow staff  
25 recommendations the rest of the day, we're looking at

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1 roughly 3.8 million for law enforcement, and we have  
2 three million available.

3 So I'm just pointing this out to the public and  
4 the Commission that we are, if we continue with staff  
5 recommendations, without making reductions in law  
6 enforcement, we're looking at vastly over spending the  
7 law enforcement category, and that money will have to  
8 be made up somewhere.

9 COMMISSIONER WALDHEIM: Mr. Chairman, I share  
10 your concern. And I'm just baffled here. You listen  
11 to the public and you want to fund these things, but  
12 it's just -- we're going to go -- I mean if you follow  
13 staff recommendation, they're already way too high. So  
14 we're going to have to cut these staff recommendations.  
15 And you know, I've listened to the public and I  
16 listened to what my compradores say over here. I guess  
17 when it all gets said and done, I guess that's why  
18 we're up here and they're over there. We get to make  
19 the hard choices and have to start doing the cuts.  
20 There is no way we can keep doing this.

21 DEPUTY DIRECTOR GREENE: Commissioner Waldheim,  
22 on that note, I think what we do have as well, which  
23 might be helpful to the Commission, is that, as we had  
24 said previously, we also have a spreadsheet that we can  
25 put up from time to time which gives you just the

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1 specific law enforcement bucket of dollars, so that you  
2 know when you start moving things around what that  
3 looks like.

4 We did, the Division, based on the funding  
5 determination, did go along with the cut line of the  
6 three million. But we also showed all of the rest of  
7 the grants, those that were below the cut line, and  
8 thus the reason it was the 3,600,000. But at the start  
9 of today, based on those funding determinations, we  
10 could have made it right straightaway at the  
11 \$3 million. But if it would be helpful to you, we can  
12 certainly put that up from time to time to let you see  
13 where the bucket of law enforcement dollars are right  
14 at the three million mark and where we currently are  
15 located.

16 COMMISSIONER WALDHEIM: Mr. Chairman, if  
17 Ms. Greene is correct and she shows us below the  
18 \$3 million, would that give this Commission less  
19 heartburn to say no to a grant, to not feel so  
20 compelled? I mean you feel up here, you feel like  
21 funding them all. I'm getting to a point where this is  
22 not even fun anymore.

23 COMMISSIONER THOMAS: You'll support my motion  
24 to reconsider that 90,000 to the BLM?

25 COMMISSIONER WALDHEIM: We may have to.

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1           COMMISSIONER THOMAS: That's what I'm trying to  
2 figure out.

3           COMMISSIONER WALDHEIM: That is O&M. We're  
4 talking about law enforcement, and the chair is 100  
5 percent correct.

6           DEPUTY DIRECTOR GREENE: Also, I don't think  
7 that -- because on the website as well, just for the  
8 public and for anybody's identification, to be able to  
9 go up and to see those buckets of money. So those  
10 grant applicants who have been below the cut line have  
11 clearly known that they've been below that cut line.  
12 We identified it. However, again, this morning, just  
13 based on some of the voting that you did, then  
14 certainly grants started to move along that cut line,  
15 so there is that.

16          CHAIR SPITLER: Deputy Director, just so I am  
17 clear on what you're proposing, are you proposing that  
18 any of the items that are below what you call the cut  
19 line, even if the Commission approved funding, that the  
20 Division would not fund those grants?

21          DEPUTY DIRECTOR GREENE: No, no, we're not  
22 suggesting that. However, what we are suggesting is we  
23 have to look at that based on the actions. Certainly,  
24 as we said this morning, just on the Commission -- what  
25 all I'm saying, Chair Spitler, is the fact that we had

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1 initially said that it perhaps might have been easier  
2 all along to look at it bucket by bucket, so they are  
3 looking at all of the law enforcement grants, which are  
4 scored all together. That's the only thing that I'm  
5 saying, just for ease of understanding where you are  
6 with regard to the \$3 million that you have set aside  
7 as a target.

8 CHAIR SPITLER: Right. Well, I mean it's  
9 unfortunate that this didn't get discussed a little bit  
10 earlier in the process. It's just a little bit late to  
11 be --

12 DEPUTY DIRECTOR GREENE: This has been suggested  
13 numerous times, Chairman Spitler.

14 CHAIR SPITLER: I appreciate that. But the  
15 information that was presented actually wasn't  
16 presented for discussion at either of the subcommittee  
17 meetings, which really would have been the time to talk  
18 about this approach.

19 COMMISSIONER THOMAS: Nevertheless --

20 DEPUTY DIRECTOR GREENE: It is on the record  
21 because I did bring it up at those two meetings.

22 CHAIR SPITLER: Thank you.

23 So where we are now is again roughly \$800,000  
24 over our available funding for law enforcement if we  
25 follow staff recommendations the rest of the way. So I

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1 think we need to take that into account as we're going  
2 through and scoring each of these grants, that  
3 somewhere along the way we are going to -- it's always  
4 more fun and easier to fund at the staff level or  
5 increase, but thus far all we're doing is spending, and  
6 we're spending money that we don't have. And at some  
7 point down the line, someone is going to get  
8 shortchanged and some worthy projects are going to find  
9 there is no more funding available. And I think that's  
10 really not a good way to do business. So I think we  
11 need to start making hard decisions on a grant-by-grant  
12 basis rather than save the pain for the end of the  
13 meeting for those unfortunate grantees who happen to  
14 come at the end of the second day and find we have no  
15 money left.

16 COMMISSIONER WALDHEIM: Okay. Mr. Chairman, we  
17 are doing OR-1-NO-59; is that where we're at, Ukiah?

18 CHAIR SPITLER: That's correct.

19 COMMISSIONER WALDHEIM: Okay. May I give my  
20 recommendation?

21 COMMISSIONER THOMAS: We're in Redding.

22 CHAIR SPITLER: No, we're not. We're doing  
23 Ukiah.

24 COMMISSIONER THOMAS: I'm sorry, you're right.  
25 My mistake.

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1           COMMISSIONER WALDHEIM: Is the sheet up there,  
2 Aaron, 59, has it up there.

3           So doing the recommendation on the law  
4 enforcement, on the criteria box number one, 6 points;  
5 application demonstrates, box number two, ten points;  
6 box number three, zero points; box -- the next one, 18  
7 points; next one, seven points; next one, two points;  
8 total of 47.

9           STAFF: Please repeat the last three.

10          COMMISSIONER WALDHEIM: Eighteen, seven and two.  
11 My addition is wrong, 43. So that comes out to zero.

12          CHAIR SPITLER: Is that a motion?

13          COMMISSIONER WALDHEIM: That's a motion.

14          CHAIR SPITLER: I'll second it.

15          COMMISSIONER PRIZMICH: Can I ask this question?  
16 Is the motivation for the changes on this particular  
17 matter based on we don't have any money? Is that where  
18 you're coming from?

19          COMMISSIONER WALDHEIM: That's a big portion.  
20 And the other portion that I wish -- I think we should  
21 see the screen, if staff puts the screen up, of what  
22 fell below. I don't know which ones, the ones you had  
23 below.

24          COMMISSIONER PRIZMICH: Well, if I could just  
25 address that portion of it. And I understand. I'm not

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1 arguing the fact that we may be running out of money.  
2 But the purpose of this scoring system is to judge the  
3 value of each of the applicants, the grants on each one  
4 of the applicants, without regard -- in my view because  
5 I don't see a box, without regard to how much money we  
6 have.

7 So if you affix a number here just based simply  
8 on we're running out of money, then this is invalid,  
9 and we should be judging these grants based upon the  
10 value of the grant itself. And I understand and I  
11 agree with your assessment and Chairman Spitler's  
12 assessment that we're running out of money. But we are  
13 locked into this system that says we're judging these  
14 grants, not based on money, but based on the value of  
15 grant itself.

16 CHAIR SPITLER: I think that's right. I think  
17 that's an accurate reflection. And my personal view of  
18 this grant is that the scores presented by Commissioner  
19 Waldheim reflects my view of an accurate score for the  
20 grant after reading the application myself.

21 More discussion?

22 COMMISSIONER WALDHEIM: Mr. Chairman, so we  
23 don't go through this every single time. I understand  
24 my colleagues have asked me on the break, said you've  
25 got to justify why you're changing the numbers. Well,

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1 if we're going to sit here and have to justify every  
2 single number we give, we will be here a whole week to  
3 go over each individual number. It's pretty difficult  
4 for me to go over every single number to justify why  
5 I'm changing the numbers. The staff is not sitting  
6 here -- they spent a month developing their numbers,  
7 and they're not having to be justifying everything that  
8 we do at this meeting. So I'm hard pressed, you know,  
9 at what point, you know, where do you draw the line,  
10 you know?

11 CHAIR SPITLER: I think, Commissioner Waldheim,  
12 to the extent practical --

13 COMMISSIONER WALDHEIM: It's frustrating.

14 CHAIR SPITLER: -- we do need to provide as much  
15 justification as we can for each number within the  
16 limitations of the time that we have today. I think  
17 that's a good suggestion to the extent we need to be  
18 doing that.

19 COMMISSIONER PRIZMICH: Well, except that this  
20 score sheet here should not be taking into account how  
21 much money we have. That's my point of view.

22 COMMISSIONER WALDHEIM: So I misspoke when I  
23 said I took the money, the money amount. I also take  
24 what we did last year. I also take how many visitors  
25 we have in the area. These are all things that I

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1 personally take in that's not even listed on this  
2 sheet.

3 COMMISSIONER THOMAS: What we assume is you,  
4 because you are an experienced reviewer of these grants  
5 and have spent years working on the project, use each  
6 of these criteria very carefully as laid out by staff  
7 when you reach your conclusions. And I appreciate your  
8 experience.

9 COMMISSIONER WALDHEIM: Even before these even  
10 became a criteria, we were using these as a way of  
11 figuring out what we're doing.

12 COMMISSIONER THOMAS: Okay.

13 CHAIR SPITLER: Okay. We have a motion and a  
14 second. Is there more discussion?

15 Sandy, can we do a roll call vote?

16 MS. ELDERS: Anderson.

17 COMMISSIONER ANDERSON: Aye.

18 MS. ELDER: Brissenden.

19 COMMISSIONER BRISSENDEN: Aye.

20 MS. ELDER: Spitler.

21 CHAIR SPITLER: Aye.

22 MS. ELDER: Thomas.

23 COMMISSIONER THOMAS: Aye.

24 MS. ELDER: Prizmich.

25 COMMISSIONER PRIZMICH: No.

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1 MS. ELDER: Waldheim.

2 COMMISSIONER WALDHEIM: Aye.

3 CHAIR SPITLER: Motion carries. That's it for  
4 BLM. We'll take a short five-minute break, and we will  
5 get back to the Forest Service.

6 (Break taken in proceedings.)

7 CHAIR SPITLER: Next group of grants is  
8 El Dorado National Forest, OR-2-E-68, 69, 70.

9 STAFF HOM: OR-2-E-68, El Dorado National  
10 Forest, Law Enforcement scored 70 points with a  
11 Division funding determination of 147,550. OR-2-E-69,  
12 El Dorado National Forest, trails scored 79 points with  
13 a Division funding determination of 65,000. And  
14 OR-2-E-70, El Dorado National Forest, Restoration,  
15 scored 45 points with a Division funding determination  
16 of zero dollars.

17 CHAIR SPITLER: Okay. Thank you. Mr. Lubetkin.

18 LESTER LUBETKIN: Lester Lubetkin, recreation  
19 officer on the El Dorado National Forest. Thank you  
20 very much for the opportunity to speak with you. I  
21 have a worksheet I'd like to provide. I've already  
22 given six copies to staff, also. In the worksheet it  
23 shows the scoring and some -- our points of where we  
24 felt certain points were not addressed in the scores.  
25 I can summarize it, let you look at it, or answer

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1 specific questions.

2 COMMISSIONER THOMAS: So, Mr. Lubetkin, your  
3 recommended numbers are where?

4 LESTER LUBETKIN: On the far right under the  
5 column, you'll notice there's some yellow highlighting  
6 on the specific points that have been changed. And  
7 then down in the block in the bottom are the specific  
8 items and the page from the application of where the  
9 items were addressed.

10 COMMISSIONER THOMAS: Thank you, very smart.  
11 Thank you.

12 CHAIR SPITLER: Do you want to just -- can you  
13 just real quickly summarize it quickly since the public  
14 doesn't have the opportunity to review the issues.

15 LESTER LUBETKIN: In the law enforcement  
16 project, staff, let's see, the recommended change would  
17 be to a score of 92, focused on increases in the  
18 efficient use of funds tied to our use of forest  
19 protection officers, as well as LE-Os, a mix of folks  
20 that we're using, how we have been working with  
21 counties and other local entities; identified the  
22 negative impacts from not funding, in particular the  
23 new forest orders that we have and the emphasis that  
24 we've had on trying to implement that effort. Also,  
25 that this covers both summer and winter, and in

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1 particular with the reduced funding to El Dorado County  
2 and possibly the Humboldt-Toiyabe, that there will be  
3 greater impacts there. Also, the variety of law  
4 enforcement issues that were addressed, the application  
5 addressed that in detail. And the maintaining or  
6 improving the recreation experience, health and safety,  
7 et cetera, identified specific points there.

8 For the trail maintenance project, a suggested  
9 score of 90 and tied primarily to the different points  
10 we identified on unique recreation opportunity or  
11 experience.

12 And then in the restoration project, a  
13 recommended suggested score of 95, and pointed out a  
14 number of areas where information we felt was provided  
15 or addressed in the application tied to all of the  
16 various evaluation criteria.

17 CHAIR SPITLER: Okay. Thank you. Why don't you  
18 stick around, and we will bring you back for your  
19 questions. Mike Berger, followed by Heath Wakelee.

20 MIKE BERGER: Good afternoon, Commission, my  
21 name is Mike Berger. I'm obviously one of the few  
22 here, I'm just John Q Public. I'm not affiliated with  
23 anybody. I came here to your meeting today because I  
24 wanted you to have an opportunity to hear from just an  
25 average person. I'm an OHV advocate. I've been riding

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1 since I was five years old, love to go out in our  
2 beautiful state and enjoy the recreation areas we have.  
3 I ride all over Northern California, but I came here  
4 today in particular because I have an interest in the  
5 El Dorado National Forest, particularly the Georgetown  
6 Ranger District. I very much enjoy riding out of the  
7 Rock Creek Bald Mountain area. They offer me an  
8 all-season OHV area, which I greatly appreciate because  
9 a lot of the higher mountain areas get filled with  
10 snow. I wanted to emphasize to you that up in the  
11 Georgetown area, they utilize their funds extremely  
12 well. I get a lot of Internet information from this  
13 ranger district. They e-mail all riders if you just  
14 sign up, lots of information about times that they're  
15 opened, times that they're closed, opportunities to  
16 share with them manpower for trail maintenance, so on  
17 and so forth. They really utilize the few dollars they  
18 get. Yet having gone around the state, I notice that  
19 they are in immense need of trail maintenance dollars.  
20 Maybe this is due in part to the excessively rugged  
21 country that they have. They have an awful lot of  
22 watershed and trails and these areas seem to have an  
23 immense elevation change.

24 I won't take up any more of your time, but I am  
25 encouraging you to please fund this area with a hundred

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1 percent. Thank you.

2 CHAIR SPITLER: Thank you, Mr. Berger. Keith  
3 Wakelee, followed by Lois Silvernail.

4 HEATH WAKELEE: Heath Wakelee, Audubon Society.  
5 The Audubon Society supports the staff recommendations  
6 with the changes, with the exception of the funding for  
7 the trail portion. We would go along with the Division  
8 recommendations for trail. We believe that El Dorado  
9 is doing an outstanding job in the trail designation  
10 process, and they should be acknowledged for that, and  
11 these projects should be funded as they requested. And  
12 those points again would be 92 for the law enforcement  
13 and 95 for restoration, restoration being very  
14 important. Thank you.

15 CHAIR SPITLER: Thank you. Lois Silvernail,  
16 followed by Don Klusman.

17 DON KLUSMAN: Don Klusman, 4-Wheel Drive  
18 Association. These are very difficult grants for us  
19 because we've had several issues on the El Dorado  
20 forest at the present time. One of the issues is they  
21 basically closed most of the roads, anything that's not  
22 hard surfaced, in the entire forest for six months of  
23 the year. So for to us support a lot of this is real  
24 difficult for us.

25 Also, we are real confused in the audience in

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1 that we give our comments and then -- about staff  
2 recommendations or a little more for this or that, and  
3 then there are amendments, and there are alternatives  
4 to the amendments that may go completely 180 degrees,  
5 yet we're not able to comment on those whether we think  
6 they are warranted or not. And I just don't think  
7 that's fair to the public. Thank you.

8 CHAIR SPITLER: Thank you. Bill Dart.

9 MEMBER OF THE PUBLIC: Pass.

10 CHAIR SPITLER: Followed by Don Amador, John  
11 Stewart, Dave Pickett.

12 DAVE PICKETT: Dave Pickett, District 36,  
13 Motorcycle Sports Committee. Chairman Spitler, I have  
14 a question. When we group grants like this where we  
15 are doing three at once, does that mean we get four  
16 minutes to comment per grant?

17 CHAIR SPITLER: You can go ahead and take your  
18 four minutes, if you need a little more, you're welcome  
19 to it.

20 DAVE PICKETT: No recommendations from  
21 District 36 on these three grants.

22 CHAIR SPITLER: You reserve the balance of your  
23 time? Thank you for your comments. Why don't we go  
24 ahead and do these. Are there questions from the  
25 Commissioners? Commissioner Anderson.

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1           COMMISSIONER ANDERSON:  It's a generic question.  
2  I'm sorry, I was just checking the application for  
3  something I remembered.  As we're getting into agency  
4  grants, in some cases -- in most cases I guess with BLM  
5  grants within the field office grants, in reading the  
6  grant application, there may be inconsistencies within  
7  different ranger districts, and my empathy and  
8  understanding and appreciation of what is being asked  
9  for in one ranger district may be quite different from  
10 my understanding for another ranger district.

11           So I'd like, with your indulgence, Mr. Spitler,  
12 to consider what mechanism one might use to fund those  
13 ranger districts where you thought the application was  
14 stronger than another ranger district, how might one  
15 deal with that in the overall grant process.  For  
16 example, if I felt that Georgetown deserved funding and  
17 another one didn't, for example.

18           CHAIR SPITLER:  I might just punt that question  
19 to staff and see what they have to say.

20           CHIEF JENKINS:  It's my understanding from  
21 through the way the program was designed, that once you  
22 have allocated the funding, if it is less than full  
23 funding, for instance, and so there's a list of  
24 deliverables for each grant application, specific  
25 things that they're expected to perform that they said

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1 if you give us the money here is where we're going to  
2 spend it, so if you end up recommending less than full  
3 funding, then it would be reserved to you, the  
4 Commission, to specify or not what specific  
5 deliverables you would like them to achieve with the  
6 monies you've given.

7 COMMISSIONER ANDERSON: Okay.

8 LESTER LUBETKIN: Excuse me, Mr. Jenkins, this  
9 is Lester Lubetkin, recreation officer of El Dorado  
10 National Forest. In the past we've been asked to  
11 provide a revised deliverable, cost of deliverables  
12 worksheet. And so I would -- usually we use the  
13 direction we get from the Commission in developing  
14 that, and then providing that to the Division before an  
15 agreement is signed.

16 COMMISSIONER ANDERSON: Okay. So this sort of  
17 relates to public comment in that it may be appropriate  
18 for the public to comment on different ranger districts  
19 within a forest, for example.

20 CHAIR SPITLER: Certainly the public during the  
21 public comment period on each item is free to comment  
22 on which elements of the grant they see fit to comment  
23 on.

24 COMMISSIONER ANDERSON: This is an option that  
25 they might choose to include within their comments.

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1 Thank you.

2 CHAIR SPITLER: And I think -- so the answer is,  
3 if I understand from staff, once the Commission makes a  
4 funding allocation, we can also then direct that  
5 allocation toward specific deliverables?

6 CHIEF JENKINS: That would be your option. You  
7 could either leave it up to the applicant to let them  
8 know what they'll do with that money, or if you choose  
9 to take that extra step and then indicate to them where  
10 you would like to spend it.

11 COMMISSIONER ANDERSON: Thank you.

12 DEPUTY DIRECTOR GREENE: Commissioner Spitler,  
13 you could also provide some basic guidance to the  
14 Division. And then as we work with the applicant in  
15 the finalization of the project agreement, it could be  
16 done at that time, as well.

17 CHAIR SPITLER: Okay.

18 COMMISSIONER THOMAS: That's very generous,  
19 actually. I'm wondering the timing. We'd have to have  
20 it all done in advance of this hearing? In other  
21 words, we'd have to have all of these decisions made  
22 about what percentages, which section to fund in  
23 advance of the hearing or be done after we made our  
24 decisions today? The universe is an alphabet, and now  
25 we're chopping the alphabet by a third. Now the

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1 decision remains as to which letters we're going to  
2 assign to which dollars. And are you saying that we  
3 can do that, that assignment later?

4 DEPUTY DIRECTOR GREENE: We can do that if you  
5 provide the guidance to the Division as you make the  
6 allocation. For instance, if it was determined that  
7 ranger district X would not receive funding, then, as  
8 you have done, you would identify that ranger district  
9 and then we would -- as we went to finalize, execute  
10 that project agreement, it would be done at that time.  
11 Does that answer your question, Commissioner?

12 COMMISSIONER THOMAS: It helps, thank you. I'm  
13 just trying to work through how that would function if  
14 we had a specific project that we wanted or found  
15 objectionable, as an alternative, we'd have to deal  
16 with that today, articulate it today, and then that  
17 would end up in your grant contract. I wish I had  
18 known.

19 CHAIR SPITLER: Okay. I'm going to go ahead,  
20 and unless there is more discussion in advance here, go  
21 ahead and move staff recommendation on OR-2-E-68.

22 COMMISSIONER PRIZMICH: Second.

23 CHAIR SPITLER: More discussion.

24 COMMISSIONER THOMAS: And staff recommendation  
25 is 147.

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1 CHAIR SPITLER: That's correct. Discussion from  
2 the Commission?

3 COMMISSIONER THOMAS: Does this reflect the --  
4 well, let's the ask the applicant.

5 What won't get done given this element?

6 LESTER LUBETKIN: Well, at their point at  
7 147,000, it would probably -- well, it would lead to  
8 fewer patrols, more limited signs and whatnot, the  
9 barriers.

10 COMMISSIONER THOMAS: How would you allocate?

11 LESTER LUBETKIN: That's the point. Based on  
12 the information we have so far from the Commission, it  
13 would probably be somewhat shared across the board, all  
14 four ranger districts, and it would be shared from  
15 summer and winter, and we would probably -- again, we  
16 would have to work with the ranger districts to  
17 identify are there some key areas that we need to focus  
18 on. Again, shy any direction from the Commission, we  
19 would determine that from a program review at the  
20 forest level.

21 COMMISSIONER THOMAS: So if Georgetown District  
22 has a high level of user conflicts with the residents  
23 in that area, the reduction will be both, a pro rata  
24 cut, which reduces the Georgetown District allocations.

25 COMMISSIONER ANDERSON: Unless you wish to give  
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1 them other instructions.

2 LESTER LUBETKIN: We would not cut one district  
3 over another.

4 COMMISSIONER THOMAS: Well, we might.

5 LESTER LUBETKIN: But the forest wouldn't.

6 COMMISSIONER THOMAS: I don't think we're  
7 equipped at this point to do it fairly. All right.  
8 Thank you.

9 CHAIR SPITLER: Okay. We have a motion and a  
10 second. Is there more discussion? I believe the --  
11 well, this is the category, the \$710,000 over; is that  
12 right? What are we at now, 700,000, is what we  
13 started, and we're at 800,000. I will defer.

14 Okay. Motion is for staff recommendation. All  
15 those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR SPITLER: Opposed. Motion carries.

18 LESTER LUBETKIN: Thank you very much.

19 CHAIR SPITLER: Thank you.

20 OR-2-E-69, trail maintenance.

21 COMMISSIONER THOMAS: Mr. Waldheim, trail  
22 maintenance. Don't we have to do the painful thing  
23 here?

24 CHAIR SPITLER: Based on my review of the  
25 application, my understanding of the situation on the

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1 ground, I have the following scores, first item is 10,  
2 second is 10, third is zero, fourth is 15 and final is  
3 10 for a score of 45 and a funding level of zero. I'll  
4 move that.

5 COMMISSIONER ANDERSON: This is trail  
6 maintenance?

7 COMMISSIONER BRISSENDEN: I'll second that.  
8 OR-2-E-69.

9 COMMISSIONER ANDERSON: Question, Mr. Spitler.  
10 You were making the case earlier that we have urgent  
11 needs for trail maintenance.

12 CHAIR SPITLER: I think we do, but that doesn't  
13 mean that all trail maintenance needs are equal. I  
14 think there are other areas where the application is  
15 much stronger than here. And my understanding from  
16 reviewing this application and from knowing the  
17 situation on the ground is that there's this area -- my  
18 view of the application doesn't compete favorably with  
19 other stronger trail maintenance requests we have. We  
20 have more trail maintenance requests than we can fund,  
21 and I think there's others that stack up far more  
22 favorably than this application did.

23 Is there more discussion?

24 COMMISSIONER PRIZMICH: Just a comment, I'm not  
25 sure that we should be comparing one grant against

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1 another. My understanding of this is that we're  
2 comparing grants as stand-alones. And I realize that  
3 creates a problem for us in terms of money. But to  
4 compare this grant as favorable or not favorable with  
5 other grants, I think doesn't serve the purpose of the  
6 process here.

7 CHAIR SPITLER: I think it does. I think that's  
8 the basis of the competitive process is the  
9 applications compete against one another. That's how  
10 the competitive process is designed to work.

11 Is there more discussion of this grant?

12 COMMISSIONER THOMAS: Mr. Chairman, I'd like to  
13 beg indulgence of the Chair to notify you that I may  
14 make a motion at the end of the day to reconsider these  
15 three grants in light of the fund balances that exist  
16 after we're through with process. I realize that I  
17 would have to get sufficient votes, but I'm really  
18 uncomfortable with chopping this forest when, in fact,  
19 this is one of the few forests that's actually doing a  
20 good job of route designation. And I reluctantly have  
21 followed the staff recommendation because of the  
22 \$710,000 shortfall because if there's agency money at  
23 the end of this, I'm going to make a motion, and I hope  
24 the Commission, the rest of the Commissioners will  
25 support me.

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1 CHAIR SPITLER: Thank you. Okay. Motion and  
2 second. Is there more discussion?

3 LESTER LUBETKIN: Excuse me, Chairman Spitler,  
4 can I point out that the project includes two ranger  
5 districts, Amador Ranger District and --

6 CHAIR SPITLER: Thank you. All those in favor?  
7 (Commissioners simultaneously voted.)

8 CHAIR SPITLER: Opposed.

9 COMMISSIONER WALDHEIM: No.

10 COMMISSIONER PRIZMICH: No.

11 CHAIR SPITLER: Okay. Motion carries.

12 OR-2-E-70, El Dorado National Forest,  
13 Restoration.

14 I'll review the subcommittee scores for this  
15 grant. The scores are ready. Scores are 15, 10, 10,  
16 25, 20, 10, for a total score of 90.

17 COMMISSIONER THOMAS: We should have increased  
18 the ten through 14 to 28, benefits of restoration are  
19 undervalued by those numbers. We've got plenty of  
20 money in the restoration budget.

21 CHAIR SPITLER: Just go ahead and put it up  
22 there since there hasn't been a motion.

23 COMMISSIONER THOMAS: 28, still not enough.  
24 Unless what you've got to do, you've got to go all the  
25 way. Let's try number one, number three -- criteria

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1 number three on the third line on criteria, on the  
2 third line, Commission scores there, we go there, we  
3 go -- that's what the facts show. Facts are very  
4 clear. Thank you.

5 CHAIR SPITLER: Okay. Is there a discussion?  
6 Okay. All those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR SPITLER: Opposed. Motion carries.

9 Thank you. Okay. Humboldt-Toiyabe National  
10 Forest, which I understand --

11 DEPUTY DIRECTOR GREENE: Chairman Spitler, can  
12 you repeat that one more time for me, for staff for  
13 notation on that last grant?

14 CHAIR SPITLER: What are we repeating?

15 DEPUTY DIRECTOR GREENE: The final score.

16 CHAIR SPITLER: 19, 10, 10, 28, 20, 10, for a  
17 total of 97.

18 DEPUTY DIRECTOR GREENE: And a funding of?

19 CHAIR SPITLER: 228,000.

20 DEPUTY DIRECTOR GREENE: Thank you.

21 CHAIR SPITLER: Humboldt-Toiyabe National Forest  
22 has been inadvertently broken, one into the north and  
23 one into the south. So we will go ahead and pull the  
24 one from the south and hear it now.

25 The first one is OR-2-HT-13.

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1           STAFF HOM:  OR-2-HT-13, Humboldt-Toiyabe  
2 National Forest, Equipment scored 61 points.  Division  
3 funding determination of 220,900.  And then the south  
4 list, item number 20 OR-2-HT-14 Humboldt-Toiyabe  
5 National Forest, Law Enforcement scored 47 points with  
6 a Division funding determination of zero dollars.

7           CHAIR SPITLER:  I have OR-2-HT-14 as a Consent  
8 item.

9           STAFF HOM:  Okay.  That's correct.

10          CHAIR SPITLER:  So we're just dealing with  
11 OR-2-HT-13.

12          LARRY ANDERSON:  Chair Spitler, Larry Anderson  
13 HT.  To my right, Dave Reese, the assistant rec program  
14 manager and Cheryl Probert, district ranger, Bridgeport  
15 District.  We have a very active law enforcement  
16 program.  Within the last two years, we've hired two  
17 new law enforcement officers who are funded currently  
18 out of project dollars, and we've been very proactive  
19 on our citations, our warnings, our wilderness  
20 citations.  And I'd like to just run through what we've  
21 done in deliverables for the last year under the  
22 current project.  We currently have eight park reso  
23 citations, 13 wilderness, 110 citations for green  
24 sticker, and 62 incident reports which include warnings  
25 in those, as well.  Of course, we take a very active

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1 education approach as well, and we realize just some of  
2 the individuals out there need to get the message  
3 through a citation, but we educate when we can and take  
4 a minimum amount of law enforcement necessary.

5 Just wanted to give you those facts, so that you  
6 could see that we're very active in this program. The  
7 equipment grant will cover two snowmobiles and a  
8 trailer, and one will go to Bridgeport, one will go to  
9 the Hope Valley area. And the trailer will go to  
10 Bridgeport. Any questions you have?

11 CHAIR SPITLER: Okay. Stick around for  
12 questions. We'll do public comment. Lois Silvernail,  
13 followed by Don Klusman.

14 MEMBER OF THE PUBLIC: No comment.

15 CHAIR SPITLER: Don Klusman, Bill Dart, followed  
16 by Don Amador.

17 DON AMADOR: Mr. Chairman, as we see, we're  
18 running out of money in a number of categories. I  
19 would just like to offer the Commission a possible  
20 solution, that would be either to vote or somehow  
21 move -- I know we have 15 million in restoration or  
22 thereabouts, and since a lot of these other categories  
23 are going to be hit real hard, the Commission may want  
24 to vote to move some of that money or ask the  
25 Legislature to move some of that 15 million to some of

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1 the accounts so we can fund law enforcement and  
2 maintenance as we probably should. Thank you.

3 CHAIR SPITLER: John Stewart, followed by Dave  
4 Pickett.

5 JOHN STEWART: John Stewart California  
6 Association of 4-Wheel Drive Clubs. From Cal 4's  
7 position, we support this law enforcement and the  
8 safety equipment grant. We believe it's necessary in  
9 order to protect both the officers that are on patrol  
10 and for the public safety. So it's highly critical  
11 that we provide -- you know, through this program that  
12 we provide the means for the various law enforcement  
13 activities to occur. It's just not funding this grant  
14 does put human lives at risk, and it also has a  
15 significant potential impact, adverse impact on the  
16 recreational opportunity. And as noted, this  
17 particular area is a highly popular area for the  
18 wintertime and even the summertime. But knowing this,  
19 snowmobiles it's hit winter and this is an area that  
20 does need a lot of attention. And it's to that extent  
21 we could encourage you to fund the grant to the fullest  
22 extent or 100 percent funding of it. Thank you.

23 CHAIR SPITLER: Thank you. Dave Pickett.  
24 Anyone else to comment on HT Humboldt-Toiyabe?

25 DON HARRIS: My name is Don Harris. I'm a law

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1 enforcement officer. I'm stationed at Bridgeport.  
2 Although I work at that district, we're still piped, so  
3 I'm actually working for the law enforcement  
4 organization. I want to speak on behalf of Bridgeport.  
5 They have two machines that are 15 years old and are  
6 not capable of doing anything other than staying on  
7 groomed trails. Please consider this grant. Thank  
8 you.

9 CHAIR SPITLER: Fred Wiley.

10 FRED WILEY: Good afternoon. Thank you for the  
11 opportunity to speak on this issue. I'd like to  
12 support the Division recommendation on the equipment  
13 purchase. Again, the Hope Valley area, Sonora Pass,  
14 West Hoover area have been areas of contention for a  
15 long time, and we feel that extra law enforcement and  
16 the proper equipment in that area will be very helpful.  
17 Thank you.

18 CHAIR SPITLER: Thank you.

19 COMMISSIONER WALDHEIM: May I ask a quick  
20 question of Mr. Fred Wiley or the forests? Can you  
21 tell what are the numbers of visitors that you have in  
22 that area?

23 LARRY ANDERSON: We have approximately 25,000 in  
24 the winter, first week, this is in the Hope Valley  
25 area; another 40,000 between Hope Valley and Dog Valley

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1 on the Carson District. Down in the Sonora Pass area  
2 we have approximately 10,000 visitors during the  
3 wintertime, and about the same balance in the  
4 summertime in that area, as well.

5 COMMISSIONER WALDHEIM: And this equipment will  
6 be used in all of the different areas?

7 LARRY ANDERSON: This will be used -- one  
8 snowmobile down in Sonora Pass and one on the Carson  
9 Ranger District.

10 I also wanted to mention that we have  
11 approximately 70 miles of wilderness boundaries that we  
12 installed over 300 signs on those boundaries. These  
13 need to be patrolled approximately twice per week and  
14 especially, of course, after storms, and so we need  
15 capable machines that are going to allow us to maintain  
16 those wilderness boundaries.

17 CHAIR SPITLER: Is this the area where you've  
18 recently decided to open up a proposed wilderness area  
19 to snowmobiles?

20 LARRY ANDERSON: Yes, that's down in the Sonora  
21 Pass area. If you have specific questions, our  
22 district ranger down there can answer any specifics you  
23 have.

24 COMMISSIONER BRISSENDEN: Larry, as long as you  
25 are there, there are no citations, although we granted

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1 \$20,000 in law enforcement to the Bridgeport Ranger  
2 District last year; is that correct?

3 LARRY ANDERSON: I know we wrote quite a few  
4 citations for the summertime program.

5 COMMISSIONER BRISSENDEN: No, I'm referencing  
6 the winter.

7 LARRY ANDERSON: The winter, I can probably get  
8 that information for you. I think Cheryl has some  
9 information.

10 CHERYL PROBERT: Are you talking again about  
11 sticker or wilderness citations in that area?

12 COMMISSIONER BRISSENDEN: My information is that  
13 there were no citations.

14 CHERYL PROBERT: I believe there were about 40,  
15 is what I've been told.

16 DON HARRIS: I'm the officer on the ground. I  
17 wrote 40 citations for green stickers in that area last  
18 year. I didn't write any tickets for the closure. I  
19 wrote warnings for the closure because the area was not  
20 properly signed due to Forest Service funding issues,  
21 and I didn't think it would be fair to the public, too.  
22 With this closure being reopened, my intent this  
23 winter, of course, would have been to enforce it  
24 totally with citations and warnings as appropriate;  
25 however, the area is being reopened for the recreation

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1 of the California public.

2 COMMISSIONER BRISSENDEN: In the words of Fred  
3 Wiley, it's fairly contentious down there. That was  
4 supposed to be closed for 20 years, and I have some  
5 real problems with this funding.

6 CHERYL PROBERT: Cheryl Probert, District Ranger  
7 in Bridgeport Ranger District, and I -- this decision  
8 certainly to open 7,000 acres out of the 47,000-acre  
9 proposed Hoover wilderness is certainly contentious.  
10 However -- and it has been for the Forest Service.  
11 However, I believe that we've reached what we think is  
12 a good compromise in order to provide additional and  
13 unique opportunities. As you know, it's a very extreme  
14 area, extreme conditions. And we are committed to  
15 making this work. However, as Don said, our snow  
16 machines are 1991 and 1992 vintage. So, you know, I  
17 have committed district personnel as well as we have  
18 commander law enforcement personnel, but my district  
19 folks will be standing or sitting in the parking lot  
20 handing out maps without snow machines so that they can  
21 safely access this area. So I really hope you consider  
22 the staff recommendation for this grant. Thank you.

23 CHAIR SPITLER: I'd just like to ask you a  
24 little bit about your solution here. Because the way I  
25 understand it is despite the fact that by the forest

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1 plan, because this area was recommended for wilderness  
2 by the first President Bush, it has been closed to  
3 snowmobiles since I think the 1980s, yet the Forest  
4 Service has not enforced that closure. And when the  
5 snowmobile community started pressing the agency to  
6 reverse it, the agency did so in the past year. So  
7 basically despite the fact that there's been illegal  
8 riding in the area for over 15 years, your response to  
9 that is not to enforce your closure, but instead to  
10 just get rid of it.

11 CHERYL PROBERT: Not in total, no.

12 CHAIR SPITLER: For the 7,000 acres.

13 CHERYL PROBERT: We did open up 7,000 acres out  
14 of 47,000 acres. We did do an environmental analysis  
15 to disclose the effects and evaluate that decision.

16 CHAIR SPITLER: Are snowmobiles allowed in  
17 wilderness areas?

18 CHERYL PROBERT: No.

19 CHAIR SPITLER: Well, if you're recommending the  
20 area for wilderness, why would you allow snowmobiles on  
21 it?

22 CHERYL PROBERT: Our mandate is to maintain the  
23 area, to maintain wilderness characteristics, and the  
24 agency has not determined as a whole that over-the-snow  
25 vehicles preclude future wilderness designation because

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1 it's basically transient use.

2 COMMISSIONER THOMAS: How can you have a  
3 wilderness character if you've got machines buzzing  
4 around in the wilderness, it's no longer a wilderness  
5 character. It may not be permanent, you may not leave  
6 tracks across the ground, but it's certainly not  
7 wilderness while it's being used by snowmobiles. This  
8 position sounds like classic small fiefdom coming in  
9 and saying I want some money, but by the way I don't  
10 want to play. We have a wilderness designated area and  
11 you're saying, by the way, we changed our minds.

12 CHERYL PROBERT: No, we have a proposed  
13 wilderness area in which --

14 CHAIR SPITLER: Recommended.

15 CHERYL PROBERT: Recommended.

16 COMMISSIONER THOMAS: In the forest plan.

17 COMMISSIONER PRIZMICH: I don't know that this  
18 has anything to do with this grant application, though.  
19 This is a whole separate issue whether something is a  
20 wilderness area or not. We're trying to determine --  
21 and irrespective of whether you agree with this or not,  
22 these people need this equipment and needs the fund to  
23 properly manage it. And I think that's the issue we  
24 should be focused on, not on whether it's a properly  
25 designated or improperly designated as a wilderness or

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1 not wilderness area.

2 COMMISSIONER BRISSENDEN: Commissioner Prizmich,  
3 part of the issue is they got funds last year to  
4 support law enforcement, and all they did were again  
5 sticker, and they didn't do anything else.

6 COMMISSIONER PRIZMICH: I understand that.  
7 That's always going to be a bone of contention with me  
8 and some members on this Commission, and respectfully  
9 so. We all have very different points of view. I  
10 think you have the law enforcement officer was there  
11 and said in his humble opinion, my words not his -- in  
12 his humble opinion he didn't believe that it was  
13 properly signed so that it would be -- it would prevail  
14 in a court of law. And I think he's making the right  
15 choice if things are not properly signed not to give  
16 out those citations.

17 Now, you can raise the question of what did he  
18 do or what they do about properly signing it, which is  
19 an appropriate question, I think. But the whole  
20 wilderness thing, in my opinion -- and I understand  
21 your position -- is a separate issue than what we're  
22 trying to deal with here.

23 COMMISSIONER THOMAS: I'm prepared to move the  
24 question. Do we have a motion?

25 CHAIR SPITLER: No.

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1           COMMISSIONER THOMAS: Well, I would move --  
2 let's see, we have to have numbers, scores. What do we  
3 have here, score is 40, now it's 60. Let's see, 13.  
4 What's the cut, 40?

5           COMMISSIONER BRISSENDEN: 45.

6           COMMISSIONER PRIZMICH: I would move staff  
7 recommendation.

8           COMMISSIONER THOMAS: I would make a substitute  
9 motion.

10          COMMISSIONER ANDERSON: I'll second the motion.

11          COMMISSIONER THOMAS: I would suggest changing  
12 criteria ten to 14 by lowering it 16 points, because of  
13 the illegal use and inadequate law enforcement for the  
14 proposed area that's being policed, so 16 points off.

15          STAFF: Decrease it by 16 points?

16          COMMISSIONER THOMAS: Decrease it by 16 points.

17          COMMISSIONER BRISSENDEN: Wouldn't that be  
18 specific to the Sonora area? I'm sorry.

19          COMMISSIONER THOMAS: 78.3 is sixteen points. I  
20 thought it was 41, and sixteen is.

21          COMMISSIONER ANDERSON: Redo the math.

22          COMMISSIONER THOMAS: Take point three off  
23 there. What do you get? There you go. Now you're 44  
24 point something. I guess we have to go one more, don't  
25 we? 19.3, recommending it to be 16.3.

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1 COMMISSIONER ANDERSON: What are you trying to  
2 do?

3 COMMISSIONER THOMAS: It's already at zero.

4 COMMISSIONER WALDHEIM: Forty-five is zero.

5 COMMISSIONER ANDERSON: Anything below 50 is  
6 zero.

7 COMMISSIONER THOMAS: I had asked the question a  
8 moment ago, what was zero, and it was 45.

9 CHIEF JENKINS: Earlier 45 percent was the  
10 lowest. You can do 50 points, would get you 45  
11 percent.

12 COMMISSIONER THOMAS: Anyway, I would recommend  
13 that the facts support that Commission allocation  
14 that's shown on the chart on our right.

15 CHAIR SPITLER: I'll second that. Okay. Is  
16 there more discussion? We'll vote on the amendment.  
17 First the amendment is to score the -- excuse me, is to  
18 amend the motion to a score of 42, which would make a  
19 funding level of zero.

20 Sandy, could we have a roll call, please.

21 MS. ELDERS: Anderson.

22 COMMISSIONER ANDERSON: No.

23 MS. ELDER: Brissenden.

24 COMMISSIONER BRISSENDEN: Aye.

25 MS. ELDER: Spitler.

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1 CHAIR SPITLER: Aye.  
2 MS. ELDER: Thomas.  
3 COMMISSIONER THOMAS: Aye.  
4 MS. ELDER: Prizmich.  
5 COMMISSIONER PRIZMICH: No.  
6 MS. ELDER: Waldheim.  
7 COMMISSIONER WALDHEIM: No.  
8 MS. ELDER: It's a tie score.  
9 COMMISSIONER PRIZMICH: The motion fails.  
10 CHAIR SPITLER: Okay. Now, we will vote on the  
11 original motion, which is to fund staff recommended  
12 level.  
13 Sandy, can we do roll call, please.  
14 MS. ELDERS: Anderson.  
15 COMMISSIONER ANDERSON: Aye.  
16 MS. ELDER: Brissenden.  
17 COMMISSIONER BRISSENDEN: No.  
18 MS. ELDER: Spitler.  
19 CHAIR SPITLER: No.  
20 MS. ELDER: Thomas.  
21 COMMISSIONER THOMAS: No.  
22 MS. ELDER: Prizmich.  
23 COMMISSIONER PRIZMICH: Aye.  
24 MS. ELDER: Waldheim.  
25 COMMISSIONER WALDHEIM: Aye.

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1 CHAIR SPITLER: Okay. Motion fails.

2 COMMISSIONER ANDERSON: Something in between?

3 COMMISSIONER THOMAS: It's too late.

4 COMMISSIONER PRIZMICH: So what does that mean,  
5 no funding?

6 COMMISSIONER WALDHEIM: Is that what that means?

7 CHAIR SPITLER: That's what that means.

8 COMMISSIONER ANDERSON: No, the motion.  
9 (Simultaneously speaking.)

10 COUNSEL BARNES: My understanding that in order  
11 to pass a motion, there needs to be a majority  
12 affirmative vote.

13 COMMISSIONER WALDHEIM: But if we didn't get a  
14 motion then, that means no.

15 COMMISSIONER ANDERSON: Yeah.

16 CHAIR SPITLER: You got a motion, the motion  
17 failed.

18 COMMISSIONER WALDHEIM: For zero funding.

19 CHAIR SPITLER: The motion for staff  
20 recommendation failed.

21 OR-2 -- Lake Tahoe Basin OR-2-LTB 56, 57, 58,  
22 59.

23 STAFF HOM: OR-2-LTB-56, Lake Tahoe Basin  
24 Management Unit Law Enforcement scored 75 points.  
25 Division funding determination of 79,950. OR-2-LTB-56,  
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1 Lake Tahoe Basin Management Unit, Restoration scored 47  
2 points with a Division funding determination of zero  
3 dollars. OR-2-LTB-58, Lake Tahoe Management Unit,  
4 Resource Management scored 53 points with a Division  
5 funding determination of 7,200. And OR-2-LTB-59, Lake  
6 Tahoe Basin Management Unit, Equipment scored 89 points  
7 with a Division funding determination of 6,750.

8 DOUG RIDLEY: Good afternoon, my name is Doug  
9 Ridley. I'm the trail specialist and OHV coordinator  
10 for the Tahoe Basin. If it please the Commission,  
11 would you like to discuss these individually or as a  
12 group?

13 CHAIR SPITLER: Together.

14 DOUG RIDLEY: The Tahoe Basin submitted grants  
15 for law enforcement, equipment, safety education,  
16 resource management and restoration. We appreciate the  
17 consideration for the safety education being funded at  
18 staff recommendations on the Consent Calendar. Thank  
19 you for that.

20 In the last few years, we have seen OHV grant  
21 funding decline from \$126,000 in 2002, to 77 in 2003,  
22 to 60,000 in 2004, only \$10,000 being committed to law  
23 enforcement. \$10,000 went to fund only a fraction of  
24 one patrol ranger's time.

25 In the previous meetings, it's been noted that

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1 the Tahoe Basin is a small forest and has few OHV  
2 opportunities. While this is true, given our  
3 elevation, popularity as a recreation destination, we  
4 received the highest, we believe -- and this perhaps  
5 makes us unique. We received the higher density of use  
6 per acre of any forest in the state, particularly in  
7 the wintertime. Snow covers the ground at the Tahoe  
8 Basin throughout much of the year, thus our equipment  
9 grant is very important to us. We currently operate --  
10 one of our snowmobiles is a 1997 Polaris 700. Last  
11 year we spent over \$1,000 on repairs for that machine  
12 before it was operational for the year. This past  
13 summer, the basin law enforcement program received a  
14 very favorable review from the Division when they came  
15 up and spent a day with us walking the ground  
16 determining what it is that we do. And the feedback  
17 that I received indicated a solid support for our group  
18 with good balance and visibility in the public,  
19 enforcement efforts, education efforts, and maintenance  
20 of trails staging areas.

21 I also believe there is a misconception out  
22 there that the Tahoe Basin's recreation trails program  
23 is flushed with funding. That's not exactly true.  
24 Despite budgetary success in some arenas, I'm thinking  
25 of fire fuels and vegetation management here, the OHV

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1 and trails program will receive a 30 percent decrease  
2 this year from 165,000 to 108,000. That's in our  
3 forest account budget program. So basically the OHV  
4 funding through the state is very important to us to  
5 maintain personnel on the ground. In regards to  
6 resource management, the state-recommended funding will  
7 provide opportunities for us to complete our wildlife  
8 surveys, plant surveys, and soil loss monitoring  
9 surveys near our OHV routes.

10 In regards to restoration, we would respectfully  
11 request the Commission consider funding at a slightly  
12 higher level than the 47 we received by the state  
13 scoring system. In segment one, we recommend a score  
14 of 15. In segment two, we recommend a score of eight.  
15 In segment three, we recommend a score of five. In  
16 segment four, we recommend a score of fifteen; segment  
17 five, a score of 15; in segment six, a score of five.  
18 I believe that gives us a score of 63 for your  
19 consideration. Thank you. I'll stand by for  
20 questions.

21 CHAIR SPITLER: Thank you. Lois Silvernail,  
22 followed by Don Klusman.

23 LOIS SILVERNAIL: Lois Silvernail representing  
24 CORVA. And a lot of us -- as he said is true, like Ed  
25 was talking about earlier, there might not be that many

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1 designated trails up in the Tahoe area, but what's up  
2 there gets used very much and a lot. The Tahoe area  
3 has been very cooperative with the volunteer groups  
4 that's come up and worked with them as we did several  
5 years ago with CORE group and putting up -- what do you  
6 call those? It's for drainage, water box. But they've  
7 been very cooperative, and we'd like to see them  
8 funded. I agree, because I happen to have a summer  
9 place up in that area, we have law enforcement issues.  
10 So I know law enforcement is a challenge in that, but I  
11 really do think you need the funding there, too. Thank  
12 you.

13 CHAIR SPITLER: Thank you, Don Klusman.

14 DON KLUSMAN: Don Klusman, California 4-Wheel  
15 Drive Association. Well, while I agree with what Lois  
16 just said, I also disagree with -- the opportunity in  
17 the Lake Tahoe Basin has declined and declined and  
18 declined for several reasons, not only because it's --  
19 the area has changed. You have a lot more  
20 multi-million dollar mansions up there now, so the uses  
21 have changed around the area. But I find it  
22 interesting that we're looking at a possibility on law  
23 enforcement of \$83,000 basically for an area that is  
24 basically the same size as a lot of other forests that  
25 we -- our BLM areas that we gave 22 or 23,000 dollars

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1 or zero as we did in a particular grant, when there's  
2 more opportunity there. I mean I'm not quite sure what  
3 our law enforcement dollars are supposed to go for.  
4 Are they supposed to keep the OHV out of the area or  
5 are they supposed to maintain them in a civilized  
6 manner? I think that needs to be looked at. As far as  
7 the -- that was the law enforcement grant.

8 The restoration grant, I had problems  
9 understanding exactly what they were going to do in  
10 that grant, and maybe it was me. I read it over a  
11 couple of times, and I came up, similar to what the  
12 staff came up with, as far as a criteria of how the  
13 grant was done. I don't see that it deserves full  
14 funding at this time.

15 And the -- that's the only two I'll comment on  
16 at this time. Thank you.

17 CHAIR SPITLER: Thank you. Bill Dart, followed  
18 by Don Amador.

19 BILL DART: Bill Dart, representing the Off-Road  
20 Business Association. We generally support the staff  
21 recommendations on this grant, but I do have to say  
22 that I concur with Mr. Klusman's remarks, you know,  
23 we're not in balance here. We're providing a lot of  
24 money for some areas that don't do much at all for us,  
25 and we're providing zero for areas that in many cases

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1 provide us a lot.

2 I'd also like to just comment, I'm surprised  
3 until just recently that the Commission seemed to  
4 notice that under our new system of scoring, where  
5 we're not funding very many things at full funding at  
6 all, that we don't know what we're going to fund. It  
7 appears to me that you have left agencies to their  
8 total discretion to decide what portions they're going  
9 to fund and what portion not to fund. We could have  
10 situations, for example, and I'm not saying the  
11 agencies would do this by any means, where they could  
12 fund salaries but sit in the office and not spend the  
13 money for gas in the trucks to go out or signs that do  
14 things on the ground. We don't know. You don't know.  
15 You have left it totally up to the discretion of the  
16 agencies right now what you're going to fund. Things  
17 like this equipment, they need a snowmobile. The staff  
18 recommendation for \$6700, you can't buy a snowmobile  
19 that they need for \$6700. Are we imposing now a  
20 matching fund requirement that's not required by law?  
21 Are they to buy something else? Are they to just put  
22 the money in their pocket and figure out maybe later  
23 they can get some money? We don't know.

24 I have a lot of questions. Where are we going?  
25 What are we getting for our dollar. No one has told me

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1 today what we're going to get. This seems to be  
2 totally a mystery here, and, you know, I don't want to  
3 add to your burden, it's a long enough day already, but  
4 I'm just amazed how we took what used to be a pretty  
5 simple process where the Division said basically thumbs  
6 up or thumbs down with minor tweaks and the Commission  
7 did minor adjustments up and down when our staff  
8 recommendations told us exactly what we're talking  
9 about. They said up in this grant, this district,  
10 lower on this one. We suggest you fund this element,  
11 and you don't fund that element. All we have now is a  
12 number and a percentage. Who knows what we're talking  
13 about anymore. I haven't heard from you that you know.  
14 I don't know. I don't know that the staff knows. It's  
15 all a mystery to all of us. Thank you.

16 CHAIR SPITLER: Thank you, Mr. Dart.

17 COMMISSIONER WALDHEIM: Welcome to our world.

18 CHAIR SPITLER: Don Amador, followed by John  
19 Stewart.

20 MEMBER OF THE PUBLIC: Pass.

21 CHAIR SPITLER: John Stewart.

22 JOHN STEWART: John Stewart, California  
23 Association of 4-Wheel Drive Clubs. Support the staff  
24 recommendations with the caveat does this really help  
25 an OHV program? Is this really applying OHV dollars to

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1 an OHV program? Is this managing an OHV program? From  
2 the looks of this, no, it's not.

3 CHAIR SPITLER: Thank you. Dave Pickett,  
4 followed by Lois Silvernail.

5 MEMBER OF THE PUBLIC: Pass.

6 CHAIR SPITLER: Okay. Thank you. Okay. Please  
7 step forward. Anyone who wants to comment on the Tahoe  
8 Basin, go ahead and step forward.

9 BRUCE BRAZIL: Thank you. Bruce Brazil,  
10 California Enduro Riders Association. While I'm not a  
11 winter sports recreationist with the snowmobiles and  
12 such, but I'd like to at least give a somewhat unbiased  
13 opinion on some of this, and that's under mostly the  
14 law enforcement. They're asking for like 200 signs,  
15 ten dollars each. I think that's a pretty good  
16 investment to prevent unlawful activities. What I find  
17 through reading through their whole package, though, is  
18 that, as they state, they're a high concentration of  
19 usage in the area, but I haven't heard anything in  
20 their package as to where they're going to increase the  
21 OHV opportunity. It's just something I'd like you to  
22 take into consideration when you're scoring these.  
23 Thank you.

24 CHAIR SPITLER: Thank you.

25 COMMISSIONER THOMAS: All right. Let's start

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1 with 56. We take the table and reduce criteria nine  
2 through 14 by ten, so it's now four; reduce criteria 16  
3 through 19 by ten, so it's now five; reduce the unique  
4 criteria, the criteria 20, reduce that by ten, it's now  
5 five. And that should result in the -- be responsive  
6 to the questions -- comments that Don Klusman and some  
7 communities made.

8 I want to support this allocation in the  
9 following fashion. I was up on the west side in what  
10 I'll call the sort of suburban ski house area which  
11 backs up onto some of the meadows and some of the legal  
12 and illegal OHV areas. And it was clear to me that the  
13 high density second homes and motor vehicles,  
14 motorcycles that are associated with those second  
15 homes, has ribboned the area with illegal trails to the  
16 point where the legal trail looks like a collection  
17 point for a series of every dendritic paths on the way  
18 in. It's not a matter at this point of law  
19 enforcement. This situation can only be remedied by  
20 barriers. If you look at the checkerboard private/  
21 public property up there, you notice that in the  
22 private property, they had barriers along the entire  
23 street in the checkerboard. And then the public land  
24 was ribboned with illegal trails. And then the private  
25 land had barriers, and the private land was managed

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1 well, and the public land was not. So this is a forest  
2 that needs to get restoration money in here, needs to  
3 put barriers up through these neighborhoods up through  
4 Blackwood Canyon on the back of the Alpine area, the  
5 ski area and all up in that area. So this is not an  
6 area -- this is a community that needs county law  
7 enforcement to deal with what is essentially an urban  
8 use in the middle of the -- adjacent to a national  
9 forest. That's my motion on law enforcement.

10 COMMISSIONER BRISSENDEN: I'll second.

11 CHAIR SPITLER: I also have to say I found the  
12 application fairly troubling, particularly the PAR  
13 report from last year's application. I just -- last  
14 year's activities I just found the level of warning,  
15 citations, and contacts just frighteningly small for  
16 the level of incursions and problems we continue to  
17 hear about in the Tahoe Basin.

18 COMMISSIONER THOMAS: I think it was Benwood --  
19 no, Benwood is on the other side. I've forgotten the  
20 name of it.

21 CHAIR SPITLER: We have a motion and second. Is  
22 there discussion?

23 COMMISSIONER ANDERSON: Yeah, I'd like to know  
24 if anybody else has any -- if there is anybody -- this  
25 is a significant change from the original

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1 recommendation going to zero. It's not something that  
2 I anticipated, and I'd like to know if anybody else has  
3 any comments?

4 CHAIR SPITLER: Are you asking Commissioners for  
5 comments?

6 COMMISSIONER ANDERSON: I'm almost asking the  
7 public for comments. I know the public comment period  
8 is over, but I'd like to -- yeah, I know you can frown  
9 at me. Nobody is responding.

10 MEMBER OF THE AUDIENCE: I have comments I could  
11 give you.

12 COMMISSIONER ANDERSON: It's up to you.

13 CHAIR SPITLER: I don't think it's a good  
14 practice. If you have a specific question for a member  
15 of the public, I think that would be fine. But I  
16 really don't think that we should start doing ad hoc  
17 multiple public comment periods whenever it seems  
18 interesting. So do you have a specific question for a  
19 member -- maybe you would like to ask the question of  
20 Mr. Stewart?

21 COMMISSIONER ANDERSON: Yes, I could ask  
22 Mr. Stewart. No, I can ask the superintendent, the  
23 forest representative. I'm sorry, I forgot your name.

24 DOUG RIDLEY: Doug Ridley.

25 COMMISSIONER ANDERSON: Okay. Can you comment

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1 on what the impact of this is going to be?

2 DOUG RIDLEY: Primarily.

3 COMMISSIONER ANDERSON: How you might adapt to  
4 the recommendation of zero.

5 DOUG RIDLEY: Our funding for our OHV patrol  
6 person is almost totally from state funding dollars.  
7 If we receive zero funding here, potential funding for  
8 that individual will come out of trail maintenance  
9 dollars, and those are all trail maintenance dollars.  
10 So we will see a reduction either in the amount of time  
11 that OHV concerns will be addressed or we will see a  
12 reduction in trail maintenance dollars on the rest of  
13 the forest.

14 COMMISSIONER ANDERSON: Do you have any response  
15 to the comments by the other Commissioners concerning  
16 the plethora of roads and routes?

17 DOUG RIDLEY: Since 2002, we've gone from three  
18 forest protection officers to one forest protection  
19 officer due to reductions in funding. That has made us  
20 a reactive force, as opposed to a proactive force. And  
21 with that happening, yes, we get more incidents of  
22 illegitimate use out there on the forest. So, yes,  
23 we're seeing more and more use on trails, near trails,  
24 from trails. We have over 3,000 urban lots, and I  
25 think this is what Commissioner Thomas is referring to,

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1 that we need to manage. And certainly from the  
2 restoration component, we need to sign and barricade  
3 those to protect those areas. But along with  
4 restoration comes the law enforcement component. We  
5 feel very strongly about that.

6 COMMISSIONER PRIZMICH: If I could just make a  
7 comment. The difficulty with transferring this  
8 responsibility to local law enforcement is that they  
9 have a myriad of other issues that they have to deal  
10 with. And the fact of the matter is, illegal riding is  
11 not going to rise to the level that more dangerous  
12 crimes might. So it really behooves this agency and  
13 the Division -- or this Commission and the Division to  
14 provide resources so that individuals specifically  
15 tasked with dealing with off-road use be funded, and  
16 that's the real danger here as I see it. Certainly  
17 it's easy to say, let the locals handle it. But the  
18 fact of the matter is they're going to be probably tied  
19 up on other things. So it's not going to solve  
20 anything. I know you know that, but that's the  
21 downside of what we're contemplating here.

22 COMMISSIONER THOMAS: The problem is that we see  
23 no Placer County application. There is no cooperative  
24 effort between the forest and Placer County. These are  
25 really urban interface lots, not places where forest

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1 rangers or FBOs or LEOs should be driving up and down  
2 suburban streets and writing tickets. Yet there is no  
3 relationship between those two entities, and I would  
4 encourage you to come back with a cooperative law  
5 enforcement proposal with the local county or however  
6 you see fit, but somehow so you can deal with the  
7 problem and in particular come in with an application  
8 that barricades. I think you'll agree that the private  
9 lands that are properly barricaded are well protected.

10 DOUG RIDLEY: If I may, I believe that it would  
11 be nice to have Placer County, El Dorado County hand in  
12 hand here at the podium as well as in the field. The  
13 reality of their separation is that they're at the  
14 casino shooting felons with handguns.

15 COMMISSIONER THOMAS: We have funded a lot of  
16 sheriffs this is morning, and we would be happy to fund  
17 more, particularly in environments that that would  
18 require sheriffs. And we'll work with you as well.  
19 But to salve an agency and just say, look, I don't get  
20 along, and we're just not working with those folks, is  
21 not an efficient use of resources in my view.

22 DOUG RIDLEY: Thank you for that opinion.

23 COMMISSIONER THOMAS: Thank you.

24 CHAIR SPITLER: Okay. We have a motion and a  
25 second. Is there more discussion?

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1 Sandy, can you do a roll call, please.

2 MS. ELDERS: Anderson.

3 COMMISSIONER ANDERSON: Aye.

4 MS. ELDER: Brissenden.

5 COMMISSIONER BRISSENDEN: Aye.

6 MS. ELDER: Spitler.

7 CHAIR SPITLER: Aye.

8 MS. ELDER: Thomas.

9 COMMISSIONER THOMAS: Aye.

10 MS. ELDER: Prizmich.

11 COMMISSIONER PRIZMICH: No.

12 MS. ELDER: Waldheim.

13 COMMISSIONER WALDHEIM: Aye.

14 CHAIR SPITLER: Okay. Motion passes.

15 COMMISSIONER THOMAS: Let's do the restoration

16 grant. Fully funding this thing.

17 CHAIR SPITLER: OR-2-LTB-57 Tahoe Basin

18 restoration.

19 COMMISSIONER THOMAS: How do we get the numbers

20 to -- again, we need to add a few points here. I'm

21 sorry, we need to hear some testimony. They were all

22 combined, never mind.

23 Let's see, we have to generate -- restoration,

24 the applicant we met one at 147,000, the staff is

25 recommending 48 points. And in order to reach -- no,

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1 the staff is recommending 92 points? No, 47 points.  
2 So we have to -- just a second here. 45 points, it  
3 looks like. All right. So we will increase --

4 COMMISSIONER ANDERSON: Careful, Mr. Thomas.

5 COMMISSIONER THOMAS: How would the Honorable  
6 Commissioner suggest?

7 COMMISSIONER ANDERSON: Just be careful with  
8 your point assignment given the remarks that you just  
9 made concerning partnerships.

10 COMMISSIONER THOMAS: I'm trying to find -- if I  
11 was conversant in these charts categories, I would be a  
12 little faster with this. And the problem is, of  
13 course, that each category is something we didn't  
14 create. So we would suggest adding --

15 COMMISSIONER ANDERSON: Certainly --

16 COMMISSIONER THOMAS: Ten through 14, gives you  
17 30 because that's an area where you're preventing off  
18 routes.

19 COMMISSIONER ANDERSON: And certainly in the  
20 third category, where we're talking about risk of more  
21 extensive damage, that's certainly a ten.

22 COMMISSIONER THOMAS: That's a maximum. Okay.  
23 Innovative approaches that enhance resource, in this  
24 case it is innovative to barricade, so that's a good  
25 thing, so we'll go to 20 on that. Barricades are very

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1 important in this forest.

2 COMMISSIONER PRIZMICH: But you may have to  
3 direct that. That's a concept that you came up with,  
4 and I don't disagree with the concept, but it may be  
5 something that you need to provide to them as a  
6 direction.

7 COMMISSIONER THOMAS: No, I understand, but that  
8 might enter the testimony that I heard about how  
9 important barricades would be.

10 COMMISSIONER PRIZMICH: It was your testimony.

11 COMMISSIONER THOMAS: My testimony, but it was  
12 agreed to by the speaker, which is why I thought it was  
13 such an appropriate basis for my decision to increase  
14 category 15 from 8.3 to 20.

15 COMMISSIONER PRIZMICH: Great idea.

16 COMMISSIONER THOMAS: Yes, great idea when you  
17 state it yourself. And then, finally, the first group  
18 is, law enforcement has made and supports the  
19 restoration, yes, that's certainly important and a good  
20 proposal. That's do 18 out of 20 points in line three.

21 COMMISSIONER ANDERSON: Which category?

22 COMMISSIONER THOMAS: Line three of the --

23 COMMISSIONER ANDERSON: That's the first  
24 category.

25 COMMISSIONER THOMAS: What do we have now? Are

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1 we full funded?

2 COMMISSIONER ANDERSON: Not quite, not quite in.

3 (Simultaneously speaking.)

4 COMMISSIONER THOMAS: How do we get to 147?

5 COMMISSIONER ANDERSON: I don't know. I'm not  
6 happy with what they've said about partnerships.

7 COMMISSIONER THOMAS: It's the plethora of  
8 volunteers that I forgot. That's 8 because of  
9 anticipated services provided, I'm sure that they're  
10 anticipating more services from the volunteer  
11 community. Is that correct, sir?

12 DOUG RIDLEY: We work very well with the Friends  
13 of the Rubicon, North Tahoe Trail Dusters, two  
14 different snowmobile associations in our efforts in the  
15 field.

16 COMMISSIONER THOMAS: Thank you. That will give  
17 us \$147,000. Thank you very much for your assistance.  
18 That would be my motion.

19 CHAIR SPITLER: Second. Is there a discussion?  
20 All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Opposed. Motion carries.

23 OR-2-LTB-58, Resource Management.

24 COMMISSIONER THOMAS: Perhaps somebody can  
25 reacquaint us with the content of this proposal? It

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1 slipped my mind.

2 CHAIR SPITLER: Staff, can you give us a quick  
3 overview of what this grant contains?

4 COMMISSIONER ANDERSON: Restoration -- no,  
5 resource, excuse me.

6 COMMISSIONER THOMAS: What resource are we  
7 resourcing?

8 DOUG RIDLEY: The funding under the resource  
9 management component here is to primarily deal with  
10 surveys for plants, wildlife, and soil loss in our OHV  
11 trail system. Again, while the system is not large, we  
12 are required annually to go out and determine the  
13 status of each of those trails so that we can make  
14 recommendations for repairs on those trails when they  
15 move into the yellow or red categories.

16 COMMISSIONER PRIZMICH: I move staff  
17 recommendation.

18 COMMISSIONER ANDERSON: Second.

19 CHAIR SPITLER: Discussion? All those in favor.

20 (Commissioners simultaneously voted.)

21 CHAIR SPITLER: Opposed.

22 Okay. OR-2-LTB-59, Lake Tahoe Basin Management  
23 Unit, equipment.

24 COMMISSIONER THOMAS: What equipment are we  
25 using again?

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1           COMMISSIONER ANDERSON: On the basis of public  
2 comments, this was for a snowmobile, and you can't buy  
3 a snowmobile for \$6,750. I guess we need to move this.  
4 The staff recommendation is for 6,750, and you can't  
5 do -- I don't have any numbers yet. I guess I'd give  
6 them 30 points in the first category for installing  
7 future maintenance costs. And you can bump the next  
8 one again in terms of reducing the cost per hour with  
9 more efficient equipment and improving public health  
10 and safety. I'm still muttering here to myself, I'm  
11 sorry. High use or demands for high usage, make that  
12 34 -- how are we doing? 35.

13           CHAIR SPITLER: Is that a motion?

14           COMMISSIONER ANDERSON: That's a motion.

15           COMMISSIONER PRIZMICH: Second.

16           CHAIR SPITLER: Discussion.

17           COMMISSIONER BRISSENDEN: Under discussion, the  
18 1997 snowmobile that they currently have, who owns  
19 that? And with all of the equipment that we purchased  
20 in the past, have any residual ownership, and can we  
21 pass that on to Bridgeport who has a 1991 snowmobile?

22           COMMISSIONER ANDERSON: Well, I would also ask  
23 another question. Have we added up how much money we  
24 spent on the snow program as opposed to equipment for  
25 non-snowmobile. Since we're dealing with all of these

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1 Northern California grants, we're putting a lot of  
2 money into snow. And in the past the Commission looked  
3 at all of the snow grants kind of as a package  
4 together, and they competed against each other. Under  
5 the current order in which we're taking things, we're  
6 losing track of just the point you make. So it's hard  
7 to -- it's hard to equate the case that they've made  
8 for an additional piece of equipment in this case  
9 versus another applicant, who has made his case for it.  
10 And we need some objective criteria for saying we give  
11 more points to equipment which is older and needs  
12 replacement versus new equipment. And I would agree  
13 with you and I would cycle back to having specific  
14 criteria by which we could measure and include the age  
15 of old equipment in the evaluation process and the  
16 scoring process that the staff uses, and that  
17 information would come back to us in a form that we  
18 could understand. I'm not going to change my  
19 recommendation.

20 COMMISSIONER BRISSENDEN: But it does beg the  
21 question of sometime next summer we should find out how  
22 much inventory we have out there that's owned by the  
23 State of California.

24 CHIEF JENKINS: If I may?

25 CHAIR SPITLER: Mr. Jenkins.

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1 CHIEF JENKINS: Equipment that the Division  
2 retains ownership title on is equipment that would be  
3 purchased at a price of \$30,000 or higher. When we do  
4 like snowmobiles, such as this, then the agency  
5 actually has title, and its their discretion how they  
6 dispose of the vehicles at that point. You could  
7 certainly make your suggestions, but as far as who owns  
8 the vehicle at that point, they do belong to the agency  
9 at that point.

10 COMMISSIONER THOMAS: Maybe we can set up an  
11 equipment pool in the Forest Service.

12 DOUG RIDLEY: We would be happy to ship the  
13 snowmobile to Bridgeport in a heartbeat.

14 CHAIR SPITLER: Probably happier if they came  
15 and got it.

16 We've got a motion and a second. Is there more  
17 discussion on this motion? Okay. All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR SPITLER: Let's go ahead and take a break,  
20 and we will come back and see how far we can get.

21 (Break taken in proceedings.)

22 CHAIR SPITLER: Next up is Lassen National  
23 Forest, OR-2-LA-87, 88, 90 and 92.

24 STAFF HOM: OR-2-LA-87, Lassen National Forest,  
25 Law Enforcement scored 69 points, and Division funding

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1 determination of 62,150. OR-2-LA-88, Lassen National  
2 Forest, Equipment scored 88 points with a funding  
3 determination of 32,250. OR-2-LA-90, Lassen National  
4 Forest, Restoration scored 69 points with a Division  
5 determination of 30,250. And OR-2-LA-92, Lassen  
6 National Forest, Resource Management scored 71 points  
7 with the Division funding determination of 30,550.

8 ELIZABETH NORTON: Good afternoon,  
9 Commissioners, I'm Elizabeth Norton. I'm the Public  
10 Services Officer for the Lassen National Forest. I'd  
11 like just to give you a brief summary of each of these  
12 applications with your permission.

13 And I'm going to start with the resource  
14 management one, and that's a project that's similar to  
15 the High Lakes planning project that the Commissioners  
16 have funded for the last three years. This is also a  
17 three-phase project. The final result will be a  
18 management plan and an environmental assessment for  
19 that particular area, about 23,000 acres in our Almanor  
20 Ranger District. In phase one, what we're asking for  
21 in 2006 would be to conduct baseline inventories for  
22 the heritage, for the sensitive and endangered  
23 threatened plants and wildlife, and also to complete  
24 the soil loss condition and the trail condition  
25 surveys. And we are fine with the Division's

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1 recommendation for that particular project.

2           The other one is a resource restoration grant.  
3 We had continued vehicle intrusions in Brococc Meadows  
4 which is in our Hat Creek Ranger District. It's a  
5 30-acre meadow which is right at the base of Lassen  
6 Volcanic National Park. And so what we'd like to do is  
7 cut some lodge pole in an adjacent aspen stand to  
8 release the aspen, and then we would use that small  
9 material to construct a buck and pole fence around that  
10 30-acre meadow, and we are also fine with the scoring  
11 recommendation for that project.

12           COMMISSIONER THOMAS: That project again is  
13 which project?

14           ELIZABETH NORTON: It's the restoration project.

15           COMMISSIONER ANDERSON: 90.

16           COMMISSIONER THOMAS: Got it. Thank you.

17           ELIZABETH NORTON: Our law enforcement grant, we  
18 are also fine with the Division's recommendation on  
19 that. We do patrol 425 miles of groomed trails on the  
20 forest, as well as 2700 miles of our maintenance level  
21 to roads. And to remind you that we do have the  
22 largest groomed system in the State of California. In  
23 our report, we indicated that we made 2700 visitor  
24 contacts, about ten percent of those contacts resulted  
25 in citations or warnings for the visitors. We continue

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1 to have problems with wilderness intrusions and  
2 continuing private property trespass, as well as  
3 resource damage, so we had about 213 cold reports, as  
4 well as the citations and the warnings that we issued  
5 last year.

6 The equipment grant is for the purchase of three  
7 snowmobiles and two ATVs. I think we probably have the  
8 oldest equipment that I've heard of today. I thought  
9 we were going to beat Officer Todd Johns with the  
10 Plumas County Sheriff until the Humboldt-Toiyabe  
11 indicated that they have a 15-year old sled that we're  
12 trying to replace, as well. We have two sleds that are  
13 ten years old, over 5,000 miles on those sleds, and one  
14 sled that's 18 years old, and one that's 17 years old.  
15 And our ATVs are also 10 years old. And when we met on  
16 September 30th, I did have a glimmer of hope from  
17 Commissioner Anderson that we might be able to have  
18 funding to replace at least a portion of that  
19 equipment. I know I've stood before you year after  
20 year and asked for equipment dollars, and so  
21 Commissioner Anderson's comments were --

22 CHAIR SPITLER: Talk to the Tahoe, they got  
23 a '97 sled they're trying to get rid of.

24 ELIZABETH NORTON: So those are the four  
25 projects.

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1 COMMISSIONER THOMAS: Cal Worthington over here.

2 CHAIR SPITLER: Sylvia Milligan, followed by  
3 Lois Silvernail.

4 SYLVIA MILLIGAN: I'm Sylvia Milligan with the  
5 California/Nevada Snowmobile Association. And there  
6 again when it comes to the equipment, please, please,  
7 think kindly on the equipment. Because that might be  
8 one of the sleds that John rides when he comes up. We  
9 will go with staff's recommendations. We appreciate  
10 what they've requested for us.

11 COMMISSIONER BRISSENDEN: That was a private  
12 offer, not a public one.

13 CHAIR SPITLER: Lois Silvernail.

14 ELIZABETH NORTON: I also want to point out,  
15 too, when we're riding with Sylvia Milligan if we had  
16 newer sleds, we would finally be able to keep up with  
17 her.

18 COMMISSIONER BRISSENDEN: Is that a warning?

19 CHAIR SPITLER: Don Klusman.

20 DON KLUSMAN: Don Klusman, California 4-Wheel  
21 Drive Association. We'd like to suggest staff's  
22 recommendations on all of the grants. Thank you.

23 CHAIR SPITLER: Bill Dart.

24 MEMBER OF THE PUBLIC: Pass.

25 CHAIR SPITLER: Don Amador, John Stewart.

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1           JOHN STEWART: Good afternoon, Commissioners,  
2 John Stewart, California Association of 4-Wheel Drive  
3 Clubs. Like Don says, we go with the staff  
4 recommendations. We'd like to point out that the law  
5 enforcement issue is something that Cal 4-Wheel  
6 endorses, really truly supports, and we believe that it  
7 is essential, along with a good education program. But  
8 the law enforcement is only as good as the equipment  
9 they have with which to use in order to enforce the  
10 law. That equipment and having the equipment that is  
11 newer, is more capable, it helps in dealing with the  
12 public. It helps in the enforcement issues overall,  
13 and more importantly it helps protect the officers'  
14 lives. And this is something where you're talking  
15 about public health, public safety, and the issues of  
16 is the officer's life in danger. We would like to see  
17 that they have adequate equipment to be out on patrol,  
18 and something that they know that their life is -- when  
19 it is in danger or if their life depends on the  
20 equipment, that they have equipment that's capable of  
21 supporting them. Thank you.

22           CHAIR SPITLER: Okay. Anyone else to comment on  
23 the Lassen?

24           COMMISSIONER THOMAS: Mr. Chairman, can we have  
25 sort of the running totals? We've got five or

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1 something categories here, six categories. If we are  
2 spending equipment money, how are we doing inside of  
3 the equipment budget? How do I evaluate this equipment  
4 grant?

5 CHAIR SPITLER: By my calculations, if we --  
6 maybe that's a question for staff.

7 COMMISSIONER THOMAS: They had a running total  
8 at some point?

9 CHAIR SPITLER: Staff show the running totals.

10 CHIEF JENKINS: Might take a moment. Aaron,  
11 have you been able to keep up on this?

12 STAFF: I was just updating. Right now these  
13 numbers right here is what have been allocated by the  
14 Commission today.

15 COMMISSIONER BRISSENDEN: Second line down  
16 there.

17 STAFF: Yes, those are the totals. And I can  
18 show you those in relation to the cutoff and how much  
19 money is left total.

20 CHAIR SPITLER: If you could do that.

21 COMMISSIONER THOMAS: It says I on the end; am I  
22 reading that right?

23 CHAIR SPITLER: It's conservation it looks like.

24 COMMISSIONER ANDERSON: Truncated word.

25 COMMISSIONER THOMAS: Okay.

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1 COMMISSIONER WALDHEIM: I show 280,000 over on  
2 enforcement and 150,000 left over on non-CESA.

3 COMMISSIONER THOMAS: Assuming all staff grants  
4 from here on out?

5 COMMISSIONER WALDHEIM: No, just my numbers.

6 COMMISSIONER THOMAS: No. Do your numbers  
7 assume -- oh, the answer is no. Got it.

8 STAFF: If we go with what the Commission has  
9 changed today, as well as incorporating in the staff  
10 recommendations that haven't been heard yet, we're  
11 currently 585,000 over in law enforcement.

12 COMMISSIONER THOMAS: How about on the equipment  
13 and non-CESA, let's look at that one.

14 STAFF: Let me just -- just putting in one last  
15 total on that one. Let me get you close.

16 COMMISSIONER THOMAS: Close will work. The  
17 court reporter gets the award of the meeting.

18 STAFF: You're positive 664,000.

19 COMMISSIONER THOMAS: What do you mean, there is  
20 a surplus of if we follow staff recommendations from  
21 here on out?

22 STAFF: Yes, from here on out.

23 CHIEF JENKINS: And that is the one category.  
24 If you look at CESA versus non-CESA, if you ended up  
25 with excess funds after staff determinations or after

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1 actually the determinations are turned into your final  
2 allocation, this money could be moved over to one of  
3 the CESA categories if you choose.

4 COMMISSIONER THOMAS: And it's equipment, FO&M.

5 CHAIR SPITLER: Route designation, planning.

6 COMMISSIONER THOMAS: Not trail.

7 CHAIR SPITLER: Trail.

8 COMMISSIONER THOMAS: You know, I'm sorry. I'm  
9 having a hard time keeping track of all of this.

10 COMMISSIONER BRISSENDEN: Aaron, can you pull up  
11 what the amount of grants we have to look at here  
12 forward in law enforcement.

13 STAFF: Total number of grants?

14 COMMISSIONER ANDERSON: He's looking for the  
15 balance.

16 COMMISSIONER BRISSENDEN: What we're going to  
17 evaluate in the next few grants, what's the total  
18 that's been -- that are staff recommendations.

19 STAFF: Total of staff recommendations for north  
20 specifically.

21 COMMISSIONER BRISSENDEN: Well, no, do it both.

22 COMMISSIONER ANDERSON: I don't think he can do  
23 it.

24 CHIEF JENKINS: I don't think we set up the  
25 sheets to do that particular task. We can sit and do

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1 it if you've got ten minutes.

2 COMMISSIONER BRISSENDEN: Okay. Well, you know.

3 CHAIR SPITLER: I have, if we follow --

4 COMMISSIONER BRISSENDEN: They have said these  
5 things are wonderful.

6 CHAIR SPITLER: If we follow the subcommittee  
7 recommendations from here on out, we're 329,000  
8 overspent in law enforcement and 192,000 underspent in  
9 non-CESA; overall 157,000 overspent.

10 COMMISSIONER THOMAS: And this subcommittee  
11 recommendations are where -- I don't remember that each  
12 time a grant has come up, somebody has said and the  
13 subcommittee recommendation is X.

14 COMMISSIONER WALDHEIM: I did that at the  
15 Commission meeting, Ed Waldheim, at the subcommittee  
16 meetings when we did the Consent, after it was closed,  
17 I would state what my thought was on what I'm going to  
18 go by, but we didn't vote on it.

19 COMMISSIONER THOMAS: But do we have a sheet  
20 with the Commission subcommittee? They're not the same  
21 as staff, correct?

22 COMMISSIONER ANDERSON: I think in most -- at  
23 least as I recall from the Southern California meeting  
24 was that was the basis for determining the Consent  
25 Calendar.

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1           COMMISSIONER THOMAS: Right, but we had only  
2 Consent and non-Consent.

3           CHAIR SPITLER: Only for those where the  
4 subcommittee agreed with the staff recommendation.

5           COMMISSIONER THOMAS: So if it was not on  
6 Consent, it was not determined by the subcommittee as  
7 to a specific number.

8           COMMISSIONER WALDHEIM: And the subcommittee  
9 recommendations are falling apart because you guys are  
10 adding and changing all over the place.

11          COMMISSIONER THOMAS: Well, I'm working hard at  
12 having you help me.

13          COMMISSIONER ANDERSON: The disagreement may  
14 have been either up or down, if it was a disagreement  
15 from the staff.

16          COMMISSIONER THOMAS: Right. Got it. All  
17 right. Now I'm briefed. Thank you.

18          COMMISSIONER ANDERSON: But we didn't really  
19 articulate which direction.

20          COMMISSIONER WALDHEIM: Mr. Chairman, I might as  
21 well bring it up now, and so you guys can mull it over  
22 for the next few days. There's one issue, one place --  
23 well, during the break after going through all of the  
24 sheets, where in the world are we going to make up  
25 \$435,000? And the only realistic way I came out is if

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1 we were to take staff's recommendation on the route  
2 inventory, that is a non-CESA account, we can make up  
3 \$700,000 there without jeopardizing the program as far  
4 as the route inventory is concerned. In other words,  
5 the route inventory would continue. If they need that  
6 money, we can just do it another year, continued  
7 further on. That would be a possibility to use money  
8 from that. But we would have to agree when we do our  
9 deliberation when we get to that. So that's the only  
10 place I could figure out how to do it and not get  
11 yelled out and screamed at by everybody in this room,  
12 which is what's been happening to me. If you think I'm  
13 quiet, I'm getting gun shy even opening my mouth here  
14 because everybody is screaming.

15 CHAIR SPITLER: You'd get yelled at and screamed  
16 at by the Chair if you try to do that.

17 COMMISSIONER WALDHEIM: I'm getting screamed at  
18 by everybody.

19 CHAIR SPITLER: We're getting pretty far afield  
20 here. Let's move forward. We still have a lot of  
21 grants to get through. That gives you a snapshot of  
22 where we are at now.

23 COMMISSIONER THOMAS: Thank you.

24 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like  
25 to say for the audience's purpose, it just kills me --

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1 you guys don't realize how it kills me to have to vote  
2 no on some of these trail maintenance. My life  
3 revolves around trail maintenance, and it just  
4 absolutely kills me to have to do that to meet a stupid  
5 budget. And I'm just wracking my brain trying to  
6 figure, if I take it from law enforcement, I give it to  
7 non-CESA, the other stuff we can't put our hands on, it  
8 just kills me.

9 CHAIR SPITLER: Mr. Waldheim, the beauty of it  
10 is none of the Lassen grant requests that we're dealing  
11 with right now are for trail maintenance. So you've  
12 got a free pass on this one.

13 So the grant that we have before us now is  
14 OR-2-LA-87. I'll put a recommendation out there.  
15 Again, this was another grant where I was particularly  
16 troubled by the PAR report from past years' activities.  
17 I just thought the number of contacts, warnings and  
18 citations particularly for wilderness and private  
19 property and resource damage were frighteningly small.  
20 My review of the application shows a score of six in  
21 the first category, eight in the second, zero in the  
22 third, 15, ten, and five; for a final score of 44,  
23 funding recommendation of zero.

24 COMMISSIONER BRISSENDEN: In the second  
25 category, Aaron. Second.

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1 CHAIR SPITLER: Discussion? All those in favor?  
2 (Commissioners simultaneously voted.)  
3 CHAIR SPITLER: Opposed.  
4 COMMISSIONER PRIZMICH: No.  
5 COMMISSIONER ANDERSON: No.  
6 CHAIR SPITLER: Okay. Motion carries.  
7 OR-2-LA-88, Equipment.  
8 COMMISSIONER PRIZMICH: I'll move staff  
9 recommendation.  
10 COMMISSIONER BRISSENDEN: Second.  
11 CHAIR SPITLER: Discussion? Okay. All those in  
12 favor.  
13 (Commissioners simultaneously voted.)  
14 CHAIR SPITLER: Opposed. Motion carries.  
15 OR-2-LA-88, that's -- excuse me. Thank you.  
16 OR-2-LA-90.  
17 COMMISSIONER THOMAS: We can go -- they want 55.  
18 We can -- let's see.  
19 COMMISSIONER WALDHEIM: Here we are, reverse  
20 engineering again.  
21 COMMISSIONER THOMAS: Six out of 90, that's 21  
22 points. So we will go 30 in ten to 14 because  
23 restoration always prevents off-road impacts.  
24 Innovative approaches, that's pretty high already.  
25 Risk of larger closure, that's high already, too. The

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1 first one, that's a goofy criteria. Enforcement, got  
2 to have other law enforcement to protect the area that  
3 you're restoring when, in fact, you restore it, it's  
4 protected.

5 COMMISSIONER ANDERSON: You just zeroed out the  
6 law enforcement.

7 COMMISSIONER THOMAS: How about go to 18 in  
8 number one.

9 Any suggestions on adding 21 points?

10 COMMISSIONER ANDERSON: No, but I --

11 COMMISSIONER THOMAS: Maybe we can ask? Where  
12 are your partnerships? How good are your partnerships?  
13 Tell us about your partnerships.

14 ELIZABETH NORTON: The partnership is basically  
15 volunteer patrol of that area to report any intrusions  
16 into the meadow.

17 COMMISSIONER THOMAS: Do you have a strong  
18 partnership program?

19 ELIZABETH NORTON: We had 4500 hours of  
20 volunteer time last year. I think we have excellent  
21 partnerships with our organizations.

22 COMMISSIONER THOMAS: Thank you. I would put  
23 ten in the partnership volunteer category. Are we up  
24 there yet? What do we need? We can go a little more,  
25 we are spending all this time. How about two more

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1 points on the line 15, and I'll quit; 49,500, didn't  
2 get anything.

3 Two more points on 16 through 20, please. There  
4 we go. Marvelous, thank you. And the evidence is in.

5 COMMISSIONER PRIZMICH: Judith, you have been  
6 trying to say something.

7 COMMISSIONER ANDERSON: I'm sorry, I'll make  
8 this for Mr. Prizmich. We just zeroed out the law  
9 enforcement, and now we're evaluating another grant  
10 from the same forest and saying, oh, they got a really  
11 good law enforcement program.

12 COMMISSIONER THOMAS: No, no, because you know  
13 why it meets that criteria? Because if you restore  
14 something, it is inherently protected. That is law  
15 enforcement. It's circular logic to deal with the  
16 circular logic of the criteria.

17 COMMISSIONER ANDERSON: Okay.

18 CHAIR SPITLER: I think, Commissioner Anderson,  
19 it's probably not a fair premise to say that simply  
20 because the Commission doesn't fully fund a law  
21 enforcement request, the forest does not have a law  
22 enforcement program.

23 COMMISSIONER ANDERSON: I stand corrected.

24 COMMISSIONER THOMAS: Different point of view.

25 I move that we move the grant with the numbers

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1 as proposed.

2 CHAIR SPITLER: Okay. I have a motion. Is  
3 there a second?

4 COMMISSIONER BRISSENDEN: Second.

5 CHAIR SPITLER: Discussion? All those in favor?  
6 (Commissioners simultaneously voted.)

7 CHAIR SPITLER: Opposed.

8 COMMISSIONER PRIZMICH: No.

9 CHAIR SPITLER: Motion carries.

10 Okay OR-2-LA-92, Resource Management.

11 I had a difficult time scoring this grant as  
12 favorably as the staff did, particularly based on some  
13 of the other more pressing resource management  
14 applications, including the Forest Service Regional  
15 Wildlife Studies which scored far higher. My score for  
16 this grant was eight, eight, zero, 15, ten; for a final  
17 score of 41, and a funding level of zero. I'll move  
18 that.

19 Is there a second?

20 COMMISSIONER THOMAS: Second.

21 CHAIR SPITLER: Discussion? All those in favor?  
22 Commissioner Anderson?

23 COMMISSIONER ANDERSON: The one that I'm  
24 wondering about is your reduction of the fourth  
25 category. Could you elaborate on that a moment?

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1 CHAIR SPITLER: After reviewing the application,  
2 I don't think that the benefits to rare, threatened or  
3 endangered species are demonstrated. I don't think the  
4 conservation benefits are demonstrated or the long-term  
5 ORV opportunities are demonstrated. So I couldn't give  
6 it a complete score for that.

7 More discussion? All those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR SPITLER: Opposed?

10 COMMISSIONER PRIZMICH: No.

11 CHAIR SPITLER: Okay. That's it for Lassen  
12 National Forest.

13 Next up is Mendocino OR-2-ME-56.

14 STAFF HOM: OR-2-ME-56, Mendocino National  
15 Forest, Restoration scored 75 points with a Division  
16 funding determination of 479,050.

17 CHAIR SPITLER: Mr. Horner.

18 JACK HORNER: Good afternoon, Commissioners, my  
19 name is Jack Horner. I'm the Recreation Officer on  
20 Mendocino National Forest. And this particular  
21 restoration project or grant request is one that will  
22 include eleven different projects. They vary from  
23 wilderness intrusions that we discovered when the OHV  
24 inventory was completed. We want to close those off  
25 permanently. We have a number of trails that are going

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1 into our back country areas that we're getting OHV use  
2 on. We'd like to deal with those things. We dealt  
3 with them a couple of times, and the solutions haven't  
4 been permanent, so we want to continue on with that.

5 Then we've got three roads included there that  
6 are at the headwaters of the anatomus Fishery. The  
7 Black Butte River on the Mendocino, which is also  
8 proposed for wild and scenic river, we'd like to close  
9 those roads off. And we'd also -- and the last one is  
10 the Commander tract, which is a 23 acre -- 23,000 acre  
11 donation to the Forest Service of former timberland in  
12 the middle of the Mendocino National Forest. So it  
13 filled in a big block of white on our green map. And  
14 they had -- this timberland had approximately 250 miles  
15 of roads that served their timberland which for the  
16 most part are gated off and closed. The public is  
17 wanting to us go through the process and see exactly  
18 what we will open back up for public access. And a lot  
19 of them we know already that they need to be closed  
20 permanently because of resource damage. But this  
21 request would also help us get through the process of  
22 doing all of the resource evaluations to complete the  
23 determination of what to do with all those roads in  
24 there. Any questions?

25 CHAIR SPITLER: Thank you. Stick around. We'll  
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1 save them for after public comment. Lois Silvernail,  
2 Don Klusman.

3 DON KLUSMAN: Don Klusman, California 4-Wheel  
4 Drive Association. After reviewing this grant  
5 extensively, there's a couple of things that were just  
6 brought up that we have a little problem with. First,  
7 is closing the roads just because an area is talked  
8 about being wild and scenic. I can give you several  
9 demonstrations of wild and scenic rivers in this state  
10 that have roads going to those rivers, and they were  
11 congressionally done. And just because a possible  
12 candidate is not a reason to close a road.

13 The other is, I am a little confused in using  
14 this money to do a bland. So that being said, we were  
15 asking for 657,000. Thank you.

16 CHAIR SPITLER: Thank you. Bill Dart.

17 BILL DART: Bill Dart, Off-Road Business  
18 Association. We're opposed to this grant. We would  
19 recommend zero.

20 CHAIR SPITLER: Thank you. Don Amador.

21 MEMBER OF THE PUBLIC: Pass.

22 CHAIR SPITLER: John Stewart.

23 JOHN STEWART: John Stewart, California  
24 Association 4-Wheel Drive Clubs. It's noted that this  
25 grant covers eleven different areas, and as such a lot

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1 of different projects; some of them worthwhile, some of  
2 them questionable. I'd like to point out that one of  
3 the real issues here is a land was donated to the  
4 Forest Service by the timber company. The timber  
5 company constructed roads on it, and those roads have  
6 been closed to the public. And now they're asking for  
7 OHV dollars in order to restore those roads. Within  
8 the context of statute, the OHV funds are approved for  
9 restoration of lands where OHV damage has been  
10 occurring. I kind of have a major disconnect here as  
11 to where the use of OHV funds to restore roads that  
12 were built by the logging industry on lands they  
13 donated, that does seem to be a major disconnect with  
14 appropriate use of restoration funds. Thank you.

15 CHAIR SPITLER: Thank you. Any other members of  
16 the public? Mr. Brazil.

17 BRUCE BRAZIL: Thank you.

18 CHAIR SPITLER: You're very cheery.

19 BRUCE BRAZIL: Well, sitting there for a while,  
20 get to get up and move.

21 CHAIR SPITLER: Try sitting up here for a while.

22 BRUCE BRAZIL: No thanks.

23 I think it's been brought up that the Commission  
24 has got the potential of kind of doing line item, pass  
25 or fail, and being that this request has got several

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1 different projects in it, maybe they can take that into  
2 consideration.

3 Two of the trails that they want to do  
4 restoration on 22-N-13-A, 22-N-81, there is nothing in  
5 their document saying that they've gone through the  
6 process of closing these trails down. Mendocino  
7 National Forest does a great job for the OHV community,  
8 and I wouldn't want to see them getting hung up on any  
9 sort of litigation because they didn't go through the  
10 processes. And the Commander tract that you hear the  
11 other speakers have brought up, read through on that  
12 and did, some researching. I don't think the property  
13 was donated. As far as I understand, it was bought by  
14 the California Conservancy Fund. And even in the  
15 description here, that is for the protection of  
16 wildlife habitat and corridors to promote recovery of  
17 threatened and endangered species. On one of the  
18 websites from the National Forest, acquisition will  
19 place the management under the forest plan and resource  
20 management plan. Most of the tract is in the upper  
21 watersheds of Black Butte River watershed which  
22 contains some of the most important Chinook salmon,  
23 rainbow trout, and winter steelhead habitat within the  
24 Mendocino National Forest. With all these sorts of  
25 things, I don't really see much opportunity for OHV use

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1 of any sort happening there, so I just don't see why  
2 any of our funds should be utilized here. Thank you.

3 CHAIR SPITLER: Thank you.

4 COMMISSIONER WALDHEIM: Mr. Chairman, could I  
5 ask the Forest Service on the two points that were  
6 brought up, the routes 22 and 22-1, is there any  
7 particular reason that these are being included in the  
8 restoration as proper documentation has not been done,  
9 or we haven't gone through the process?

10 JACK HORNER: We have gone through the process,  
11 the NEPA process to close those roads. Those roads are  
12 not passable at this time. You can get down portions  
13 of them. Drainages have washed out, and we have  
14 erosion going on down into the Black Butte River.  
15 That's the main issue that we would like to deal with,  
16 to make permanent solutions to problems.

17 COMMISSIONER WALDHEIM: So all of the things  
18 that you have in the restoration, they have gone  
19 through the process for properly closing.

20 JACK HORNER: Absolutely.

21 COMMISSIONER ANDERSON: Question.

22 CHAIR SPITLER: More questions. Commissioner  
23 Anderson.

24 COMMISSIONER ANDERSON: Could you, the Forest  
25 Service, this was public, private land previously?

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1 JACK HORNER: On the Commander tract, the 23,000  
2 acres, it was private timberland that was bought by a  
3 partner, which ended up being the State of California,  
4 and they in turn donated it to the Mendocino National  
5 Forest. It was in jeopardy of being developed and  
6 split up and developed in the middle of the national  
7 forest. So in working with our land exchange people  
8 and our regional office, they were able to work a deal  
9 with the State of California which ended up purchasing  
10 the land, and then donating it to the Mendocino  
11 National Forest.

12 COMMISSIONER ANDERSON: I'm addressing this  
13 because I want to make sure that the OHV problem  
14 doesn't get accused of allowing a problem to  
15 proliferate, which was, in this case, if the land was  
16 private, then it was the State Board of Forestry which  
17 regulated that timber harvest on that land; is that  
18 correct?

19 JACK HORNER: That's correct. The other issue,  
20 though, that I'd like to bring up to you is that we  
21 are -- since we have acquired the land, it was a lot of  
22 private use of those lands from hunting clubs and all  
23 in the past, and people were used to taking their OHV  
24 and going around the gates, and there was very few  
25 people to deal with those issues on those roads and

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1 trails in there. So what we found out when we acquired  
2 the land, we did a lot of education to the public about  
3 the rules have kind of changed, and you need to, you  
4 know, be on designated routes to be out there, and  
5 especially the hunting crowd, that was the crowd that  
6 we were trying to educate the most. And so we ended  
7 up, I believe, 12 to 15 tickets the first -- not this  
8 last hunting season, but right before, the year before.  
9 And so our education process is slowly working, but  
10 we're trying to decide what access routes we are going  
11 to need to keep open in that area for public use and  
12 which ones are causing resource damages downstream, as  
13 the gentleman stated into the anatumus Fisheries. So  
14 we are -- the Forest Service has been working on this.  
15 We have our resource specialist doing a lot of work  
16 down on the ground -- or some of the work out there.  
17 We're continuing on with that, and we want to make sure  
18 that it also ties in with our route designation  
19 process, so that this large chunk of land in the middle  
20 of a national forest doesn't get left out in that  
21 process.

22 COMMISSIONER ANDERSON: I appreciate that  
23 problem.

24 I'm troubled by the perception that what you're  
25 doing is really closing roads. What you're really

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1 doing is a job that the State Board of Forestry should  
2 have done when they allowed road building in the first  
3 place if they were allowing construction in a manner  
4 which was unhealthy for the fish populations and  
5 long-term sustainability. So somewhat like a polluter  
6 who leaves his land, and the next buyer, we have  
7 federal laws which allow you to go back to the original  
8 perpetrator of the bad dumping of toxic, if you like,  
9 and make them pay. You have no way to go back to the  
10 timber company and force them to clean up the job they  
11 should have done, so you got a bad deal kind of or an  
12 expensive deal when you took on the land? It may have  
13 been donated, but it was not free?

14 JACK HORNER: Right. Nothing is ever free, even  
15 though the land was donated. And so now we are not  
16 trying to close the roads at this point. What we're  
17 doing is trying to figure out what we need to do for  
18 the public good and use long-term. So the restoration  
19 dollars will help us move forward in that process.

20 COMMISSIONER ANDERSON: Do you need all of these  
21 funds this year?

22 JACK HORNER: These would be three-year dollars,  
23 so we would look at using them over a couple of years'  
24 time. So, yes -- no, the answer is, no, it could be  
25 spread out over the three-year or longer period.

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1 COMMISSIONER ANDERSON: Okay.

2 CHAIR SPITLER: So we have the funds available.

3 COMMISSIONER ANDERSON: We do have the funds  
4 available.

5 CHAIR SPITLER: In fact we have more available  
6 than we have grant applications before us in  
7 restoration.

8 COMMISSIONER PRIZMICH: You acquired this land  
9 three years ago; is my calculation right?

10 JACK HORNER: No, December of -- I believe it  
11 was December of '04 was the exact date on it.

12 COMMISSIONER PRIZMICH: And am I hearing you  
13 correctly that you believe that most of the resource  
14 damage is a result of hunters going around fences?

15 JACK HORNER: I won't say that, but I'm just  
16 saying that what we were seeing out there were  
17 people -- hunters during hunting season going around  
18 the gates. And after a lot of education, we're trying  
19 to work through that and help them understand that it's  
20 public land now, instead of private, and there are  
21 certain rules that we want them to adhere to.

22 COMMISSIONER THOMAS: Could you tell us how good  
23 your volunteer program is so I can add points?

24 JACK HORNER: We have probably the best  
25 volunteer program there is. We've got user groups that

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1 come out on a regular basis and help us. We've got CDC  
2 crews that help us spread the dollars as far as we can.  
3 We also have a Foust Springs Youth Facility that does a  
4 lot of work with us on ground barriers that are very  
5 little ground disturbance in putting these things in.  
6 So we've got a lot of groups that help us.

7 COMMISSIONER THOMAS: Great. Thank you.

8 CHAIR SPITLER: Okay. I reviewed this grant  
9 carefully and am pretty familiar with a number of the  
10 projects. I'm going to propose a few changes to the  
11 score. Under the fourth box -- third box down, ten;  
12 fourth box down, a 30; the bottom box, a ten. Total  
13 score of 92 and a recommended funding level of 663,000.

14 COMMISSIONER ANDERSON: I'll second that.

15 CHAIR SPITLER: Is there more discussion?

16 COMMISSIONER THOMAS: Is there any reason that  
17 you are not rating it higher so that the entire  
18 applicant's \$737,000 is applied to this excellent  
19 project?

20 CHAIR SPITLER: I will note that that's the  
21 scores that my review shows the grant is warranted. I  
22 will also note that there is a substantial portion of  
23 administrative costs included.

24 COMMISSIONER THOMAS: I think the demonstration  
25 partnerships, based on what I just heard, could go to

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1 ten, and it didn't get us anywhere. Are you messing  
2 with that?

3 COMMISSIONER ANDERSON: No.

4 COMMISSIONER THOMAS: All right. I'm fine.

5 CHAIR SPITLER: I'll accept the amendment.

6 Motion and second. Is there more discussion?

7 COMMISSIONER THOMAS: Well, actually, I think  
8 that there's -- the innovative approach there, why  
9 don't we put that up to 20. Item 15, should be 20,  
10 Commission score. There we go. Thank you.

11 CHAIR SPITLER: I'll accept the amendment if the  
12 second will accept the amendment.

13 COMMISSIONER ANDERSON: Okay.

14 CHAIR SPITLER: More discussion.  
15 Commissioner Thomas.

16 COMMISSIONER THOMAS: I move the item.

17 CHAIR SPITLER: It's already been moved and  
18 seconded. Can't move it again.

19 COMMISSIONER THOMAS: Let's vote. Let's move  
20 on.

21 CHAIR SPITLER: All those in favor?

22 (Commissioners simultaneously voted.)

23 CHAIR SPITLER: Against. Motion carries.

24 Pacific Southwest Region, OR-2-SW-30, 31 and 32.

25 STAFF HOM: OR-2-SW-30, Pacific Southwest

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1 Region, Facility Operations and Maintenance received a  
2 score of 61 points with Division funding determination  
3 of \$147,400. OR-2-SW-31, Pacific Southwest Region,  
4 Planning receives a score of 74 points and a Division  
5 funding determination of \$1.3 million. And OR-2-SW-32,  
6 Resource Management received the score of 41 points  
7 with a funding determination of zero dollars.

8 KATHLEEN MICK: Good evening, Chair Spitler,  
9 Commissioners, Deputy Director Greene, Division staff,  
10 and members of the public, my name is Kathleen Mick,  
11 and I'm the Regional Trails Program Leader for the  
12 Pacific Southwest Region of the Forest Service. We  
13 didn't get a chance to do the federal report. I just  
14 wanted to indicate to the Commission that at the  
15 regional office, we've had a little bit of a shift in  
16 duties. And just to make you all aware that now  
17 currently Rich Farrington has moved over and is solely  
18 responsible for the route designation project within  
19 California. And with that I accepted a promotion and  
20 am now responsible for the motorized and non-motorized  
21 trail program, including the over-the-snow program. So  
22 with that, I'll be addressing all of the projects in  
23 question, including the studies and the -- the studies  
24 on Consent. The resource manager, Diana Craig, felt  
25 the need to go to Hawaii so she's not here today. And

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1 then Dr. Farrington will address and answer any  
2 questions for route designation.

3 In front of you, you have a sheet that addresses  
4 resource management project OR-2-SW-33, which is the  
5 resource management. We found areas in our  
6 application, as indicated by the page numbers, we  
7 believe that our score for that particular project  
8 would be raised and render a total score of 59. The  
9 rest of the projects, we concur with the Division's  
10 funding determination.

11 CHAIR SPITLER: Thank you.

12 KATHLEEN MICK: Excuse me, Chair Spitler,  
13 Dr. Farrington has some stuff for the route designation  
14 that he'll hand out, and he'll handle that portion.

15 COMMISSIONER THOMAS: Can I ask a question about  
16 studies?

17 CHAIR SPITLER: Sure.

18 COMMISSIONER THOMAS: Does the 750,000 include a  
19 Spotted Owl study?

20 KATHLEEN MICK: Yes, it does. It's part the  
21 four studies.

22 COMMISSIONER THOMAS: How much is that dollar  
23 amount?

24 KATHLEEN MICK: If you give me a minute, I can  
25 look in here and tell you.

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1           COMMISSIONER WALDHEIM: Mr. Chairman, point of  
2 order, if we're talking about OR-2-SW-33, that was  
3 under Consent this morning for \$750,000.

4           CHAIR SPITLER: Just asking a question,  
5 Commissioner Waldheim. That's already been handled on  
6 Consent.

7           COMMISSIONER WALDHEIM: So we shouldn't even be  
8 talking about it.

9           KATHLEEN MICK: We're happy to answer the  
10 question for the Commission.

11          CHAIR SPITLER: Thank you. Dr. Farrington.

12          RICH FARRINGTON: Thank you. Good evening,  
13 Commissioners, Rich Farrington, U.S. Forest Service  
14 Route Designation Coordinator. I'd like to just  
15 briefly address the scores, and if you could pull up  
16 that score sheet, please.

17          CHAIR SPITLER: Dr. Farrington, if I could just  
18 ask you to be somewhat brief because we still have a  
19 long ways to go tonight.

20          RICH FARRINGTON: For the planning grant, that  
21 would be SW-31, I would like to comment on the scores.  
22 I feel that in the first category that I should have  
23 received a score of 25. I thought that the application  
24 demonstrates the amplifications of not having a  
25 designated route system pretty clearly. Risk of

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1 lawsuits, closure, resource damage, and the ability to  
2 better sign and provide maps to the public so they know  
3 where the open areas are to ride, and should have  
4 received a 25.

5           In the next category, where we received a real  
6 low score on volunteers, I would have to admit that the  
7 criteria doesn't fit a planning grant particularly  
8 well, especially for this route designation. But I  
9 will say that we have records of over thousands of  
10 hours of time volunteered by the public in  
11 participating in this process across the State of  
12 California on our 19 national forests dealing with some  
13 15 million acres that OHV opportunity is available.  
14 Example, the El Dorado NEPA process has received over  
15 70 pages of public comments for the public  
16 participating in that process. I think that the public  
17 is reviewing the inventory work and spending a lot of  
18 time in the field, and collaboration efforts, we're  
19 really trying to push that. We would like to develop  
20 census proposals of road and trail systems before we  
21 start our official NEPA process, and I think we should  
22 have achieved a score of 15 based on the information  
23 data provided.

24           The next category I think that the application  
25 demonstrating a plan will result in including

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1 designation of routes. It should have received a score  
2 of 30. And the last category, a score of 25, which  
3 would have given me a score total of 95. Thank you.

4 CHAIR SPITLER: Okay. Thank you. Okay. We'll  
5 do public comment, and we will come back to you with  
6 questions.

7 Don Klusman, followed by Bill Dirt.

8 DON KLUSMAN: Don Klusman, California 4-Wheel  
9 Drive Association. I find it ironic that the last  
10 grant you guys did, about two deputy directors ago,  
11 three Commissioners, myself and Bill Dart overflowed that  
12 area and decided it was too pristine for OHV and it was  
13 going to become an SVRA. Now I guess we've come full  
14 circle, and we going to make it more pristine. So I  
15 guess that's a good thing.

16 Anyway, on the grants in front of you, the -- we  
17 agree with staff recommendation on SW-30.

18 On the route inventory grant, while I agree with  
19 Mr. Farrington, and I know what the Commission has said  
20 in the past about basically the \$2 million per year, I  
21 find that with the money as tight as we are right now,  
22 and that we have not seen -- unless you have seen -- an  
23 accurate accounting of the past monies, and we're not  
24 talking chump change here. We're talking millions of  
25 dollars. We would suggest 1.5 million rather than the

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1 two million. And if we need to spread it out until the  
2 next year, adding that \$500,000 back in, so be it. But  
3 we are not real comfortable in where the money has been  
4 spent to see the accounting of that in the OHV  
5 community. Thank you.

6 CHAIR SPITLER: Thank you. Bill Dart, followed  
7 by Don Amador.

8 BILL DART: Bill Dart, Off-Road Business  
9 Association. And while every OHV I know of have  
10 supported the concept of going to designated routes, we  
11 have grave concerns about both the grant, the  
12 appropriateness of the state having to pay for a  
13 program, a federal-mandated program, but even more  
14 grave concerns about what we're seeing coming down the  
15 pike so far. To give you an example, on the El Dorado  
16 National Forest, the forest has an inventory of 2800  
17 miles of routes, known routes, inventory routes, and  
18 they have told us they're not even going to do analysis  
19 of a,000 miles of those routes approximately, not even  
20 going to go there. Another forest, the Sequoia Forest,  
21 has indicated -- has talked about closing nearly 30  
22 percent of the routes on an emergency basis as some  
23 kind of a mandate from this designated route process,  
24 without going through the public analysis process  
25 first.

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1 I'd say what was sold to us at the beginning, we  
2 support completely, but the actual implementation gives  
3 us grave concerns. And is it appropriate for this  
4 program that's supposed to sustain and enhance OHV  
5 recreation to inherently fund diminishing OHV  
6 recreation inappropriately and without following the  
7 process we were told we were going to get.

8 CHAIR SPITLER: Thank you. Mr. Amador.

9 DON AMADOR: Don Amador of Blue Ribbon. We  
10 agree with Bill's comments. And also as someone who  
11 sat in your position for a number of years, we're just  
12 concerned with you continuing to offer -- the chairman  
13 offering motions instead of allowing the other board  
14 members, as historically we've done and other boards do  
15 as well, that we're missing some of the brilliant ideas  
16 that some of the other Commissioners may have. So just  
17 a point of order.

18 CHAIR SPITLER: Thank you for that point of  
19 order.

20 COMMISSIONER THOMAS: Thank you, Don.

21 CHAIR SPITLER: Mr. Stewart.

22 JOHN STEWART: John Stewart, California  
23 Association of 4-Wheel Drive Clubs. Don and Bill have  
24 really said about all that really needs to be  
25 reiterated with this grant. I do find this really

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1   troubling that millions of dollars have been gone, and  
2   it looks like we have no real accounting for where the  
3   money has been spent. To that extent, I agree with the  
4   staff recommendations or actually the -- not really  
5   staff recommendations, as they are a grant scoring, as  
6   to what the grant scorer received because of the way  
7   the grant was written. Overall there appear to be  
8   deficiencies within the grant, but I think more  
9   importantly there is some question about the overall  
10  deliverables. Have they really been -- you know, past  
11  money really been applied appropriately? Are we within  
12  the recreation community, and even within the  
13  environmental community, are we getting what was being  
14  paid for and what we were looking for? Are we getting  
15  the expectations out of this grant? There is some  
16  question there.

17           The national OHV policy is out, which puts out a  
18  federal mandate to go into a route designation system.  
19  From the recreation perspective, we are a hundred  
20  percent in support of it. In fact, we're 150 percent  
21  in support of that. We really want to see that system  
22  in place. However, running this continuously is a  
23  drain on the resources that we have. And possibly the  
24  money that is left over in here can be applied to where  
25  on-the-ground trail activities, which the Chair and

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1 others on the Commission have said are very important,  
2 we need actual on-the-ground work, and you're  
3 redirecting some of this money to on-the-ground work, I  
4 think is more appropriate than fluffing this grant up.  
5 So going with the staff recommendations I believe is  
6 important. Thanks.

7 CHAIR SPITLER: Thank you. Anyone else from the  
8 public want to comment on these grants?

9 FRED KRUEGER: Fred Krueger from the Plumas  
10 National Forest. And I've been directly involved from  
11 the route designation standpoint on the Plumas National  
12 Forest in an on-the-ground effort. And I can -- trust  
13 me when I tell you, to the Commission I can tell you  
14 that your money on our forest has been put on the  
15 ground. We've completed the inventory with your  
16 monies, and we followed that up with working with the  
17 publics, like the other gentleman here named -- noted,  
18 to have a stakeholders group that's been formed. We've  
19 been out in the public meetings to get them involved to  
20 show us where they ride. We had -- our inventory was  
21 over a,000 miles of user created, plus a,000 miles of  
22 user-created routes we weren't even aware of. That  
23 supports both sides of the Commission in that it's  
24 providing a public benefit, and at the same time we're  
25 finding out where it is and attempting to manage that

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1 use. This is our very best shot at getting the use --  
2 providing management of the use for the future for the  
3 users of California. I definitely would benefit by the  
4 full funding of this grant in that we're holding in the  
5 wings the initiation of an environmental impact  
6 statement that would then subsequently lead to  
7 designation of final routes. So it's very, very key,  
8 and I think it's our best effort. It's a very complex  
9 effort. You've heard that this is very complex. But  
10 if we don't continue on -- we've started, and if we  
11 don't continue on, aren't allowed to continue on due to  
12 lack of funding, I think then the whole thing is in  
13 jeopardy to enhance the future use of OHV to a certain  
14 extent is definitely in jeopardy. I would certainly  
15 recommend full funding. I would benefit from that, no  
16 doubt. But this is our best shot to get route  
17 resignation in place. Thank you for the time.

18 CHAIR SPITLER: Thank you, Mr. Krueger. Any  
19 other members of the public? Go ahead and step  
20 forward.

21 FRED WILEY: Good evening, Fred Wiley with the  
22 California/Nevada Snowmobile Association. I would like  
23 to strongly urge the Commission to take the Division's  
24 recommendation on this particular grant. But if you  
25 see fit to add to it, since there's a high percentage

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1 of closure to some of the routes, why don't you use  
2 some of the restoration money to help fund this  
3 account. Thank you.

4 CHAIR SPITLER: Thank you.

5 COMMISSIONER THOMAS: Well.

6 KATHLEEN MICK: Chair Spitler, just to answer  
7 Commissioner Thomas' question, if I might?

8 Commissioner Thomas, you asked about the Spotted  
9 Owl study.

10 COMMISSIONER THOMAS: That was in OR-33.

11 KATHLEEN MICK: I understand. I just want to  
12 give you the numbers. Of the million dollars that we  
13 asked for, 200,000 goes to the Spotted Owl study and  
14 there's a \$88,000 contribution by Fish and Wildlife  
15 Service and the U.S. Forest Service to that study, as  
16 well.

17 COMMISSIONER THOMAS: All right. Thank you.

18 CHAIR SPITLER: Start with -- can we go back  
19 one?

20 COMMISSIONER WALDHEIM: SW-30.

21 CHAIR SPITLER: Want to take them in order.

22 COMMISSIONER THOMAS: You go ahead. I was ready  
23 for the other one I was thinking about.

24 COMMISSIONER WALDHEIM: SW-30, I'll do SW-30 if  
25 you want me to. I'm waking up.

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1 CHAIR SPITLER: Oh goodness gracious.

2 COMMISSIONER WALDHEIM: We've got to spread the  
3 wealth around here a little bit.

4 OR-2-SW-30, the scoring that I would like to  
5 change on the first item is number 10, because we're  
6 not dealing with visitors in this particular area.  
7 This is more of a staff kind of a job; application,  
8 harm, the second portion, a ten; the third one, a ten;  
9 demonstration is a ten; number of volunteers,  
10 et cetera, et cetera is an eleven for a total of 56.  
11 56 would come out to 45 percentile and should give them  
12 120,600.

13 STAFF: We have 51.

14 COMMISSIONER WALDHEIM: There you go, 120,600.

15 STAFF: Score is 51. Is that okay?

16 COMMISSIONER WALDHEIM: Oh, 51? My computer is  
17 wrong then because I added a score of 56. That's okay.  
18 So it comes out 120,600. That's my motion.

19 COMMISSIONER BRISSENDEN: Second.

20 CHAIR SPITLER: Discussion. All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Opposed. Motion carries.

23 COMMISSIONER WALDHEIM: The next one,

24 Mr. Chairman --

25 CHAIR SPITLER: Excuse me, Commissioner Thomas,  
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1 he was ready go.

2 (Simultaneously speaking, Reporter interrupted.)

3 COMMISSIONER WALDHEIM: I'll make an amendment.

4 COMMISSIONER THOMAS: We're on 31.

5 CHAIR SPITLER: Yes.

6 COMMISSIONER ANDERSON: We are now.

7 COMMISSIONER THOMAS: Now, we are. Clearly in  
8 the last category, which is problem -- plan proposes to  
9 address a problem, that should be 25. Clearly the  
10 route designation reduces and protects -- reduces  
11 conflicts and protects critical resources, that would  
12 be a 30. The number of volunteers were, in the route  
13 designation process, extraordinary, and I would  
14 recommend that we give them a 20. And the -- I guess  
15 we're at a hundred at this point. Well, that's fine.

16 COMMISSIONER WALDHEIM: Mr. Chairman, I want to  
17 make an amendment.

18 CHAIR SPITLER: Let's see, if we have a second  
19 first. Is there a second?

20 COMMISSIONER BRISSENDEN: I'll second that.

21 COMMISSIONER WALDHEIM: Okay. I would like to  
22 make an amendment to change.

23 CHAIR SPITLER: Mr. Waldheim.

24 COMMISSIONER WALDHEIM: I would like to make an  
25 amendment to go with staff recommendations. My reason

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1 for staff recommendation is this is an ongoing project  
2 that needs an awful lot of follow-up, a lot of  
3 supervision, a lot of making sure we're getting what we  
4 ask for. We have \$7.9 million invested in this project  
5 so far. This is not like a little \$30,000 project that  
6 could kill a district ranger's office or so forth. We  
7 are talking about big monies in here. I think it's  
8 time -- the public has spoken about it. We need to  
9 kind of see where we are, and I think in this  
10 particular case, I support 100 percent staff's  
11 willingness to go and reduce the amount. If we need to  
12 go further on another cycle, that's fine. We're not  
13 saying no to the overall project. But in this  
14 particular case, so much money has been poured in this,  
15 and they need to kind of regroup and see what's out  
16 there in the field because we have different things  
17 going on in different areas, different interpretations  
18 going in different areas. And if we continue pouring  
19 money into this area, it's just going to compound the  
20 problem. Take a little breather, make sure everything  
21 is on schedule as far as the pyramid is concerned. It  
22 buys them a little bit of time and buys us a little bit  
23 of time, too. So I want to go with staff's  
24 recommendation. In this particular case, they were  
25 right on target on this issue.

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1           COMMISSIONER THOMAS: I'd like to speak against  
2 that.

3           CHAIR SPITLER: Let's see if we have a second  
4 first.

5           COMMISSIONER PRIZMICH: I'll second that.

6           COMMISSIONER THOMAS: I'd like to speak against  
7 that amendment because in fact this Commission bound  
8 ourselves by memorandum of understanding to fund. I  
9 believe we're in the third year of \$2 million a year.  
10 We're in the fourth year, now. We bound ourselves to  
11 this process. And perhaps you were not on the  
12 Commission at the time that memorandum was signed. I  
13 feel that absent extraordinary circumstances, we should  
14 keep to our commitment. I consider it good faith among  
15 governmental agencies and good faith among individuals  
16 to keep to the commitment. I did not particularly like  
17 the commitment initially, but it was voted on. We are  
18 down the road, and when we're done we won't have to  
19 keep beyond our --

20           COMMISSIONER WALDHEIM: Mr. Chairman, may I  
21 answer that?

22           CHAIR SPITLER: Commissioner Waldheim.

23           COMMISSIONER WALDHEIM: I agree with you on the  
24 portion. Commitment is a commitment. We're not shying  
25 away from the commitment; however, the contract when we

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1 signed it, I was there when we signed it with regional  
2 forester, I was in the room when we did that. We did  
3 not commit ironclad when funds are available as they  
4 are available. So we left us a little bit of wiggle  
5 room. We are not saying do away with it. All I'm  
6 saying, the extraordinary circumstances do exist on two  
7 fronts. One, we are in desperate need of funds as you  
8 see. We're trying to figure out where to get the  
9 money. Number two, there is sufficient money out in  
10 the field right now that they need to catch up with  
11 this money. I mean Dr. Farrington is saying give me  
12 all of the money and I can do it. You start pouring a  
13 lot of money, there's a lot of issues that's going to  
14 take place. And I'm trusting that the staff is going  
15 to really look at this very carefully. \$7.8 million is  
16 no small change. They really have to go through, have  
17 we gotten everything done, have we done all the work  
18 that's supposed to be out there. I'm not so sure we  
19 are.

20 The route inventory process supposedly has  
21 already been completed. Have we audited all of those  
22 expenses? Have we done all that? I don't think we  
23 have. So all I'm saying is that this gives us a little  
24 breather, gives staff a little bit of time to get ahead  
25 of themselves too to find out that, yes, and give us a

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1 good report back, yes, we are on target, we have the  
2 process in place. And trust me, losing \$700,000 in one  
3 year is not going to kill this project. This project  
4 is moving forward, and we're not committed to it. I'm  
5 not saying we're not committed to it. I'm just saying  
6 let's pro rate this a little bit down the road and get  
7 a chance to catch up on both sides financially for us  
8 and for staff to catch up with what's on the field.

9 CHAIR SPITLER: Well, I mean I have to say when  
10 I look at the criteria up there, I cannot imagine a  
11 project more important based on those criteria or  
12 frankly any objective criteria for the future of OHV  
13 recommendation on the 20 million acres of national  
14 forest lands in California. I certainly think it would  
15 just be the most short-sighted thing this Commission  
16 could do to back away from our commitment to fulfilling  
17 this process and ensuring that this designation process  
18 gets completed so we can focus on maintaining the  
19 routes that are designated, restoring the routes that  
20 are off limits, and doing proper enforcement on that  
21 system. And I just think this is -- of all of the  
22 grants that we've considered here, this one is probably  
23 the most important of them all for the future of OHV  
24 recreation, for the environment, for, you know, the  
25 combination of interests that we're all here, you know,

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1 concerned about from whatever your perspective.

2           So when I look at, you know, the criteria up  
3 there, I think that, well, this grant fulfills those to  
4 a letter, to a T. So I certainly can't support  
5 reducing it. I think that again this is just a super  
6 important project that we need to fulfill our  
7 commitment and make sure that we see this thing  
8 through. We're making progress. I realize people are  
9 frustrated and the pace is slow and it's expensive and  
10 time consuming, but this is something that's never been  
11 done. It's 30 years overdue. We're trying to do it on  
12 20 million acres all at once, which no state has ever  
13 done before. It's never been done on this scale. And,  
14 you know, I feel the frustration. I know there's other  
15 commitments out there and other priorities, but again I  
16 think that this is just super important to see this  
17 thing through.

18           COMMISSIONER WALDHEIM: Mr. Chairman, if I may  
19 respond to you. I've made it very clear that we are  
20 not shying away from a commitment. For you to say that  
21 we're shying away from a commitment, I didn't say that.  
22 I'm not advocating that. The funds -- we're still  
23 allocating funds. It's just a question of how we're  
24 going to make our payment. You may refinance your  
25 house to lower the payment so you could afford it.

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1 This would be a refinancing of what we're doing so we  
2 can afford it. We just do it later, that's all I'm  
3 saying. This is why I'm asking for the support, so we  
4 can do the things we need to do.

5 As we go forward -- and I am concerned. I am  
6 concerned about the amount of money, that \$7.8 million  
7 that we have put in there, I have not seen a report  
8 back from staff that they have audited all of these  
9 \$7.8 million. We audit agencies out there for far less  
10 than this. Is it going to hurt the program?

11 Absolutely not, it's not going to hurt the program.  
12 The program is going to move forward. They have the  
13 process to go through. They have the hearings to do  
14 so. They have public interaction that they need to  
15 take. So we are way farther ahead than anyone else in  
16 the whole United States, and they're going to have to  
17 do a route designation process just like we do.  
18 They're not even going to have inventory. So we're way  
19 ahead of that time. So we're not jeopardizing this  
20 whatsoever, absolutely not. And the commitment from  
21 this Commission is still there.

22 If we need more than what we allocated for the  
23 five years, then this Commission may decide, hey, we  
24 may give them a little bit more money to get the  
25 project done. We're talking about 2008 for completion.

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1 We've still got two years, two more cycles to go. So  
2 it's not like this is going to kill the project, far  
3 from it. It's not going to kill it.

4 CHAIR SPITLER: Okay. Other discussion from  
5 other Commissioners?

6 COMMISSIONER PRIZMICH: I do have a question. I  
7 don't really recall a commitment of two million a year  
8 and perhaps the Commission members could refresh my  
9 memory.

10 CHAIR SPITLER: It was a memorandum of intent  
11 with Forest Service signed between the -- signed by the  
12 Commission, the Department, and the Regional Forest  
13 Service, of both Region 5, which is California, and  
14 Region 4, which covers the Humboldt-Toiyabe. The  
15 commitment was for two million a year from the  
16 Commission over five years. In exchange, the Forest  
17 Service would complete route designation on all 19  
18 national forests in California, according to the  
19 scheduled time frame in their route designation  
20 pyramid, which ends in the year 2008. So we're in year  
21 four or five. Now we have one more after this one.

22 COMMISSIONER PRIZMICH: I'm a stickler on, you  
23 know, sticking to your commitments, but I'd like to ask  
24 the Forest Service if they've stuck to theirs. If I  
25 can get an update on where they are, what money they've

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1 spent, and where they are with the route designation.

2 RICH FARRINGTON: Rich Farrington, U.S. Forest  
3 Service.

4 CHAIR SPITLER: You'll hear a complete update on  
5 this when we do the full federal reports, which I'm  
6 sure that you were going to give that this morning.  
7 Just so the Commission knows, we will get a complete  
8 update on this when we do the federal reports at the  
9 proper time in the agenda.

10 RICH FARRINGTON: We have extensive spreadsheets  
11 on where the funds have been going, and they've been  
12 all allocated. I would say 90 percent of them have  
13 been spent, a large amount of it on our route inventory  
14 work. And in this past year, six months or so, in  
15 addition to that, beginning to do resource inventories  
16 and evaluations, as well as maps, preparing maps, and  
17 the public collaboration process. So, you know, we've  
18 submitted -- we're current on our billing. They're  
19 annotated in detail. I've got, you know, plenty of  
20 information that I could share, probably a little  
21 more --

22 COMMISSIONER PRIZMICH: So your commentary is  
23 that you've spent about 90 percent of the money that's  
24 been allocated to you?

25 RICH FARRINGTON: Yes, we've got commitments out

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1 for the remaining ten percent, and we've got requests  
2 right now in from forests, who have -- doing their work  
3 planning and budgeting for this next year of probably  
4 another million dollars that we're not able to honor.

5 CHAIR SPITLER: Dr. Farrington, can you just  
6 state, are you -- where are you in the time line of the  
7 route designation plan compared to where you committed  
8 to being? Are you on track, behind, ahead?

9 RICH FARRINGTON: Well, I have a nice handout  
10 here. I don't know if you have time.

11 COMMISSIONER THOMAS: Just answer the question,  
12 please.

13 RICH FARRINGTON: We're on track.

14 COMMISSIONER THOMAS: Thank you.

15 COMMISSIONER PRIZMICH: So we're at the fourth  
16 year or five years; is that correct?

17 RICH FARRINGTON: That's correct.

18 COMMISSIONER WALDHEIM: Mr. Chairman, I would  
19 like in a follow-up with what my statement was, I would  
20 like to hear from Deputy Director Greene on my  
21 statement of what we need to do and where we should  
22 kind of catch up with things and see what her  
23 perspective is on this. They're the ones who made  
24 these recommendations for the 1.3.

25 DEPUTY DIRECTOR GREENE: Thank you, Commissioner  
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1 Waldheim. I think the staff funding determinations, as  
2 indicated on your spreadsheets, speak for themselves.  
3 What I would like to do is just point out that in that  
4 memorandum of intent, it does say that the Commission  
5 intent is to provide the two million for four years  
6 starting in 2003 and ending in 2007. It goes on to say  
7 that the parties to the agreement and it's the decision  
8 of future commissions to allocate the funds, that they  
9 understand that full funding each year is contingent on  
10 appropriation of sufficient funding. So I think that  
11 just whether or not the Commission decides to move  
12 forward or not, we do have guidelines within this MOI.  
13 So again Division funding determinations are on the  
14 spreadsheet.

15 CHAIR SPITLER: I think the question, Deputy  
16 Director, was your personal opinion on whether we  
17 should fund this at the staff recommended level or at  
18 the full level.

19 DEPUTY DIRECTOR GREENE: I don't think that this  
20 is my personal opinion. At this point in time, we are  
21 looking within -- based on the criteria that are in the  
22 regulations and the funding determinations that were  
23 made by staff.

24 CHAIR SPITLER: So you recommend partial  
25 funding?

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1           DEPUTY DIRECTOR GREENE: I recommend funding as  
2 it has been determined by the staff who reviewed the  
3 application.

4           CHAIR SPITLER: Okay. Thank you. Is there more  
5 discussion from the Commission?

6           COMMISSIONER BRISSENDEN: So I can weigh in  
7 briefly, I think I was one of the minority members when  
8 this first was discussed four years ago, and I see the  
9 tremendous merits over time, and the future for this  
10 should be a centerpiece for all of our funding  
11 decisions.

12          COMMISSIONER WALDHEIM: No argument there.

13          COMMISSIONER BRISSENDEN: And I would support  
14 the notion of full funding.

15          CHAIR SPITLER: Okay. Are we ready to vote or  
16 is there more discussion? We have an amendment. We'll  
17 take the amendment first. The amendment is to reduce  
18 the original motion down to staff's recommendation  
19 level of 74, which would equate to a funding level of  
20 1.3 million.

21          Sandy, can we do a roll call, please?

22          MS. ELDERS: Anderson.

23          COMMISSIONER ANDERSON: Wait a minute. I'm not  
24 quite sure what we're voting on.

25          CHAIR SPITLER: Original motion was for full

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1 funding at a score of 99, and a dollar amount of two  
2 million. The amendment, which we will vote on first,  
3 is to reduce the score to 74 and reduce the overall  
4 funding amount to \$1.3 million.

5 COMMISSIONER ANDERSON: So we're voting on the  
6 staff recommendations.

7 CHAIR SPITLER: We're voting to reduce the  
8 original motion by 700,000 to 1.3 million.

9 COMMISSIONER ANDERSON: I understand, okay.  
10 Thank you.

11 CHAIR SPITLER: Sandy, if you could do the roll  
12 call.

13 MS. ELDERS: Anderson.

14 COMMISSIONER ANDERSON: No.

15 MS. ELDER: Brissenden.

16 COMMISSIONER BRISSENDEN: No.

17 MS. ELDER: Spitler.

18 CHAIR SPITLER: No.

19 MS. ELDER: Thomas.

20 COMMISSIONER THOMAS: No.

21 MS. ELDER: Prizmich.

22 COMMISSIONER PRIZMICH: Aye.

23 MS. ELDER: Waldheim.

24 COMMISSIONER WALDHEIM: Aye.

25 CHAIR SPITLER: Okay. The motion -- the

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1 amendment fails. The original motion is to fund this  
2 grant in the amount of -- score of 98 which equates to  
3 a funding level of two million.

4 Could we do a roll call, please, Sandy?

5 MS. ELDERS: Anderson.

6 COMMISSIONER ANDERSON: Aye.

7 MS. ELDER: Brissenden.

8 COMMISSIONER BRISSENDEN: Aye.

9 MS. ELDER: Spitler.

10 CHAIR SPITLER: Aye.

11 MS. ELDER: Thomas.

12 COMMISSIONER THOMAS: Aye.

13 MS. ELDER: Prizmich.

14 COMMISSIONER PRIZMICH: Aye.

15 MS. ELDER: Waldheim.

16 COMMISSIONER WALDHEIM: No.

17 CHAIR SPITLER: Okay. Thank you.

18 Final grant here is OR-2-SW-32.

19 KATHLEEN MICK: Commissioner Spitler, if I may,  
20 just to refer you back to the sheet that I handed out  
21 and just very briefly point out that Diana went through  
22 the application and pointed out the page numbers in  
23 which she thought that the criteria was addressed, came  
24 up with a total score of 59, which would result in 45  
25 percent funding or 94,590. That funding would help to

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1 supplement the funding that the Forest Service gives to  
2 the regional ecologist and also allow her to continue  
3 her work with not only the four studies that the  
4 Commission has funded on the Consent Calendar, but  
5 problematic monitoring, her assistance to route  
6 designation, and then just general OHV management. And  
7 Diana's help, I think, her help and her work has been  
8 stellar and is indicated in the studies in the past  
9 funding.

10 CHAIR SPITLER: Okay.

11 COMMISSIONER WALDHEIM: Do you want me to wake  
12 up?

13 COMMISSIONER THOMAS: You woke us all up.

14 CHAIR SPITLER: You can go back to sleep.

15 COMMISSIONER WALDHEIM: Okay. This is an  
16 important -- number 32 is -- under our criteria, we've  
17 been straying from it. When we set the conservation  
18 category was \$1.4 million, \$1 million was supposed to  
19 be for regional studies in regional areas, 400,000 was  
20 supposed to be for local stuff. That's how we had  
21 voted on it. So this one would fall into the regional  
22 side of it.

23 So because of that, I would like to increase --  
24 change the numbers slightly. On the first section make  
25 it 12 points; the second section, 15 points; third one,

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1 15; fourth one, nine; and the volunteer, because there  
2 are no volunteers, zero. So it should bring it to 51,  
3 a score of 51, and that would bring us to 94,500. That  
4 is correct. That's my motion.

5 COMMISSIONER BRISSENDEN: I'll second.

6 CHAIR SPITLER: Discussion. All those in favor?  
7 (Commissioners simultaneously voted.)

8 CHAIR SPITLER: Opposed. Okay. Motion carries.

9 KATHLEEN MICK: Thank you very much for your  
10 support of the regional programs.

11 CHAIR SPITLER: Thank you. Okay. We will get  
12 through one more forest, and we will take a break here.

13 Plumas National Forest, OR-2-P-76 and 77.

14 STAFF HOM: OR-2-P-76, Plumas National Forest,  
15 Restoration scored 65 points with a Division funding  
16 determination of 172,700. And OR-2-P-77, Plumas  
17 National Forest, Law Enforcement scored 56 points for a  
18 Division funding determination 43,200.

19 CHAIR SPITLER: Mr. Krueger.

20 FRED KRUEGER: Good evening. I would like to  
21 start by saying again, thank you very much to the  
22 Commission and to the Division for its support of our  
23 programs, we appreciate it very much. I would also  
24 like to introduce my team really quick again. For the  
25 record, my name is Fred Krueger from the Plumas. With

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1 me this evening I have Susan Barron, she's our grant  
2 writer. She's out of our financial department. She is  
3 also an avid snowmobiler and avid OHV person and it has  
4 been a very good integration with her being able to  
5 write the grant, as well as a user and works with us,  
6 and I appreciate her help. Also with us this evening,  
7 is Mr. Joe Hoffman, and he is our watershed engineer in  
8 my engineering department, and I also appreciate his  
9 help very much, and he assisted with the restoration  
10 grant.

11 We concur -- the Plumas National Forest concurs  
12 with the department recommendations for our law  
13 enforcement grant, and we appreciate that very much.  
14 And I'm asking Joe Hoffman to visit with you folks on  
15 the restoration activities. Please, Joe.

16 You folks have a handout that was given to you  
17 earlier that should be in front of you, we gave members  
18 of the department, as well as the Commissioners, which  
19 is a colored handout, two pages. Joe.

20 JOE HOFFMAN: Joe Hoffman, watershed engineer on  
21 the Plumas National Forest. And I'd just like to start  
22 by expressing on behalf of the forest our appreciation  
23 to the Commission and to the Division staff for your  
24 past support of our restoration program. The  
25 restoration projects we propose this year will provide

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1 significant benefit to water and ecological resources  
2 on the Plumas National Forest. We're hoping for full  
3 funding of our request, but of course we could do a lot  
4 of good work with the Division staff recommendation, as  
5 well.

6           And before I step aside, I think I just want to  
7 do a real brief update on what we did this past year  
8 with the 2005 grant money. The handout that Fred  
9 gave -- I think he passed that out or he submitted it  
10 at lunch time, and you all should have one, it's a  
11 three-page picture package basically. The first page  
12 shows one of our proposed projects for 2006 and the  
13 other two pages are before and after shots of work that  
14 we've done this past year. We had a very good field  
15 season in 2005. Our grant deliverables for the 2005  
16 grant application included the restoration of one  
17 meadow and one hill climb area, the restoration of 400  
18 feet of stream channel, and the other deliverables  
19 comprise 76 miles of forest road obliteration. This  
20 past year, we completed the meadow and hill climb  
21 restoration. We completed construction on the stream  
22 restoration, the 400 feet. We'll be continuing  
23 revegetation next year and probably a little more in  
24 2007. And on our road obliteration, we completed 36  
25 miles of the 76 miles that were deliverable in our

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1 contract.

2 So our plan for 2006 will continue to work with  
3 our forest in-house construction crew, and then we'll  
4 be hiring outside contractors to finish the '05 grant  
5 and finish the vast majority of whatever is approved  
6 today for the 2006 grant.

7 CHAIR SPITLER: Thank you.

8 Let's do public comment. Don Klusman, followed  
9 by Bill Dart.

10 DON KLUSMAN: Don Klusman, California 4-Wheel  
11 Drive Association. On the law enforcement grant, we  
12 agree with staff recommendation. This forest has done  
13 a good job with the money they've received in the past.  
14 On the restoration grant, we would agree with full  
15 funding on this one. The Plumas has done an exemplary  
16 job. When you've given them the money to fix a  
17 problem, they have fixed it and worked with the users  
18 in doing so. So thank you.

19 CHAIR SPITLER: Thank you. Bill Dart.

20 MEMBER OF THE PUBLIC: Pass.

21 CHAIR SPITLER: Don Amador.

22 MEMBER OF THE PUBLIC: Pass.

23 CHAIR SPITLER: John Stewart, Sylvia Milligan.

24 SYLVIA MILLIGAN: I'm Sylvia Milligan with the  
25 California/Nevada Snowmobile Association. This forest

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1 is an exemplary forest to work with. I would like to  
2 see them be rewarded for that. I would like to see  
3 them go with Division recommendations. They're  
4 excellent. Whenever we hold an event, they're always  
5 there, they always participate. They have very good  
6 public relations. They -- it's just amazing. I love  
7 to do anything with the Plumas. I love to be involved  
8 in anything that they do. I strongly recommend that  
9 you fund them to the highest amount.

10 CHAIR SPITLER: Thank you. Anyone else want to  
11 comment on the Plumas?

12 COMMISSIONER PRIZMICH: I'd like to move staff  
13 recommendations.

14 CHAIR SPITLER: On OR-2-P-76.

15 COMMISSIONER PRIZMICH: On both of them.

16 CHAIR SPITLER: Let's do one at a time. We'll  
17 do 76 first.

18 We have a motion for staff recommendations. Is  
19 there a second?

20 COMMISSIONER WALDHEIM: I'll second that.

21 COMMISSIONER ANDERSON: I'm sorry, I should have  
22 asked earlier. Could I have you step up again, please.

23 The photographs that you provided us, can you  
24 explain what's happening with the third one because I  
25 don't quite understand because the photographs are not

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1 taken from the same, what looks like the same or  
2 similar locations, so I'm confused.

3 JOE HOFFMAN: They are similar locations. The  
4 after photo -- the location of the before photo would  
5 be just to the left of where -- of the left edge of the  
6 after photo.

7 COMMISSIONER ANDERSON: So the bank is gone.

8 JOE HOFFMAN: The bank has been laid back at a  
9 stable angle. The before photo shows that the bank was  
10 nearly vertical and can't reveg, can't hold any  
11 vegetation at that angle.

12 COMMISSIONER ANDERSON: Okay.

13 JOE HOFFMAN: What we did was we moved the  
14 channel away from the vertical bank, about 20 feet away  
15 in that location and built that flat floodplain bench  
16 there, so that when it floods, instead of getting real  
17 deep and having a lot of scour force on that bank, it  
18 will spread out over the floodplain. So the bank is  
19 just to the left -- or what was there for the vertical  
20 bank. Then what we did was we laid it back at a three  
21 to one slope so we could reveg it.

22 COMMISSIONER ANDERSON: So where does the  
23 vehicle traffic now go? I mean there is a vehicle that  
24 I see in the left photo along this route right here  
25 alongside the stream is open.

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1           JOE HOFFMAN: No.

2           COMMISSIONER ANDERSON: That will be totally  
3 revegetated.

4           JOE HOFFMAN: In addition to where the vertical  
5 bank is in the before photo, right at the edge, we put  
6 a line of rocks all along that bank there where that  
7 vehicle is parked.

8           COMMISSIONER ANDERSON: So do you not want  
9 vehicles pulling into the stream.

10          JOE HOFFMAN: Correct, and the rocks will  
11 prevent that.

12          COMMISSIONER ANDERSON: But there will be  
13 traffic parallel to this and over to the left further?

14          JOE HOFFMAN: To the left there is a dispersed  
15 camping site. There's probably areas for four  
16 different -- probably three areas for camping there.  
17 So they pull in there off the main road.

18          COMMISSIONER ANDERSON: Thank you. So the main  
19 road, so the main road is much further to the left.

20          FRED KRUEGER: The main road is to the left,  
21 plus this dispersed camping area, and what was  
22 occurring was that the dispersed camp was used by  
23 hunters, OHV enthusiasts, et cetera, and they were  
24 going up and down through the channel and caused -- you  
25 can see where the cut is in the left picture there.

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1 That's been all blocked, and it's going to be reveged.

2 COMMISSIONER ANDERSON: Okay. Thank you.

3 FRED KRUEGER: They can still ride out of the  
4 campground the other way for countless miles, so it  
5 provided a benefit for the OHV use, as well as  
6 protecting the resources by putting it back to the  
7 natural state or restoring it.

8 COMMISSIONER ANDERSON: I understand. Until  
9 this is revegetated, it's going to be an attractive  
10 nuisance and an invitation to people to come and drive  
11 on it because it looks like a road right now.

12 FRED KRUEGER: It looks like a road. What we've  
13 asked Joe to ensure on every one of these is that it is  
14 blocked. And that's what he said is that there's --  
15 just out of the picture just to the left of the pickup,  
16 we have a whole line of boulders where they cannot get  
17 across that. So we -- it prevented it. We've closed  
18 it.

19 COMMISSIONER ANDERSON: As boulders will  
20 sometimes work.

21 JOE HOFFMAN: And we have planted a lot of  
22 willows on that bench area there. They're not much to  
23 look at now because they're small. The idea is to get  
24 that heavily vegetated, as well.

25 COMMISSIONER THOMAS: Can you describe your

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1 volunteer program?

2 FRED KRUEGER: Again, in restoration, we use our  
3 in-house crew with us, but there have been times when  
4 Cal 4-Wheel have been very active to the extent they  
5 used their pickups to haul rock and gravel. Not on  
6 these projects specifically, but we do have a lot of  
7 volunteers that we count on at times to do more than  
8 that.

9 COMMISSIONER THOMAS: Thank you.

10 I was going to amend the motion to add five  
11 points to the 16 through 20, volunteer category. And  
12 I'd like to boot the third group, the fourth group up  
13 to -- let's see, that's currently at 18.3, I'd like to  
14 put it to 30, because restoration will protect critical  
15 resources and off-road impacts. And then put the third  
16 category in the ten, that would be ten there, because  
17 it will -- restoration will decrease the risk of larger  
18 closures and eliminate the risks of more extensive  
19 damages. And am I up to -- no.

20 Then, of course, we have the eternal bind of the  
21 third category at the top, I'd like to put that at 18.  
22 And then innovative approaches, I'd like to go to 18 on  
23 that. I'm bouncing around. It's the time of day.  
24 Thank you. That's as far as I can go, unless somebody  
25 has any suggestions.

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1 CHAIR SPITLER: Is there a second?

2 COMMISSIONER BRISSENDEN: I'll second the  
3 amendment.

4 CHAIR SPITLER: Discussion.

5 Okay. We'll vote on the amendment first. The  
6 amendment is to increase the original motion to a score  
7 of 95 and a funding level of 314,000, which is full  
8 funding. Before we vote, I will just say I've always  
9 been impressed with the Plumas' restoration program and  
10 feel the same about this application. I thought it was  
11 very well put together and a really quality project.

12 Sandy, can we have a roll call on the amendment  
13 to --

14 COMMISSIONER WALDHEIM: Mr. Chairman, before we  
15 do that, can I ask a question?

16 CHAIR SPITLER: Commissioner Waldheim.

17 COMMISSIONER WALDHEIM: What happens with the  
18 administration fees that are in here that we don't like  
19 to do? All of a sudden we're letting that slide. Is  
20 there any particular reason for that?

21 COMMISSIONER THOMAS: If you feel that the  
22 criteria that I've chosen, believe the evidence support  
23 is inaccurate, perhaps you would wish to adjust the  
24 criteria. I remember we can't talk about that anymore.  
25 We're just working with criteria. It's not my rule.

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1           COMMISSIONER WALDHEIM: Ms. Greene, will you  
2 enlighten me?

3           DEPUTY DIRECTOR GREENE: Not a problem at all,  
4 Commissioner Waldheim. Again, as we worked to develop  
5 the criteria a year ago recognizing that after the  
6 eight hours with the Commission that, in fact, you did  
7 vote it down. But during that eight hours, many  
8 members of the Commission made suggestions which we  
9 incorporated into the criteria. I believe that the  
10 Chair has proposed a policy, for some policy guidance  
11 to the Division which might address that concern. So I  
12 believe on Saturday that might be something that we  
13 will be addressing for the next grant cycle.

14          CHAIR SPITLER: Commissioner Anderson.

15          COMMISSIONER ANDERSON: As I understand it, if  
16 we had 90 percent funding, we could indicate which  
17 categories we wish not to have funded.

18          COMMISSIONER THOMAS: Right.

19          COMMISSIONER WALDHEIM: Let's change the  
20 numbers.

21          COMMISSIONER THOMAS: Go ahead.

22          DEPUTY DIRECTOR GREENE: Just for clarification,  
23 it wouldn't be that, Commissioner Anderson. It would  
24 be once you vote on -- because at this point in time,  
25 without having given direction to staff or the grant

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1 applicants, to come in now and to start adjusting or to  
2 say that you don't want to fund that administration  
3 fee, certainly would be problematic. But I do believe  
4 that once you have identified and allocated the funds,  
5 that perhaps within the deliverables you could address  
6 that issue.

7 COMMISSIONER ANDERSON: That's what I was  
8 anticipating.

9 COMMISSIONER WALDHEIM: Do we have to make a  
10 motion to that?

11 COMMISSIONER ANDERSON: I do.

12 CHAIR SPITLER: We have a motion.

13 DEPUTY DIRECTOR GREENE: For clarification, I  
14 don't believe that there's is an administration charge  
15 on this one, Commissioner Waldheim.

16 COMMISSIONER WALDHEIM: There is.

17 DEPUTY DIRECTOR GREENE: On this particular one?

18 COMMISSIONER WALDHEIM: All of them have it.

19 CHAIR SPITLER: Yes.

20 COMMISSIONER THOMAS: The forest should clarify.  
21 What's the answer?

22 FRED KRUEGER: Susan, can you help me with that?  
23 We didn't have that in there, correct?

24 SUSAN BARRON: We didn't ask for administration  
25 fee.

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1           DEPUTY DIRECTOR GREENE:  There is no requested  
2 admin fee on this grant.

3           COMMISSIONER THOMAS:  So we'll go with the full  
4 funding.

5           COMMISSIONER WALDHEIM:  I don't have the book in  
6 front of me.

7           CHAIR SPITLER:  Thank you, Deputy Director.

8           Okay.  We have a motion and an amendment.  Are  
9 we ready to vote or do we need more discussion?

10          Okay.  The amendment again is to increase the  
11 score to 95, which translates to a funding level of  
12 314,000.

13          Sandy, can we do a roll call, please?

14          MS. ELDERS:  Anderson.

15          COMMISSIONER ANDERSON:  Aye.

16          MS. ELDER:  Brissenden.

17          COMMISSIONER BRISSENDEN:  Aye.

18          MS. ELDER:  Spitler.

19          CHAIR SPITLER:  Aye.

20          MS. ELDER:  Thomas.

21          COMMISSIONER THOMAS:  Aye.

22          MS. ELDER:  Prizmich.

23          COMMISSIONER PRIZMICH:  Aye.

24          MS. ELDER:  Waldheim.

25          COMMISSIONER WALDHEIM:  Aye.

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1 CHAIR SPITLER: Okay. Now, we'll vote on the  
2 original motion as amended. All those in favor?

3 (Commissioners simultaneously voted.)

4 CHAIR SPITLER: Opposed. Motion carries.

5 OR-2-P-77, Plumas National Forest, Law  
6 Enforcement. Mr. Waldheim.

7 COMMISSIONER WALDHEIM: Mr. Prizmich made the  
8 motion.

9 COMMISSIONER PRIZMICH: I'd like to go with  
10 staff recommendation.

11 COMMISSIONER WALDHEIM: And I had seconded it.

12 CHAIR SPITLER: Discussion? All those in favor?

13 (Commissioners simultaneously voted.)

14 CHAIR SPITLER: Opposed. Motion carries.

15 Okay. Let's do five minutes here and be brief,  
16 and we will try to get back.

17 FRED KRUEGER: Thank you very much for the  
18 Plumas. We appreciate it.

19 (Break taken in proceedings.)

20 CHAIR SPITLER: We're going to try to get  
21 through the rest of the northern grants tonight. So I  
22 would ask the remaining grantees, I know you've all  
23 been very patient sitting here and waiting for your  
24 grants to come up today. If I could just ask of you,  
25 as much as possible, keep your comments as brief as you

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1 could so we can make sure we get through everyone  
2 tonight and not make people come back tomorrow. That  
3 would be much appreciated.

4 Six Rivers National Forest, OR-2-SR-31 and 32.

5 STAFF HOM: OR-2-SR-31, Six Rivers National  
6 Forest, Restoration scored 57 points with a Division  
7 funding determination of 10,350. OR-2-SR-32, Six  
8 Rivers National Forest, planning scored with a 79  
9 points with a Division funding determination of 76,750.

10 MARY KAY VANDIVER: Which one did you want to  
11 address first?

12 CHAIR SPITLER: We will do them both together.  
13 You can go ahead and take them in order, and do the  
14 restoration first and then the planning.

15 MARY KAY VANDIVER: Mary Kay Vandiver, District  
16 Ranger, Six Rivers National Recreation area. Up to  
17 this point, I just really want to speak first to the  
18 planning one, if that's okay.

19 CHAIR SPITLER: Okay.

20 MARY KAY VANDIVER: And basically in the last  
21 year and a half, we've completed our OHV inventory and  
22 our inventory of all of our non-system roads, and we've  
23 come up with an inventory of more than 300 -- I think  
24 it's 250 miles that we have not addressed on our  
25 system. So we're ready go to the planning part in the

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1 NEPA part, which would address the restoration of OHV,  
2 provide OHV opportunities, and also designate the rest  
3 of our inventory system.

4 And we also had a proposal that Ray just  
5 presented to you that represents an increase in our  
6 first two criteria. And so what we would like to see  
7 is 90 percent, and that addresses the volunteers. And  
8 throughout the roads analysis OHV strategy, we have met  
9 with the public for more than 400 hours of  
10 participation, and we met and listened to access needs  
11 and public requests for different routes and OHV uses.  
12 So we felt that that warranted a score of 15. And then  
13 the first one there, we felt that by not working  
14 through the next phase of this process with us on the  
15 planning, that would delay our OHV designation process  
16 system route process.

17 CHAIR SPITLER: Thank you. Just so the public  
18 knows, we've just been handed a sheet here that shows  
19 proposed scores of 90 for each project, restoration and  
20 planning.

21 Did you have additional comments?

22 RAY McCRAY: I was going to deal with the  
23 restoration.

24 CHAIR SPITLER: Okay.

25 RAY McCRAY: Chairman Spitler, Commission, Ray

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1 McCray, Six Rivers National Forest. I'm the Ranger  
2 District Recreation Officer. And to put it in a  
3 nutshell, we have two plant species, one is federally  
4 listed as threatened, and a second species that are  
5 sensitive, and these plants occur on two separate  
6 special interest areas, which is our botanical areas  
7 and are definitely being impacted by off-highway  
8 vehicles. And I know that for a fact. And with the  
9 Division's score or recommendation, we could probably  
10 take care of one site, but not both. And so we were  
11 hoping that you would entertain the thought of upping  
12 the score.

13 CHAIR SPITLER: Thank you. You've given us  
14 ample justification here, I see, on the sheets that  
15 you've passed out.

16 Don Klusman, followed by Bill Dart.

17 DON KLUSMAN: Don Klusman, California 4-Wheel  
18 Drive Association. I'm not asleep yet.

19 On the restoration grant, we would ask for full  
20 funding so the four projects can get done. The  
21 planning grant, we're a little confused by, and I just  
22 asked Dr. Farrington about that because it's part of  
23 the route designation process. Why are we funding this  
24 separately in a planning grant when it's part of the  
25 route designation process, which should be part of the

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1 \$2 million you just gave them? So we're asking for  
2 zero funding on that planning grant, and let them get  
3 the money from region. Thank you.

4 CHAIR SPITLER: Thank you. Bill Dart.

5 MEMBER OF THE PUBLIC: Pass.

6 CHAIR SPITLER: Don Amador.

7 Okay. Start with OR- -- does anyone else from  
8 the public want to comment on the Six Rivers?

9 OR-2-SR-31, Restoration, I'm just going to  
10 propose what the forest has proposed here, scores of  
11 20, five, 10, 30, 20 and five, a total score of 90, and  
12 a funding level of 20,700. And that is the  
13 restoration.

14 COMMISSIONER THOMAS: We're on the restoration?

15 CHAIR SPITLER: That's right. I'll move that.

16 Is there a second?

17 COMMISSIONER ANDERSON: Yes.

18 CHAIR SPITLER: Discussion? All those in favor.

19 (Commissioners simultaneously voted.)

20 CHAIR SPITLER: Opposed. Motion carries.

21 Okay. OR-2-SR-32.

22 COMMISSIONER THOMAS: Now, are we clear that  
23 this is not double dipping on the route designation  
24 plan?

25 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like

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1 to hear from staff on that one.

2 CHAIR SPITLER: We're going to have the staff of  
3 Six Rivers to address that.

4 RAY McCRAY: Yes, sir. No, it's not double  
5 dipping. We have not asked for any money from the  
6 region on that because primarily we have veered off  
7 slightly from the route designation process, and it was  
8 incorporated into a roads analysis process, which is  
9 not a part of this. The outcome is the same from the  
10 route designation process, but it is not that process.

11 COMMISSIONER PRIZMICH: Except that we've  
12 already increased that route designation grant from 1.3  
13 million to two million. Would that spill over into  
14 assisting you here?

15 RAY McCRAY: It will assist the forest, but it  
16 was not planned to be assisting the Smith River  
17 National Recreation area.

18 COMMISSIONER PRIZMICH: What do we do in the  
19 route -- we're spending a lot of money on designation,  
20 and it's over a five-year period as I understand it.  
21 It seems to me that you're double dipping here.

22 RAY McCRAY: What I'm trying to say is that we  
23 did not follow the route designation process for the  
24 Smith River National Recreation due to there's  
25 different language in there. We're not doing a forest

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1 closure order of the temporary step two, part of it and  
2 stuff. And we just felt that it was a total separate  
3 entity from the rest of the forest.

4 CHAIR SPITLER: It's a bit of a broader process,  
5 is it not?

6 RAY McCRAY: Correct.

7 CHAIR SPITLER: Ms. Vandiver, would you like to  
8 address this? I think you need to address the  
9 confusion here because it sounds similar, but as I  
10 understand it, because I've been involved in this, this  
11 is different a process that looks at all roads. It  
12 identifies road for decommissioning, et cetera.

13 MARY KAY VANDIVER: The roads analysis and OHV  
14 strategy that we worked on in the last year and a half  
15 addressed all of our level one, two and non-system  
16 roads. And all of those, the level two and the  
17 non-system, we have had ATVs, OHVs, et cetera,  
18 utilizing those roads, but they are not designated at  
19 this time. And they range from mining roads to --  
20 mostly with the national recreation area.

21 This NEPA assessment would assess and prescribe  
22 restoration and resource protection measures concerning  
23 those routes. Some of them may end up to be an OHV  
24 designated route. We may decide to make a route a  
25 trail. Or if the public wants to utilize those areas,

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1 they -- those roads, they may decide to go through the  
2 public process in this NEPA document. Determining  
3 which roads are potential OHV routes will be utilized  
4 with the system, this NEPA. And then we need to decide  
5 which part of the non-system roads will be added to the  
6 road system and which roads will be taken off. For  
7 example, right now our level one roads are behind  
8 gates, and so we've got to mitigate that. We have no  
9 net gain.

10 Then the other part of that is there has been  
11 OHV resource damage on the national recreation, and we  
12 need to address that also in this NEPA document. I  
13 hope that helps.

14 CHAIR SPITLER: I think it does. I know that  
15 the Six Rivers is one of the forests that is out in  
16 front on the route designation process, and I've  
17 been -- after traveling up there several times to meet  
18 with your staff to talk about it, I've been very  
19 impressed with the work you are doing and think this  
20 planning grant is really important. And I think you're  
21 hopefully going to provide some good direction for the  
22 other forests in California who are following this  
23 process, albeit a little bit different path behind you.

24 COMMISSIONER WALDHEIM: Mr. Chairman, I thank  
25 you Mr. Klusman for bringing this up. This definitely

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1 is a duplication if I ever saw a duplication here. If  
2 the region has monies available, if this forest wants  
3 to use that money, and they want to do a separate  
4 thing, all they have to do is work out the details with  
5 the coordinator of the region. He has money coming out  
6 of his ears, so to say.

7 So I would make a motion to change the scoring  
8 on this one here to be zero on the first portion of it.  
9 The application implications of not funding, that's not  
10 true, they have funding available. This application as  
11 to volunteers, I gave it a five. The application  
12 demonstrates proposal results to state OHV, I gave it a  
13 20. So the total score should be 50 and therefore zero  
14 funding. They have means of getting their funding.

15 CHAIR SPITLER: Fifty gives partial.

16 COMMISSIONER WALDHEIM: Sorry about that. Take  
17 off another five, so it's 15, so it's zero, five,  
18 fifteen.

19 CHAIR SPITLER: Is there a second?

20 COMMISSIONER PRIZMICH: I'm not sure I want to  
21 go to zero funding. I see some value in this, but I'm  
22 really -- we've gone out of our way I think to increase  
23 the funds for U.S. Forest Service for this particular  
24 project, yet we're getting asked for the same darn  
25 thing again. And I don't think we're getting a whole

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1 lot of cooperation in this particular case.

2 COMMISSIONER THOMAS: Do you want to do staff?

3 COMMISSIONER PRIZMICH: I'd rather do staff  
4 recommendation.

5 CHAIR SPITLER: I haven't heard a second for  
6 motion.

7 COMMISSIONER WALDHEIM: I'll second that staff  
8 recommendation.

9 CHAIR SPITLER: So I guess your original motion  
10 dies for lack of a second.

11 You made a motion for staff recommendation,  
12 which is seconded.

13 COMMISSIONER WALDHEIM: Yes, sir.

14 CHAIR SPITLER: More discussion. All those in  
15 favor?

16 (Commissioners simultaneously voted.)

17 CHAIR SPITLER: Opposed. Motion carries. Thank  
18 you all for traveling down and waiting throughout the  
19 day.

20 Okay. Next grant is Stanislaus National Forest,  
21 OR-2-ST-63, 64, 66 and 67.

22 STAFF HOM: OR-2-ST-63, Stanislaus National  
23 Forest, Law Enforcement scored 41 points with a  
24 Division funding determination of zero dollars.  
25 OR-2-ST-64, Stanislaus National Forest, Restoration

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1 scored 48 points with a Division funding determination  
2 of zero dollars. OR-2-ST-66, Stanislaus National  
3 Forest Development scored 56 points with a Division  
4 funding determination of 26,550. And OR-2-ST-67  
5 Stanislaus National Forest, Planning scored 12 points  
6 with a funding determination of zero dollars.

7 And I just want to clarify OR-2-ST-64 and  
8 OR-2-ST-66 has been determined -- both of them have  
9 determined as categorical exemptions, exempt for CEQA  
10 purposes by the Division.

11 COMMISSIONER PRIZMICH: Okay. If you want to  
12 proceed.

13 SUE WARREN: Sue Warren, Public Service  
14 Programmer related to the Stanislaus National Forest,  
15 and the question I have wading before me is it good  
16 evening or good night. That's my attempt at humor, and  
17 I'll let it go at that.

18 COMMISSIONER PRIZMICH: You can do like  
19 Mr. Brazil and say hi.

20 SUE WARREN: Hi. Or having spent three weeks in  
21 Mississippi on disaster assignment, I can tell you I'm  
22 just plain tuckered and bumfuzzled.

23 For law enforcement we're requesting  
24 consideration to move from zero funding base to  
25 something a little higher. We would like to propose

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1 that -- in rating the application, I looked at it and  
2 came up with a score of 58 and can share the breakdown  
3 of that if you wish at a later -- few minutes later.

4 For restoration, we're also asking for a higher  
5 rating, and I know you folks have been supportive of us  
6 in the past. We have five projects on three different  
7 ranger districts. We're working hard at finishing and  
8 just about wrapping up the large road decommissioning  
9 we undertook two-and-a-half years ago. And we're  
10 working on restoration that we received funding for  
11 this last period.

12 We agree with the staff recommendations for  
13 development, and sad as this may sound, I concur after  
14 reviewing the not-so-hot job I did on writing the  
15 planning part of the grant application. We concur with  
16 the staff evaluation, as well. And we will try hard to  
17 do better.

18 I did bring a staff with me today. I brought  
19 Jay Power, who is -- I believe his first Commission  
20 meeting. He is the patrol captain for the Stanislaus  
21 National Forest, and he can address any specific law  
22 enforcement questions you may have. And I also brought  
23 Judith and Bob Spencer who will be my new grant writing  
24 staff and will assist me in every way that they can in  
25 this arena, as well as Eric Lamb, who will be helping

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1 us, as well.

2 Law enforcement again is kind of the fourth leg  
3 of the three-legged stool for the Stanislaus National  
4 Forest, which incorporates -- includes Alpine,  
5 Calaveras, and Tuolumne Counties, which you were so  
6 gracious to support them this morning in that  
7 financing. I'll be more than glad to answer any  
8 questions.

9 COMMISSIONER THOMAS: Tell me again which of the  
10 grant numbers you support staff recommendation.

11 SUE WARREN: 66 and 67, would be development and  
12 planning.

13 COMMISSIONER THOMAS: Okay.

14 COMMISSIONER PRIZMICH: If we can go into public  
15 comment now? Don Klusman.

16 DON KLUSMAN: Don Klusman, Cal 4-Wheel. I find  
17 it disheartening that we bring to the Commission's  
18 attention a double-dipping matter and we're talking  
19 about low funding, but yet we go ahead and fund  
20 something. I mean that just puzzles me to no end.  
21 Anyway, you asked to us make cuts, and we tried.

22 But on the law enforcement grant, I think the  
23 Stanislaus has come around and is doing a much better  
24 job than they have in the past. I do not agree with  
25 327,000, but we would ask for somewhere around 80,000

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1 to the forest.

2 On the development grant, we support staff. And  
3 all of the rest of them, we support staff  
4 recommendations. Thank you.

5 COMMISSIONER PRIZMICH: Thank you. Bill Dart.

6 MEMBER OF THE PUBLIC: Pass.

7 COMMISSIONER PRIZMICH: Don Amador, John  
8 Stewart.

9 JOHN STEWART: John Stewart, California  
10 Association of 4-Wheel Drive Clubs. And to reiterate  
11 what Don said is, yes, we support the staff  
12 recommendations, and also like to add that in hearing  
13 something disquieting here in that one forest is using  
14 what's called the roads analysis process and causing  
15 that route designation. Roads analysis is an internal  
16 process. Route designation is a NEPA process. By  
17 doing a roads analysis, you are looking at something  
18 that's outside the public purview. By using that  
19 movement -- that analysis outside the public purview  
20 and moving that into a route designation process, you  
21 are now in violation of NEPA itself. This is a serious  
22 issue here, needs to be looked at. And Forest Service  
23 and other areas of the nation have already been called  
24 to task on this deal. And, yes, there is a  
25 double-dipping issue. If the forest, the region has

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1 received the funding for planning to cover roads  
2 analysis under the guise of route designation, then  
3 they've got a problem here because roads analysis is an  
4 internal process, and not a public planning process.  
5 Thank you.

6 COMMISSIONER PRIZMICH: Commission? Okay.  
7 Mr. Brazil.

8 BRUCE BRAZIL: Thank you. Under ST-66,  
9 Development, I'd like to see this as being fully  
10 funded. They're asking for a staging area and rest  
11 rooms. What's more basic than a place to use a rest  
12 room, much more sanitary that way.

13 COMMISSIONER PRIZMICH: We don't have that  
14 opportunity here.

15 BRUCE BRAZIL: There's four of them, if you can  
16 get off the podium there. Thank you.

17 COMMISSIONER PRIZMICH: Anyone else?  
18 Commission. Oh, I'm sorry.

19 JUDITH SPENCER: I feel slighted.

20 COMMISSIONER PRIZMICH: Don't, please don't.

21 THE WITNESS: Judith Spencer, CORE. I'd like to  
22 just refer you again to the hefty handout I gave you  
23 this morning with the eight letters from organizations,  
24 a wide range of organizations from environmentalists to  
25 SPI, and particularly comment on the letter from the

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1 Central Sierra Environmental Resource Center, which is  
2 an environmental group based in Tuolumne County that  
3 has followed the activity of the Stanislaus for some 15  
4 years or more. And it was based on his recommendations  
5 that I so strongly support the restoration grant and  
6 will be happy to give you numbers for that. Would you  
7 like to do your own in rescoring them?

8 COMMISSIONER PRIZMICH: You got time.

9 JUDITH SPENCER: I got time. The number should  
10 go 20, 10, 10, 30, 15 and eight, and that will give you  
11 a score of 96. And that's not a stretch. What they're  
12 doing really will improve off-road opportunities. It  
13 will head off conflicts. It will restore damage near  
14 residential areas, and move the use back far enough  
15 that the conflict should be ended. And they have some  
16 enforcement imbedded in that grant to be sure that  
17 their closures and repairs are protected. I think  
18 that's very strong.

19 And about the enforcement grant, it's really  
20 clear that money is tight. But it's one of the  
21 strongest things that's been meaningful to our whole  
22 community and shows up in those letters, since most of  
23 them support enforcement for the Stanislaus and for the  
24 sheriff. So if there's some funding that could -- the  
25 80,000 was a good suggestion, 50,000 minimum, I would

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1 say, 100,000 would be real nice, but to help them have  
2 personnel to participate fully in this cooperative  
3 approach. Thank you very much.

4 CHAIR SPITLER: Thank you. Any other public  
5 comments from the Stanislaus?

6 We'll deal with OR-2-ST-63 first.

7 COMMISSIONER WALDHEIM: Law enforcement.

8 COMMISSIONER THOMAS: Move the staff  
9 recommendation.

10 CHAIR SPITLER: I'll second.

11 COMMISSIONER THOMAS: Let me explain why. On  
12 the federal side for years, I've been indicating that  
13 we need a comprehensive plans from the forests. What I  
14 mean by comprehensive plans, thought out, budgets,  
15 staffing, three-year cycles so that you can actually  
16 employ and recruit for more than one budget cycle. The  
17 problem is that when you add in money each year on top  
18 of an existing organization, you can't really recruit a  
19 new PY or new body because you've got so many years of  
20 guaranteed funding or Washington doesn't approve it.  
21 And I guess the individual forests have resisted  
22 cooperatively teaming up with a region to plan for  
23 long-term funding. But at the time we make our initial  
24 allocations at the beginning of the year, we should be  
25 thinking about long-term funding for law enforcement

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1 positions so that we can have an idea that three  
2 million or four million or five million or one million  
3 is the right number. But this nickeling and diming the  
4 thing coming in at the last minute on the federal side  
5 doesn't seem to work. It's a lot different in local  
6 governments because you can hire and fire a lot more  
7 readily than you can in the federal system where you  
8 have to go to D.C. to get the LEO-PY approved.

9 So my rationale is to try to urge and encourage  
10 the individual forest to work with the region and come  
11 in with a forest law enforcement plan and a budget so  
12 we can fund them on a long-term basis.

13 COMMISSIONER PRIZMICH: I'd to make an  
14 alternative motion.

15 CHAIR SPITLER: It would be an amendment.

16 COMMISSIONER PRIZMICH: Okay. I would like to  
17 on the first item there is, we've heard testimony here  
18 that there has been an increase in cooperation and in  
19 the level of satisfaction with the users and the law  
20 enforcement community in the area, so I'd like to move  
21 that from 7.7 to a ten.

22 The application demonstrates the negative  
23 outcomes of not funding, and I think that's really  
24 clear we've got some major problems in the interface  
25 that need attention, and I'd like to move that to an

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1 18.

2 I believe that we also heard testimony, if I'm  
3 not mistaken, that the law enforcement community, we  
4 talked about three different counties, as well as the  
5 U.S. Forest Service that are engaged in cooperative  
6 interaction with one another. So I would believe that  
7 that would demonstrate a ten there. That's on line 15.

8 And I think on line 20, I would like to move  
9 that to at least a 12 because I think there's no doubt  
10 that with the increased law enforcement there would be  
11 enhanced user enjoyment. And here again the  
12 volunteers, there was testimony that the volunteers are  
13 heavily used or at least used, and I with like to move  
14 that to a ten, as well. So that's my motion.

15 COMMISSIONER THOMAS: 211,000.

16 CHAIR SPITLER: Is there a second?

17 COMMISSIONER WALDHEIM: We don't have the money.

18 COMMISSIONER THOMAS: For lack of a second,  
19 maybe I can try the numbers again, maybe I can find a  
20 second.

21 Can we get down to 50 percent? Maybe that will  
22 get a second at 50 percent.

23 COMMISSIONER PRIZMICH: On the first number if  
24 you could reduce that to eight, second number reduce  
25 that to 15. Number --

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1           COMMISSIONER THOMAS: We haven't moved the  
2 bottom line at all. The computer has some thresholds  
3 there.

4           COMMISSIONER PRIZMICH: On line 15, another  
5 eight. On the next line, make that a 12. And on the  
6 last line, make that a five.

7           COMMISSIONER THOMAS: Are they differentially  
8 weighted? For God's sake. Oh, yeah, you got to be a  
9 computer designer to know this program. You're going  
10 to have to keep going.

11           COMMISSIONER PRIZMICH: Change 20 to a ten.

12           COMMISSIONER THOMAS: That's progress. There  
13 you go.

14           COMMISSIONER PRIZMICH: That's my motion.

15           COMMISSIONER THOMAS: Second.

16           CHAIR SPITLER: We have a motion and a second.

17           We already have a motion pending, so do you want  
18 to withdraw your original motion?

19           COMMISSIONER THOMAS: Yes, I do.

20           CHAIR SPITLER: So we have a new motion for  
21 146,000. I can't see anything in this application that  
22 warrants increasing the score to this amount. I mean  
23 on a separate note, I don't think that the Commission  
24 has funds available. But more importantly, I don't  
25 think that the criteria listed here, although I think

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1 that it's important on the Stanislaus, I don't think --  
2 I haven't seen anything in the application that  
3 warrants increasing the score to this amount. I think  
4 the Calaveras County Sheriff, which we increased  
5 funding for earlier is going to do a fabulous job on  
6 the forest there and have been doing a great job. I  
7 think there has been a lot of public support for that.

8 COMMISSIONER PRIZMICH: It's my understanding  
9 that the Calaveras County Sheriff would like to see  
10 this grant go through. So I think this is helpful to  
11 them for the managing of this entire area.

12 CHAIR SPITLER: We have a motion by Commissioner  
13 Prizmich. Second by Commissioner Thomas. Is there  
14 more discussion?

15 Okay. Sandy, if we could do a roll call on the  
16 vote of score of 58 for funding level \$146,000.

17 MS. ELDERS: Anderson.

18 COMMISSIONER ANDERSON: No.

19 MS. ELDER: Brissenden.

20 COMMISSIONER BRISSENDEN: Pass.

21 MS. ELDER: Spitler.

22 CHAIR SPITLER: No.

23 MS. ELDER: Thomas.

24 COMMISSIONER THOMAS: Aye.

25 MS. ELDER: Prizmich.

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1 COMMISSIONER PRIZMICH: Aye.

2 MS. ELDER: Waldheim.

3 COMMISSIONER WALDHEIM: No.

4 CHAIR SPITLER: Commission Brissenden, do you  
5 care to weigh in, or do you want to abstain?

6 COMMISSIONER BRISSENDEN: I'll abstain.

7 CHAIR SPITLER: Okay. Motion fails.

8 OR-2-ST-66. I'd like to make a motion on this  
9 one. I'll move, based on my review of the application  
10 and the comments I've heard, move the second score down  
11 to ten. I'll move that for a funding level -- score of  
12 47, funding level of zero for the development project.

13 Is there a second?

14 COMMISSIONER WALDHEIM: Second.

15 CHAIR SPITLER: Commissioner Waldheim seconded.

16 COMMISSIONER THOMAS: Just a second. This is  
17 66.

18 CHAIR SPITLER: This is a development project.

19 COMMISSIONER THOMAS: Development of what?

20 COMMISSIONER BRISSENDEN: Bruce's bathrooms.

21 COMMISSIONER THOMAS: There is the bathroom; is  
22 that right? We're doing bathrooms?

23 COMMISSIONER WALDHEIM: Mr. Chairman, as an  
24 explanation of why I'm saying this, we have other  
25 sources of funding. RTP grants are perfect ones to do

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1 bathrooms. It's a canned application. We left money  
2 on the table on RTP grants, so there are sources for  
3 them to get the grant.

4 CHAIR SPITLER: Okay. More discussion?

5 Okay. All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR SPITLER: Opposed?

8 COMMISSIONER THOMAS: No.

9 CHAIR SPITLER: It looks like I skipped one,  
10 skipped OR-2-ST-64, the restoration grant.

11 Commissioner Thomas.

12 COMMISSIONER THOMAS: No, I'm not going to do  
13 that this time.

14 COMMISSIONER BRISSENDEN: I'll move Judith  
15 Spencer's numbers. Do you want to recount those?

16 COMMISSIONER ANDERSON: The first one was 20.  
17 The second one was ten, ten, 30, ten, and then eight  
18 was it.

19 JUDITH SPENCER: It was 15 and eight, but.

20 CHAIR SPITLER: Oops, you've got a two up top  
21 instead of a 20.

22 Is that the motion, Commissioner Anderson?

23 COMMISSIONER ANDERSON: No, Mr. Brissenden made  
24 that motion.

25 CHAIR SPITLER: Okay.

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1           COMMISSIONER THOMAS: Does this grant have any  
2 administrative overhead in it?

3           CHIEF JENKINS: This grant indicates there is  
4 ten percent overhead. This grant has a ten percent  
5 overhead indicated, administrative fee terminology.

6           COMMISSIONER BRISSENDEN: Forbidden from  
7 directing --

8           COMMISSIONER THOMAS: No, we can.

9           COMMISSIONER BRISSENDEN: That \$24,000 that  
10 we're not including would be taken out of that section.  
11 We can say that?

12          COMMISSIONER THOMAS: Can we condition the  
13 grants.

14          COMMISSIONER BRISSENDEN: We can.

15          COMMISSIONER THOMAS: I believe we can.

16          COMMISSIONER BRISSENDEN: That's my motion.

17          COMMISSIONER THOMAS: Second.

18          CHAIR SPITLER: Discussion. All those in favor?  
19 (Commissioners simultaneously voted.)

20          CHAIR SPITLER: Opposed. Motion carries.

21          OR-2-ST-67, Planning. Someone has got to make a  
22 motion.

23          COMMISSIONER BRISSENDEN: I'll move the  
24 Division's recommendation.

25          COMMISSIONER THOMAS: And they indicated they

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1 would take Division recommendation.

2 COMMISSIONER ANDERSON: Yes.

3 COMMISSIONER PRIZMICH: Second.

4 CHAIR SPITLER: I'm sorry, I'm just trying to  
5 wonder, how come the scores don't match up? They don't  
6 match the scores on my sheet.

7 COMMISSIONER THOMAS: Staff recommendation was  
8 75 points.

9 CHAIR SPITLER: Okay. So those scores are wrong  
10 up there, 67, I have a staff score here of 75.

11 COMMISSIONER ANDERSON: You're on the wrong  
12 page.

13 CHAIR SPITLER: I'm not. I guess these numbers  
14 obviously have changed.

15 COMMISSIONER THOMAS: The computer is weighted.

16 COMMISSIONER WALDHEIM: The numbers that we have  
17 on the sheet, Mr. Chairman, are 15, 10, 15, 15 for a  
18 total score of 55. That's what I have.

19 CHAIR SPITLER: Okay. So it's 15 for the first.  
20 You got it, Aaron?

21 COMMISSIONER ANDERSON: This is a  
22 recommendation? Are you moving this?

23 COMMISSIONER WALDHEIM: Yes, ma'am. 15, 10, and  
24 15. There you come to 43, 55 so there's the true  
25 number.

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1 CHAIR SPITLER: I'll second that.

2 COMMISSIONER THOMAS: I believe there was a  
3 preexisting motion for staff recommendation.

4 CHAIR SPITLER: It's an amendment. This would  
5 include the facilitator who's going to keep working on  
6 the stakeholder process for the interface; is that  
7 correct?

8 JUDITH SPENCER: Stakeholder process for the  
9 forest, for the whole forest.

10 CHAIR SPITLER: This includes the facilitation  
11 costs for that?

12 JUDITH SPENCER: Yes.

13 CHAIR SPITLER: I think that's a pretty  
14 important process that we need to enable to continue,  
15 particularly in light of some of the past problems in  
16 the forest.

17 COMMISSIONER THOMAS: Does that mean you're  
18 supporting the staff recommendation of 15,600?

19 COMMISSIONER ANDERSON: No.

20 COMMISSIONER WALDHEIM: 55 points.

21 COMMISSIONER THOMAS: That's another  
22 inconsistent piece of data.

23 CHAIR SPITLER: That's what my sheet shows. It  
24 changed somewhere along the way.

25 COMMISSIONER THOMAS: Somebody's got it.

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1 CHAIR SPITLER: Okay. So we have an amendment  
2 to increase the score to 55 for a funding level of  
3 10,800. Is there a discussion? Let's vote on the  
4 amendment first.

5 Sandy, if you could do a roll call.

6 MS. ELDERS: Anderson.

7 COMMISSIONER ANDERSON: Aye.

8 MS. ELDER: Brissenden.

9 COMMISSIONER BRISSENDEN: After reconsideration  
10 and embarrassment of the ranger, I will go aye.

11 MS. ELDER: Spitler.

12 CHAIR SPITLER: Aye.

13 MS. ELDER: Thomas.

14 COMMISSIONER THOMAS: Aye.

15 MS. ELDER: Prizmich.

16 COMMISSIONER PRIZMICH: Aye.

17 MS. ELDER: Waldheim.

18 COMMISSIONER WALDHEIM: Aye.

19 We'll vote on the original motion. All those in  
20 favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Motion carries.

23 Okay. That's it for Stanislaus. Thank you,  
24 Ms. Warren.

25 The final national forest of the day is the

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1 Tahoe National Forest, OR-2-T-93 and T-96.

2 STAFF HOM: OR-2-T-93, Tahoe National Forest,  
3 Law Enforcement scored 89 points with a Division  
4 funding determination of 147,000. And OR-2-T-96, Tahoe  
5 National Forest, Restoration scored 62 points with a  
6 funding determination of 81,400.

7 DAVID MICHAEL: I'm David Michael, the Tahoe  
8 National Forest Trails and OHV Program Manager. Glad  
9 to be here this evening. We will make it brief.

10 We will accept the staff recommendations for the  
11 law enforcement for the 147,000. I'd like to point out  
12 the fact that this is the highest score of any law  
13 enforcement grants that were scored under this process,  
14 and that we'd like to recognize that if funding is kept  
15 at that level, we will be able to continue to succeed  
16 in the successes that we have built upon thus far, but  
17 our law enforcement has taken considerable hits over  
18 the past, and we've got increased use, especially with  
19 the restrictions placed on the El Dorado National  
20 Forest to the south, the Mammoth Bar seasonal closures  
21 on and off, as well as Nevada County Sheriff not  
22 receiving any funding. We would certainly like to  
23 continue to have that staff level of funding or higher.

24 And the restoration, we would like to go with  
25 our full amount of 148,000.

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1 CHAIR SPITLER: Public comment. Mr. Klusman,  
2 followed by Bill Dart.

3 DON KLUSMAN: Don Klusman, California 4-Wheel  
4 Drive Association. I'm going to petition the Forest  
5 Service back in Washington to change the name of this  
6 forest to ABC Tahoe, that way we get up on the list so  
7 we don't have to do it last all the time.

8 We would concur with the staff recommendation on  
9 the law enforcement, and we would also concur with the  
10 comments just made by the forest that this is so  
11 important in this forest because of the issues in the  
12 El Dorado, and the issues in the Tahoe Basin, and the  
13 issues of the east side versus the west side in this  
14 forest. I mean this is a minimum for this forest to  
15 get by on law enforcement and to do the excellent job  
16 they've been doing.

17 And we would also support the full funding of  
18 the restoration. Thank you.

19 CHAIR SPITLER: Mr. Dart, followed by Mr. Don  
20 Amador.

21 BILL DART: Bill Dart, Off-Road Business  
22 Association. We support staff recommendations on both  
23 grants.

24 CHAIR SPITLER: Don Amador. John Stewart.

25 MEMBER OF THE PUBLIC: Pass.

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1 CHAIR SPITLER: Okay. Anyone else to comment on  
2 the Tahoe?

3 COMMISSIONER ANDERSON: Okay. Are you ready for  
4 the Commission?

5 CHAIR SPITLER: Ready for the Commission. Start  
6 on OR-2-T-93.

7 COMMISSIONER ANDERSON: I'll move the staff  
8 recommendation.

9 COMMISSIONER PRIZMICH: Second.

10 CHAIR SPITLER: Discussion?

11 COMMISSIONER WALDHEIM: Mr. Chairman, I would  
12 like to make an amendment on this because, you know, I  
13 hate to be the bearer of bad news, no matter what I do,  
14 everybody is going to be upset and think I don't worry  
15 about what people think about me. But it pains me to  
16 have to do things like that because we are totally  
17 inappropriately funding our program. It's in the wrong  
18 direction, not enough O&M and not enough law  
19 enforcement. But having said that, I would like to  
20 change the categories on the law enforcement category  
21 number one down to ten points; then go to the next one,  
22 15; next one, five; next one, ten; next one, nine; next  
23 one, ten; for 59. So it's giving them money do the  
24 job. We know everybody could use more money, but we're  
25 just plumb running out of money. And, you know, you

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1 have to have a justification somewhere in our criteria.  
2 We're going to have to have a criteria of running out  
3 of money. Any budget you got out to do that, you got  
4 to run the money. Who's going to pay for the piper.  
5 We're \$400,000 overdrawn already. So somewhere, guys,  
6 we've got to do something, and gals. So, anyway,  
7 that's my recommendation, my motion.

8 CHAIR SPITLER: That's an amendment, we had a  
9 motion.

10 COMMISSIONER WALDHEIM: Yes, amendment.

11 CHAIR SPITLER: I'll second it.

12 Discussion.

13 DEPUTY DIRECTOR GREENE: Commissioner  
14 Waldheim -- may I just ask a question, Commission  
15 Spitler, is that all right?

16 CHAIR SPITLER: Yes.

17 DEPUTY DIRECTOR GREENE: Can you just provide  
18 for the Division -- because this was the top law  
19 enforcement grant in the competitive process, can you  
20 help clarify those numbers that you are proposing?

21 COMMISSIONER WALDHEIM: To be fair to the  
22 Chairman, he likes to do that.

23 COMMISSIONER THOMAS: You're not going to  
24 justify your position?

25 CHAIR SPITLER: We worked on them together in

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1 subcommittee. Based on our review of their grant  
2 application through the competitive process, that's the  
3 numbers that we came up with for each category after  
4 considering the application, particularly the public  
5 comments we've heard today, that's where we view that  
6 the application warrants scoring in the competitive  
7 process.

8 MEMBER OF THE AUDIENCE: That the Stanislaus  
9 gets more than the Tahoe.

10 CHAIR SPITLER: Stanislaus didn't get any  
11 funding on law enforcement.

12 So we have an amendment. The amendment is to  
13 score the grant at 59 for a funding level of 88,200.

14 Sandy, can we do a roll call, please.

15 MS. ELDERS: Anderson.

16 COMMISSIONER ANDERSON: Pass.

17 MS. ELDER: Brissenden.

18 COMMISSIONER BRISSENDEN: Painfully, aye.

19 MS. ELDER: Spitler.

20 CHAIR SPITLER: Aye.

21 MS. ELDER: Thomas.

22 COMMISSIONER THOMAS: Aye.

23 MS. ELDER: Prizmich.

24 COMMISSIONER PRIZMICH: No.

25 MS. ELDER: Waldheim.

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1 COMMISSIONER WALDHEIM: Aye.

2 CHAIR SPITLER: Commissioner Anderson, would you  
3 like to vote?

4 COMMISSIONER ANDERSON: I'll abstain.

5 CHAIR SPITLER: Amendment passes. Original  
6 motion, all those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR SPITLER: Opposed. Motion carries.

9 Okay. The final grant of the day OR-2-T-96,  
10 Tahoe Forest, Restoration.

11 I'll move this one with a score of 20, 10, 10,  
12 30, 14, eight. I have a score of 92, funding level of  
13 133,000.

14 COMMISSIONER WALDHEIM: I second the motion.

15 COMMISSIONER THOMAS: Question, again on this,  
16 is the fee in here, the administrative overhead?

17 DAVID MICHAEL: Yes, it is.

18 COMMISSIONER THOMAS: All right. So the same  
19 caveats on the grant?

20 CHAIR SPITLER: Correct.

21 COMMISSIONER THOMAS: Conditional on the  
22 administrative fee not being deducted from the voted  
23 amount.

24 COMMISSIONER WALDHEIM: Mr. Chairman, point of  
25 order, now that we've caught on as far as the -- I was

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1 understanding there were no administrative fees, now we  
2 find that there are some on some of them. Should we  
3 ask staff to make sure that all of them don't have  
4 administrative fee or do we have to make a motion?

5 CHAIR SPITLER: Let's get through their grant  
6 and we can deal with that in the morning.

7 Last grant of the day, is there discussion on  
8 this? All those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIR SPITLER: Opposed?

11 COMMISSIONER PRIZMICH: No.

12 CHAIR SPITLER: Okay. Motion carries.

13 We do have one grant, Redding, that we held  
14 over, and I talked to BLM about it. We'll just go  
15 ahead and hold that over until tomorrow. The staff  
16 already left.

17 COMMISSIONER WALDHEIM: Mr. Chairman, according  
18 to our records, we're 323,350 overdrawn on the  
19 enforcement. And we have 160,250 left over in the  
20 non-CESA, so that's a net loss of 163,100 that we have  
21 to make up based on the sheets that I have, 163,000,  
22 that's what we've got to pick up some place.

23 COMMISSIONER THOMAS: And we've got a lot of  
24 Southern California to look at.

25 COMMISSIONER WALDHEIM: I was looking for you to  
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1 say that.

2 CHAIR SPITLER: Thank you all. We'll start  
3 again tomorrow at nine o'clock.

4 COMMISSIONER WALDHEIM: I move to adjourn.

5 COMMISSIONER ANDERSON: No, not adjourn.

6 COMMISSIONER WALDHEIM: You don't adjourn?

7 COMMISSIONER ANDERSON: You don't adjourn.

8 COMMISSIONER THOMAS: You continue the meeting  
9 tomorrow.

10 COMMISSIONER WALDHEIM: Continue the meeting  
11 tomorrow.

12 (Meeting recessed for the day at 7:47 p.m.)

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