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STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

PUBLIC HEARING

FRIDAY, DECEMBER 9, 2005

9:13 a.m. to 6:47 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, Friday, December 9, 2005.)

2 (Meeting continued at 9:13 a.m.)

3 CHAIR SPITLER: Thank you all for attending the
4 second day of the California OHV Commission meeting.
5 If you filled out a request to speak yesterday, or if
6 you didn't and you want to speak today, if you could
7 fill out one of these request to speak forms. Even if
8 you filled one out yesterday, we're starting a new day
9 today, so go ahead and fill out one of these forms to
10 speak. For items on today's agenda, fill out a green
11 form. If you want to comment on items not on today's
12 agenda, fill out a blue form and hand them to Sandy
13 Elder. Sandy, if you could raise your hand.

14 MS. ELDER: And I have blank forms here so you
15 don't have to walk out to the registration table.

16 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like
17 to make a couple of comments if I may. Yesterday was
18 an interesting meeting in going through these
19 regulations as far as, you know, adopting this new
20 scoring. And for me it's been a particularly tough
21 time because -- never used to somebody trying to give
22 me constraints on what I can do and what I can't do.
23 I'm pretty much an independent thinker. I like to do
24 what I feel like doing and when I do it for the best
25 possible reasons.

2

1 As I told you last night when we closed the
2 meeting, we were 160,000 short between the non-CESA and
3 the enforcement. And as we go through today, I'm going
4 to keep a very close eye on this, as Mr. Spitler, the
5 chairman, will and as Aaron will, to make sure that
6 when we get to the end of the day, we have a balanced
7 budget.

8 The last thing that I want to see happen is that
9 we provide the Division with an overspent budget, and
10 they will have to go and do the cutting for us by
11 dropping grants that somebody may think they have the
12 grant, they go home and tomorrow morning they wake up
13 and they don't have a grant. I personally don't want
14 to let that happen.

15 The reason I mention that here now is I need
16 some tolerance or some understanding from some of you
17 guys out there -- or ladies and gentlemen that, you
18 know, if we cut you back on something, you know, it's
19 not because we want to do it. It's because we just are
20 constrained by the dollar amounts that we have within
21 that \$18 million.

22 Now, having said that on the \$18 million, I hope
23 that in the future that we can figure out the
24 distribution of the \$18 million is a little -- makes a
25 little bit more sense, is a little bit more reasonable.

3

1 Law enforcement next year needs to up. There is no way
2 we can continue with the \$3 million. It's just not
3 going to -- just can't get the job done. Trail
4 maintenance is getting totally left out with a \$4.2
5 million when you take the \$2 million out of the route
6 inventory. That's unconscionable to do that. So we
7 may have to work on perhaps out of the restoration
8 funds that are -- I'm just thinking out loud there,
9 that we may have to have the Division pick up some more
10 of that money and change the numbers around. Somehow
11 we've got to figure out how we can get money onto the
12 ground because it's not fair to the users. It's not
13 fair you to folks out there that we don't have the
14 proper tools, the proper funding to do the job that we
15 have out there. So this is something to be continued.
16 We need to work together on that, and I hope we can get
17 something resolved for next year's grants.

18 So, again, when you come up, when you testify on
19 a particular grant, please remember that I probably
20 will say it more often than not, where we are because
21 the last thing I want to do is at the end of the day
22 come out and say we're way over budget, and we got to
23 go back, and yesterday we didn't go back.

24 I also at the end of the day, I will do two
25 things. I'm going to ask the Commission to help me on

4

1 this one in Tahoe Forest. I messed up on the Tahoe
2 Forest because when I look at the Waldheim budget, the
3 visitors that Tahoe has is a high number. I don't
4 think it's correctly totally what they have on the
5 thing here, but I'd like to look at the criteria, the
6 amount of the opportunity that is available in a
7 particular grantee's area, and the visitors that they
8 have in that area. And Tahoe, I think we shortchanged
9 the Tahoe. So the chairman asked me to do it later
10 today. So later today I'll ask the Commission if they
11 are willing to open it up again, so we can reconsider
12 that one. I think we shortchanged them and it's going
13 to hurt us in the long run because of all of the other
14 closures taking place around that Lake Tahoe area.

15 Mr. Chairman, I appreciate you letting me talk
16 about this. It's serious to me. It's been my life for
17 30 years. It's very hard to do what we had to do
18 yesterday and see so many people really get upset at me
19 because we're not doing the proper funding. We're
20 doing whatever we can to make sure we stay within the
21 budget. Thank you.

22 CHAIR SPITLER: Thank you. Commissioner
23 Anderson.

24 COMMISSIONER ANDERSON: Yesterday at the end of
25 the day, when acting on the Six Rivers Stanislaus on

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1 Tahoe National Forest grants, we checked to make sure
2 that there were no administrative fees included within
3 the grant. And for fairness, because I was concerned
4 that we weren't treating all of the applicants equally,
5 I went back last night and looked at overhead and
6 administrative grants -- administrative fees within the
7 grants, and I found the following list: Alpine,
8 Fresno, Humboldt, possibly Butte, and Nevada --
9 although I wasn't quite sure in looking at the
10 applications, those county applications definitely
11 included administrative fees, as did the Trinity
12 Resource District, BLM, Arcata, and Forest Service
13 applications from El Dorado, Lake Tahoe, Lassen,
14 Mendocino, Modoc, Shasta-Trinity. And the last three,
15 the Six Rivers, Stanislaus, and Tahoe, we adjusted
16 their grants to 90 percent to reflect the fact that
17 they had administrative fees in.

18 So, Mr. Spitler, however you would like to deal
19 with this, now or later, I would like to have some kind
20 of covering language that in the case where the
21 applicant is not getting 100 percent of what they
22 requested, we simply put in some control language that
23 they don't -- when they write the contracts, they are
24 not to include the administrative fees for all of
25 those. And then in the case of -- let's see, one, two,

6

1 three, I think four, five -- five restoration grants
2 where the Commission voted to give them 100 percent, I
3 think we need to reevaluate those also to take out the
4 administrative fee as we did with Six Rivers,
5 Stanislaus, and Tahoe.

6 CHAIR SPITLER: I'll defer that question to
7 staff. Are applications of where we've approved
8 partial funding which application includes -- or we
9 want to affect the deliverable somehow, what's our
10 mechanism for doing that?

11 DEPUTY DIRECTOR GREENE: Good morning,
12 Commissioners. At this point in time, it would more
13 than likely be when we execute the project agreement,
14 based on direction from the Commission, that that would
15 be the first item that we would not include in that as
16 we write up that project agreement. Certainly, as I
17 mentioned yesterday, I think it would be helpful
18 perhaps tomorrow in the discussion about policies if
19 perhaps guidance to the grant applicants ahead of time,
20 in terms of this issue. But just for this year alone,
21 it would perhaps be as we execute that project
22 agreement.

23 CHAIR SPITLER: What do we need to do to help
24 provide that direction to you, or do you have that
25 direction already?

7

1 COMMISSIONER PRIZMICH: Would it be appropriate
2 to have a motion that specifies that, and then give
3 that authority to you guys deal with each one? Would
4 that be good?

5 DEPUTY DIRECTOR GREENE: Yes, I believe a motion
6 would be the best means that we would have then to take
7 it in that direction.

8 CHAIR SPITLER: On each application or general
9 or --

10 DEPUTY DIRECTOR GREENE: No, I mean as we're
11 looking at this, I mean I think that when we have some
12 of the applications in particular that where you have
13 100 percent funding, then, again, that is something
14 that we need to address. I believe if you did
15 something overall, I have to check with counsel, but if
16 you did something in the beginning of this meeting now,
17 which would affect every project.

18 COUNSEL LaFRANCHI: Yes, I would agree. If the
19 Commission's preference is to adopt a general direction
20 for all of the grants that the administrative fee
21 should not be included in the approved contract, you're
22 not approving expenditures on administrative fees, then
23 you would do that. But if you've got an indication
24 that you want to do it on a case-by-case basis or an
25 exception basis, that would be possible also. Just

8

1 depends on how you want to proceed with that.

2 DEPUTY DIRECTOR GREENE: Also, just as a
3 suggestion, would perhaps just confirm with the federal
4 agencies, because I'm not exactly sure, but I believe
5 in some instances it might be mandated for them to ask
6 for those fees.

7 CHAIR SPITLER: Right. It's okay that they ask
8 for them, but we're just talking about what we would
9 support with our deliverables.

10 So let me ask a separate question, on some of
11 the applications the questions came up throughout the
12 day yesterday on if the Commission was interested in
13 supporting certain deliverables and not others. And
14 you said yesterday that we could provide direction to
15 the staff if the application received partial funding,
16 to fund those certain deliverables.

17 Can you just walk me through what's our
18 mechanism for providing that direction or guidance; is
19 that the same thing through a motion?

20 COUNSEL LaFRANCHI: Yes. In that situation, you
21 most likely, as a practical matter, would be looking at
22 it on an application-by-application basis, look at the
23 application, see what's being asked for in terms of
24 items of work or deliverables and then make -- you'd
25 have to adopt another resolution or a motion to direct

9

1 which one was deliverable, should or should not be
2 funded, for the money you award.

3 CHAIR SPITLER: And to get that done in time for
4 the contracts from the grants from this meeting, would
5 those motions have to be done at this meeting or could
6 they be done in January?

7 DEPUTY DIRECTOR GREENE: Yes, in order to try to
8 execute those project agreements as soon as possible,
9 it would certainly make a big difference if that could
10 be done today.

11 COMMISSIONER WALDHEIM: Mr. Chairman, I would
12 like to caution Commissioners that we've got out of the
13 micromanaging business. I don't want us to go back
14 into that thing. We have made it very clear that we
15 give a pot of money to an agency. Within that grant,
16 they can do, you know, that's enforcement or non-CESA
17 and so forth. The only question is when the grant --
18 when the document or the contract is written up by the
19 Division, if there's specific deliverables, they will
20 make the decision. Kind of left it up to them to make
21 a decision which one they think they should be doing on
22 there. I don't think we want to get into it unless
23 there is a heartburn on a specific grant. But as a
24 general policy, I think we leave it up to the Division
25 to work the things out on their contracts when they

10

1 give it to the agencies.

2 CHAIR SPITLER: I understand your view,
3 Commissioner Waldheim. And I think other Commissioners
4 have a different view on specific grants that they have
5 specific deliverables that they want to see.

6 COMMISSIONER WALDHEIM: On specifics, I don't.
7 But I wouldn't want to make it as a rule. On specific
8 things, that's fine, but not as a rule that we're going
9 to tell them, each contract, where they're going to
10 spend the money.

11 COMMISSIONER ANDERSON: I was going to say,
12 perhaps staff could go back through the list I gave you
13 or I can give you my list. The last ones, we took out
14 ten percent because we're operating in increments,
15 according to our chart here, but I don't think that
16 necessarily -- that the overhead is necessarily charted
17 in at ten percent. I didn't take time to confirm that.
18 So if staff could give us a list of those, then we
19 could pass those all in one resolution.

20 CHAIR SPITLER: It sounds like if we just do a
21 general resolution to suggest where we've given partial
22 funding for an application that includes --

23 COMMISSIONER ANDERSON: I would agree for
24 partial funding. I was thinking in the cases for where
25 we gave full funding on the restoration grants.

11

1 CHAIR SPITLER: You're talking about going back
2 and revisiting. You would have to reopen each single
3 application and do revised a score after the applicant
4 has already left the meeting and received a funding
5 determination from the Commission.

6 DEPUTY DIRECTOR GREENE: And if I may, this was
7 also a topic that we were going to try to address
8 tomorrow because -- just to think about it, not sure
9 whether or not that is something that you want to do
10 for every grant. For instance, there's a couple that
11 are very small in little counties, and whether or not
12 that ten percent that they're asking for, if that would
13 have a big impact on the overall grant. So that might
14 be something to consider as well, something not below
15 \$50,000 or \$100,000.

16 CHAIR SPITLER: I think, Commission Anderson,
17 for those grants that have already been approved, you
18 have to have a motion and second and two-thirds vote to
19 reopen each specific grant. And, you know, frankly I
20 think that would be really difficult to do after the
21 applicants have already left with their funding
22 determinations.

23 COMMISSIONER ANDERSON: Whatever your
24 preference. We're just recognizing that we're being --
25 we're penalizing three of the forests and not the

12

1 others.

2 DEPUTY DIRECTOR GREENE: Again, it might be
3 something you want to consider for next year.

4 CHAIR SPITLER: I think --

5 COMMISSIONER ANDERSON: We're limping through
6 this process already.

7 COMMISSIONER BRISSENDEN: Before we address
8 that, why don't we find out from staff how much we're
9 talking about. It may not be that big of a figure
10 given from the counties I heard.

11 COMMISSIONER ANDERSON: If they're ten percent,
12 it's -- I got, I think that's probably a \$100,000.

13 COMMISSIONER THOMAS: Mostly in the restoration
14 grants.

15 COMMISSIONER ANDERSON: In the restoration
16 grants.

17 COMMISSIONER THOMAS: Which we're millions in
18 surplus.

19 COMMISSIONER BRISSENDEN: It has to do with a
20 matter of fairness.

21 COMMISSIONER THOMAS: I know, I understand.

22 COMMISSIONER BRISSENDEN: It's a lot of money or
23 a little.

24 COMMISSIONER ANDERSON: Mendocino, for example,
25 a grant of 730,000, gives you 73,000, if they use ten

13

1 percent. That's 73,000 worth of overhead.

2 COMMISSIONER WALDHEIM: We're 866,000 left over
3 in restoration.

4 COMMISSIONER ANDERSON: I understand that
5 there's more money in restoration. Maybe you want to
6 go back and visit Six Rivers, Stanislaus, and Tahoe and
7 put the administrative fees back in.

8 CHAIR SPITLER: I'm going to ask Ms. Mick to
9 come up on behalf the Forest Service to speak because I
10 think a number of those restoration grants are Forest
11 Service grants.

12 COMMISSIONER ANDERSON: That's where the
13 disparity occurs.

14 CHAIR SPITLER: Ms. Mick, could you just address
15 that issue?

16 KATHLEEN MICK: Good morning, Kathleen Mick,
17 U.S. Forest Service, Trails Program Manager.

18 We are mandated through our agency to ask for
19 administration each year. The regulations tell us that
20 we can't. However, each year what we have done for the
21 last couple of years we have been able to go to the
22 Washington office and ask for a waiver. So for the
23 last two years for this program, we have been able to
24 receive a waiver from the Washington office for
25 administrative overhead.

14

1 So with that said, we currently have a signed
2 letter from our regional forester that says the
3 administration has been waived. So I can assure you
4 that if -- the way the Division chooses to write the
5 contracts is if you gave the Mendocino 50,000 and they
6 put ten percent in for administration, they will not
7 spend ten percent on administration. Now, I would hate
8 to take 50,000 away from them that they already got,
9 but none of it will be spent on administration. It
10 will be spent on work on the ground. And we can ensure
11 that, and that can be written in the project
12 agreements.

13 COMMISSIONER THOMAS: So the understanding would
14 be as the staff develops the contracts, that the
15 representation of the region, that there will be no
16 assessment for administrative overhead, it would be
17 carried through in the contracts on fairness -- on an
18 equal basis with all forest service contracts.

19 COMMISSIONER ANDERSON: I'd just like to be sure
20 that we have treated all forests the same, and we
21 have --

22 COMMISSIONER PRIZMICH: Well, we haven't because
23 we've eliminated the administrative fees on some.

24 COMMISSIONER ANDERSON: On three, yes.

25 COMMISSIONER PRIZMICH: Now, the ones that are

15

1 left with the administrative fees that might be up to
2 ten percent, get the benefit of using that.

3 COMMISSIONER ANDERSON: Yes.

4 COMMISSIONER THOMAS: Of course, they will get
5 the benefit of using the additional funds only for the
6 restoration work that they promise to do. So in fact
7 the net effect would be cut three forests by the --

8 COMMISSIONER ANDERSON: What I heard her say was
9 if we had agreed to 50,000 for forest X and there were
10 administrative fees included, that when the contract
11 was written, that it would be for 50,000 worth of other
12 business.

13 COMMISSIONER THOMAS: Absolutely.

14 KATHLEEN MICK: That's correct.

15 COMMISSIONER THOMAS: That's what I heard.

16 COMMISSIONER ANDERSON: In the case of a forest
17 which didn't get the 50,000 but only got \$45,000
18 because we had -- the Commission took out the
19 administrative fees, that forest has been -- lost it.

20 CHAIR SPITLER: I just want to make a comment
21 here. The Commission doesn't take out administrative
22 fees. Each grant was given a score by the Commission
23 which translates to a funding level, and those
24 grants -- those scores are based on the merit of the
25 application through the competitive process.

16

1 I think, Commissioner Anderson, if you want to
2 dive into some of this deeper, I think it's probably
3 best you maybe go back and look at those specific
4 grants. And if you have grants that you think we need
5 it revisit, then we should discuss those specific
6 grants. I think at this point we have a room full of
7 applicants from Southern California who are waiting to
8 have their grants heard. It sounds like we want to
9 provide some direction to the staff to remove
10 administration from deliverables for all of the grants
11 that we've discussed yesterday and today.

12 COMMISSIONER ANDERSON: Okay. I'll make a
13 motion to that effect.

14 COMMISSIONER BRISSENDEN: Second that.

15 COMMISSIONER THOMAS: Now, just so we
16 understand, when you say administration, that's
17 administrative overhead charged --

18 COMMISSIONER WALDHEIM: Ten percent.

19 COMMISSIONER THOMAS: There's a lot of types of
20 administration. Accounting has one kind of they don't
21 charge in rural counties ten percent administrative
22 overhead fees on all grants like they do in big
23 agencies. You need to be kind of specific here. It's
24 different in different types of governments.

25 COMMISSIONER ANDERSON: All right. I'll

17

1 withdraw the motion.

2 COMMISSIONER THOMAS: I think maybe the motion
3 should just indicate that administrative assessments
4 for distributed overhead, which is the term that's used
5 in the state government, will not be funded through
6 these grants.

7 COMMISSIONER WALDHEIM: Are you making a motion?

8 COMMISSIONER THOMAS: I'm asking if that
9 satisfies --

10 COMMISSIONER ANDERSON: That was my intent, yes.

11 COMMISSIONER THOMAS: Well, then let's try that
12 language. And if you'd like to use that language.

13 COMMISSIONER ANDERSON: I trust the stenographer
14 has that language.

15 COMMISSIONER THOMAS: Administrative assessments
16 for distributed overhead is the term. There will be no
17 administrative assessments for distributed overhead
18 charged to these grants. I think that's what you were
19 trying to get at.

20 COMMISSIONER ANDERSON: Okay.

21 CHAIR SPITLER: Okay. Let's go ahead and
22 receive some public comment on this.

23 COMMISSIONER WALDHEIM: Mr. Chairman, we have a
24 motion and second.

25 CHAIR SPITLER: I understand that's why we're

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1 doing public comments. So I won't call people's names.
2 If you want to offer public comment on this, if you
3 could go ahead and step forward.

4 Okay. Seeing none, any more discussion?

5 JOHN STEWART: John Stewart, California
6 Association of 4-Wheel Drive Clubs. On the surface I
7 would say, yes, that's fine, no administrative overhead
8 to be charged, and yet I have to question, do the grant
9 regulations this year allow for administrative overhead
10 to be requested and included. And if so, then you are
11 now violating your own grant regulations which is
12 inappropriate and opening up for potential legal
13 challenge. So you're changing the rules in the middle
14 of the game, which is this a fair and competitive
15 process then?

16 CHAIR SPITLER: Thank you. I think the
17 Commission has discretion to affect the deliverables of
18 grant applications. Mr. LaFranchi.

19 COUNSEL LaFRANCHI: If I may, the regulations do
20 allow for applicants to apply for administrative fees,
21 but the regulations also give the -- and the law gives
22 the Commission the final approval over the contracts
23 which we interpret to mean approval of deliverables.
24 So even though somebody applies for an item of work,
25 even if it were trail maintenance or any other item of

19

1 work, if the Commission determined that that was a
2 deliverable, it wasn't appropriate, they could make
3 that final determination.

4 CHAIR SPITLER: Ms. Mick.

5 KATHLEEN MICK: Kathleen Mick, U.S. Forest
6 Service. My only concern and for a suggestion perhaps
7 for tomorrow, that the Commission at least consider not
8 making a blanket rule when we look at going toward
9 permanent regs. The only reason I ask that is because
10 from year to year, we're not sure, at least from the
11 Forest Service perspective, whether we can obtain that
12 waiver from the Washington office. Our burden rate or
13 administrative overhead is 18 percent. Traditionally
14 we've only asked for ten through the grants program.

15 CHAIR SPITLER: I don't mean to interrupt you,
16 but we'll talk about policies for next year. I don't
17 want to confuse the issue.

18 KATHLEEN MICK: No, and that's understood. But
19 just to guarantee that for this year, we have a waiver,
20 and we'll do what we can to ensure that no
21 administrative overhead is spent out of the grants.

22 CHAIR SPITLER: Great. Thank you.

23 We have a motion and a second. Is there more
24 discussion? Okay. All those in favor?

25 (Commissioners simultaneously voted.)

20

1 CHAIR SPITLER: Opposed. Motion carries.

2 Is there more discussion? I don't want to cut
3 this short if Commissioners feel like we need to
4 discuss this issue further.

5 COUNSEL LaFRANCHI: Chairman Spitler, I think
6 one issue might be with full-funded grants what
7 direction the Commission would want to give the
8 Division as to how to deal with that. Does that mean
9 in a full-funded grant situation, that they still get
10 the full funding, the applicants still get the full
11 funding, but they may spend it on any other deliverable
12 except for administration, you know, within that grant
13 amount. So that's one question that kind of comes up
14 in a practical sense in trying to implement the
15 direction of the Commission.

16 COMMISSIONER ANDERSON: That's okay.

17 COMMISSIONER THOMAS: You say apply it to the
18 program.

19 COMMISSIONER ANDERSON: Yes, apply it to the
20 program.

21 CHAIR SPITLER: The way you explained that is
22 correct.

23 COUNSEL LaFRANCHI: Could we have a motion on
24 that, a vote on that, just so we have it for the
25 record, please? So we have the record clear, please.

21

1 COMMISSIONER BRISSENDEN: I thought the last
2 motion was pretty clear.

3 CHAIR SPITLER: I think the last motion actually
4 covered it.

5 DEPUTY DIRECTOR GREENE: Not when it comes to
6 those full funded. We really need some direction.

7 CHAIR SPITLER: Let's do a motion then.

8 COMMISSIONER WALDHEIM: Mr. Chairman, I move
9 that we authorize the Division to remove any
10 administrative expenses on the restoration grants that
11 were funded for a hundred percent and in turn those
12 funds be used for restoration projects.

13 COMMISSIONER ANDERSON: I think there's
14 probably --

15 COMMISSIONER THOMAS: Not quite right. A little
16 bit --

17 COMMISSIONER WALDHEIM: Okay. Take it back.
18 You do it.

19 CHAIR SPITLER: Do over.

20 COMMISSIONER ANDERSON: I don't think it's just
21 restoration grants. I think it would apply to all of
22 the categories. So any category where there was full
23 funding approved by the Commission --

24 COMMISSIONER THOMAS: -- funding should apply to
25 the application --

22

1 COMMISSIONER ANDERSON: -- the staff will make
2 sure that the funding applies to the program and not
3 including the administrative.

4 COMMISSIONER THOMAS: Right. That the full
5 funding would be applied to the program as described in
6 the application.

7 COMMISSIONER ANDERSON: Right.

8 CHAIR SPITLER: Is that a motion,
9 Commissioner Thomas?

10 COMMISSIONER THOMAS: Sure.

11 CHAIR SPITLER: Could I ask just ask the
12 commissioners to step a little closer to the mikes so
13 we can get these motions down?

14 COMMISSIONER THOMAS: That in the event full
15 funding was approved by this Commission, that the
16 balance of all grants be applied to the program as
17 described in each individual application.

18 COMMISSIONER ANDERSON: Except for
19 administrative.

20 COMMISSIONER THOMAS: Well, we've already done
21 that by separate motion.

22 CHAIR SPITLER: Okay. That's a motion. Is
23 there a second?

24 COMMISSIONER WALDHEIM: I'll second.

25 CHAIR SPITLER: Second. Any members of the

1 public want to comment on this item?

2 Okay. Mr. Klusman.

3 MR. KLUSMAN: Don Klusman, California 4-Wheel
4 Drive Association. I understand what you're trying to
5 do, the only question I have is with county grants.
6 The county grants, you have to provide a match from the
7 county. And in the past, all of the county grants that
8 have had administrative dollars in them, those dollars
9 have been approved by this Commission. Now you're
10 saying on the county grants even on the local
11 assistance grants, so that's -- I don't know.

12 COMMISSIONER THOMAS: Don, I would encourage you
13 to take care to think of the word administrative
14 assessment for distributed overhead; does not preclude
15 all administration directly for the project. So I
16 think the small counties are covered by that language.

17 DON KLUSMAN: You know that better than I do.
18 I'll go with yours.

19 COMMISSIONER THOMAS: That was the direction
20 that was intended. Immediate administration is
21 something that you have to have -- you know, after
22 somebody buys the pens and pencils, that's
23 administration but charges to pay for the executive
24 office are not.

25 CHAIR SPITLER: Okay. We have a motion and a

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1 second. Is there more discussion? All those in favor?

2 (Commissioners simultaneously voted.)

3 CHAIR SPITLER: Opposed? Motion carries.

4 More discussion of this item? Commissioner
5 Anderson, did that address your concerns?

6 COMMISSIONER ANDERSON: It's okay.

7 COMMISSIONER WALDHEIM: Mr. Chairman, we need to
8 introduce our counsel.

9 CHAIR SPITLER: Oh, yes.

10 Our counsel, our new permanent counsel is away
11 on personal business. So Charlie Getz is filling in
12 today, and we will have a new counsel tomorrow. Billy
13 Jenkins did a great job of getting all three days of
14 this meeting covered on a very short notice basis. So
15 I appreciate Mr. Getz for being here today. We'll
16 direct all of the hard questions to him.

17 COUNSEL GETZ: Not a problem.

18 CHAIR SPITLER: Unless there is any more
19 preliminary discussion --

20 COMMISSIONER THOMAS: Welcome to Mr. Getz.

21 COUNSEL GETZ: Thank you.

22 CHAIR SPITLER: We're ready to move on to our
23 grants. For those who were not here yesterday, I'll
24 just walk you through very briefly how this process
25 works.

25

1 This year, as all of you know, we're using a new
2 scoring system for grant applications. So instead of
3 funding dollar amounts, the Commission is addressing
4 the proposed scores for each grant which translate to
5 dollar amounts that staff has recommended. The scores
6 that each grant receives translates to -- translates to
7 a final funding level, and you can see those on the
8 board probably on the right is the best one -- my right
9 to follow that process, so if you get lost in a sea of
10 numbers, it's because the Commission is doing its best
11 to try to ensure that the grant receives a proper score
12 under the competitive scoring system.

13 Okay. We'll start first with the local grants.
14 First grant to be heard is California City Police
15 Department, OR-741.

16 STAFF HOM: OR-741, California City Police
17 Department, Law Enforcement received a score of 68
18 points with a Division funding determination of
19 119,350.

20 COMMISSIONER THOMAS: What happened to Madera
21 County?

22 CHAIR SPITLER: Both on Consent.

23 COMMISSIONER WALDHEIM: Mr. Chairman, I have
24 asked Mike Marquart, Chief Ranger for the Ridgecrest
25 office to be here on behalf of California City, as he

26

1 works with them closely. So he's got a couple of words
2 that he wants to say on behalf --

3 CHAIR SPITLER: Sure. I'll just ask all
4 applicants, we were here until eight o'clock last night
5 getting through over a hundred grants, and we have a
6 big number to get through today. So all applicants and
7 the public, too, if you could keep your comments brief,
8 that could really help us make sure we can get through
9 the process and hear all of the grants that are before
10 us today.

11 MIKE MARQUART: As Ed said, my name is Mike
12 Marquart. I'm the Chief Area Ranger for the Ridgecrest
13 Resource Area, acting on behalf of California City
14 Police Department asking for full funding.

15 The California City Police Department and the
16 BLM as well as Kern County Sheriff's office provides a
17 great service for the OHV users of the region.
18 California City does a great job, not only within the
19 city, confines of the city, but also come out and
20 assist Kern County, as well as us in the Rands, as well
21 as the Desert Springs Jawbone area. They've provided
22 back-ups specifically to me on OHV issues, as well as
23 the rave parties in that region and do a bang-up job.
24 And I would ask the Commission to consider full funding
25 for them.

27

1 CHAIR SPITLER: Thank you. Okay. We'll go to
2 public comments. Nick Haris followed by Dave Pickett.

3 MEMBER OF THE PUBLIC: Pass.

4 MR. PICKETT: Dave Pickett, District 36,
5 Motorcycle Sports Committee. As Mr. Waldheim indicated
6 earlier, we've got a small amount of dollars for a
7 large amount of projects. I would ask consideration to
8 share the pain. I won't make a recommendation on the
9 dollar amount. But as Mr. Waldheim indicated, we've
10 got a lot of law enforcement grants and not enough
11 money. Keep that into consideration as you make
12 judgment. Thank you.

13 CHAIR SPITLER: Thank you. Don Amador.

14 DON AMADOR: You know, I just want to make an
15 observation. I know yesterday we didn't give law
16 enforcement money to Ukiah, which is a developed OHV
17 area, and here, nothing against California City, but as
18 far as I know, they don't have a developed OHV program
19 like some of the federal units. And I'm just puzzled
20 and would just ask the Commission to look at some of
21 this stuff because we're hosting some of the units that
22 are designed and developed for off-highway vehicle
23 recreation than other units that don't have an OHV,
24 per se. So it's just confusing to the public is my
25 comment.

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1 CHAIR SPITLER: Thank you. Don Klusman.

2 DON KLUSMAN: Don Klusman, California 4-Wheel
3 Drive Association. In going through all of the grants
4 that you approved or disapproved yesterday, there is
5 only one grant for law enforcement that would go above
6 even the staff recommendation for this grant, and that
7 was the one for Mendocino. All of the rest of the
8 counties, Forest Service, and BLM grants that you
9 approved yesterday for law enforcement were well below
10 this figure of the 119,350. I find it ironic that
11 we're going to give a city -- or thinking about giving
12 a city more money than you do for an entire forest area
13 or entire BLM area.

14 CHAIR SPITLER: Thank you. John Stewart.

15 JOHN STEWART: John Stewart, California
16 Association of 4-Wheel Drive folks. Cal 4, we support
17 law enforcement efforts in places where the opportunity
18 is provided and to actually help the agencies manage
19 their recreation program. That said, I want to point
20 out that this is a city, and going towards the city in
21 supporting of a city, which is not an agency managing a
22 recreation program. If it were a BLM agency, it would
23 be different. But it's going to a city; therefore,
24 from looking at this, I'll go with the staff
25 recommendation or actually grant score of what it is,

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1 is 119,350, even knowing that is excessive because this
2 is a city and not an agency managing OHV recreation.
3 Thank you.

4 CHAIR SPITLER: Thank you. Any other member of
5 the public want to comment on this grant?

6 COMMISSIONER WALDHEIM: Okay. Mr. Chairman, in
7 the defense of the city, since it's my city, no
8 prejudice here whatsoever, this city last Thanksgiving
9 Day weekend had 70,000 people come in a town of 11,000.
10 We're only a town of 11,000. The California City
11 Police Department are one of the most incredible folks
12 working for the health and safety of the visitors. The
13 fire department from Los Angeles County to Ridgecrest
14 to Randsburg, eleven helicopter flights were made out
15 on Thanksgiving Day weekend. They have 30 officers on
16 what you call reserves, inactive duty officers working
17 the area for health and safety issues.

18 A letter was distributed to you yesterday
19 because of the action of what the city did. Let me
20 finish this note by saying, if there's any question
21 about funding these rescuers, allow me to answer one
22 sentence. They saved my son's life. These guys are
23 incredible what they do out there, and you have to be
24 there to see what they're doing. Yes, California City
25 is not a designated OHV area. But when you have 70,000

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1 people come in a town, and they recreate in the area.
2 And of that 70,000, 40 percent of those go into the BLM
3 area, BLM couldn't possibly handle those kind of
4 people, even if we didn't have California City, we
5 couldn't handle it. These folks are -- they're tops.
6 In my book, they're tops. They're incredible.

7 They joined with BLM and with the Kern County
8 Sheriff. We have a good working group, every month we
9 meet with all of the agencies, including the Highway
10 Patrol sometimes come to your Friends of Jawbone
11 meeting. We coordinate helicopters. We coordinate
12 rescue. They're incredible. So this is one that I am
13 definitely going to work for, and I'm going to change
14 the criteria based on what they're doing out there, the
15 education program they're doing. They have a Cal Pals
16 program. They train youth on a regular basis to come
17 to the program. You have to come to see it. People
18 just do not understand. How can a city possibly be
19 doing that. You have to be there to see what these
20 folks are doing, incredible. I didn't know what they
21 were doing until I moved to the town. It's mind
22 boggling.

23 So I would like to change the first criteria
24 number to fifteen, the second criteria to 18, the third
25 one to 25, the application demonstrates protect 15 --

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1 COMMISSIONER ANDERSON: You're going to go above
2 the allocated number?

3 COMMISSIONER THOMAS: It's an innovation from
4 yesterday.

5 COMMISSIONER WALDHEIM: No, 15 is the first one,
6 18 is the second one, 25 on the third one, 15 on the
7 fourth one, 15 on the last one.

8 CHAIR SPITLER: You missed one in there, Ed.

9 COMMISSIONER WALDHEIM: That's all I got in this
10 book here. I come up to 98. Oh, I'm missing one in
11 here. So ten. Sorry about that, I didn't write it
12 down. So it's 98, should be 98 points to come up to 17
13 for the full funding. I would like to make a motion
14 for that.

15 STAFF: Ed, what were your last three numbers?

16 COMMISSIONER WALDHEIM: 25, 15 and 15.

17 STAFF: Thank you.

18 CHAIR SPITLER: Is there a second?

19 COMMISSIONER THOMAS: Second.

20 CHAIR SPITLER: Discussion.

21 COMMISSIONER BRISSENDEN: Is that sharing the
22 pain, Ed?

23 COMMISSIONER PRIZMICH: That's what I was going
24 to ask. We have Imperial County that has suffered a
25 significant law enforcement hit, and they have a lot of

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1 people in terms of percentage wise, probably more than
2 what you're experiencing here. And I don't minimize
3 it. I live and work in a county that is impacted every
4 weekend by the influx of visitors recreating. So I
5 understand the dilemma. But given what was stated
6 earlier, that we need to -- I think this 119,000, I
7 think this is their second or third year in operation.

8 COMMISSIONER WALDHEIM: They have been there for
9 a lot longer.

10 COMMISSIONER PRIZMICH: In terms of us giving
11 out money, I think it's been relatively -- I think
12 that's a generous offer. And while I obviously support
13 any law enforcement efforts, I'm also concerned, as you
14 have stated earlier, that we have a lot of requests,
15 significant requests, significant need, and I'd hate to
16 see this one win out over all of the rest.

17 COMMISSIONER WALDHEIM: Mr. Chairman, if I may,
18 I've already taken that into consideration in the work
19 that -- on the sheets that we've done. I've already
20 accounted for that. I haven't accounted for the
21 160,000 we're out yet. I'm still working on that.

22 COMMISSIONER PRIZMICH: Well, if you could fix
23 that, then we would be okay.

24 COMMISSIONER WALDHEIM: In answer to the
25 Imperial County, when we get to that point, I think we

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1 have that covered.

2 COMMISSIONER PRIZMICH: That's good news.

3 COMMISSIONER WALDHEIM: We have that covered.

4 COMMISSIONER PRIZMICH: Do you hear that, Hal?

5 COMMISSIONER WALDHEIM: I already talked both to
6 the sheriff and talked to the BLM, to Vicky and to Ron,
7 I already talked. And I'll present that to you when we
8 get to their points. So Imperial Sheriff, I think we
9 have that covered, how we can do that.

10 The only thing I want to point out, that the
11 70,000 visitors was just on one day -- I mean just on
12 one weekend. It's close to 300,000 people that we get
13 throughout the year. The only thing I want to point
14 out, too, is that there is an overlap where they are
15 helping Mike in the BLM area, too, because he is
16 totally understaffed in a stressed area.

17 COMMISSIONER PRIZMICH: I have no question that
18 there is a lot of good work going on. It's the money
19 that we were dealing with.

20 COMMISSIONER WALDHEIM: There is one other point
21 that I want to -- one of the issues that personally
22 we're fighting to, I'm on the committee, to work on
23 special assessments for the city. They have a per
24 parcel assessment that they have to do in order to pay
25 for the police department and pay for the fire and

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1 those folks in there. In one of the last elections,
2 the issue continued coming, those off-roaders shouldn't
3 be costing us money for the taxpayers. Those
4 off-roaders are costing us taxpayer money.

5 This grant makes it possible that we can make
6 sure that those citizens know we are paying our own
7 way, that it is not costing the property owner any
8 money out of the police department to run this program.
9 And so this has been the savior for us if we do that.
10 Because as you well know there's -- most cities are not
11 welcoming off-roaders into their town. This is one
12 city and one city council that welcomes the folks.

13 COMMISSIONER PRIZMICH: They're deriving a
14 financial benefit from that, as well; you recognize
15 that.

16 COMMISSIONER WALDHEIM: The few businesses that
17 we do have, if you ever come to town, there's not that
18 many businesses. We have three restaurants and two gas
19 stations. So those guys, yes, definitely are impacted,
20 but you don't have the big numbers as you normally
21 would in a town because we just don't have that much.
22 We don't even have a hotel. So it has some benefit,
23 but not that much.

24 COMMISSIONER BRISSENDEN: I have some real
25 concerns of going above zero on this one. So we're

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1 going to have convince me a lot more than that. I've
2 heard from Mr. Amador and Mr. Klusman that we're not
3 being fair here, and this is over the top, Ed. In my
4 backyard, we Xed out 200,000 yesterday. So I think
5 sharing the pain, you're not doing it here.

6 And the other question I have is doesn't this
7 jurisdiction have access to money through other sides
8 of this granting, this taxing in terms of counties and
9 cities? Don't they have another access point?

10 COMMISSIONER WALDHEIM: No.

11 COMMISSIONER BRISSENDEN: No.

12 CHAIR SPITLER: We have a motion and a second.
13 I hear an amendment coming somewhere, maybe I'll try to
14 move the process along a little bit.

15 COMMISSIONER BRISSENDEN: Well, not having a
16 real comfort level with this whole criteria process, I
17 will put zeros in all of those at this time, as my
18 number.

19 CHAIR SPITLER: Is there a second?

20 COMMISSIONER THOMAS: Try again.

21 COMMISSIONER PRIZMICH: I would like to move
22 staff recommendation.

23 COMMISSIONER BRISSENDEN: Four tens.

24 CHAIR SPITLER: Sorry, you were beat to the
25 punch by the Commissioner.

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1 COMMISSIONER ANDERSON: I'll second

2 Mr. Prizmich.

3 CHAIR SPITLER: Amendment to move to staff
4 recommendations. More discussion.

5 COMMISSIONER THOMAS: Mr. Waldheim, what are you
6 thinking about? I look to you for your advice.

7 COMMISSIONER WALDHEIM: When the statements are
8 made that this is a city that doesn't have any other
9 recourses for -- they don't have a federal budget.
10 They don't have any state budget to help off-roading,
11 it just doesn't exist. The worry that I have is that
12 if the powers that be, those people who don't like
13 off-roading, get a handle or get an upper hand in that
14 city like it's happened in Riverside County, like it's
15 happening in San Bernardino County, I would hate to see
16 what happens because you've got 300,000 people coming
17 in, and it's just growing. Every day it's just
18 growing. If those people, if it ever gets to the point
19 where the powers change the mechanism of the politics
20 in the town and they ban us, here goes another one.
21 Where are they going to go? Mike can't handle them in
22 the Rands. He can handle a little bit in Jawbone, Dove
23 Springs maybe. We're just getting maxed out. It's
24 getting maxed out.

25 And the more we do -- and this is the beauty

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1 about this, it's California City property. There's
2 property owned by individuals, but there's also a lot
3 owned by the city itself and there's BLM land, there's
4 unclassified land inside of these parcels in there
5 where they ride. And so it's a win/win for everything.
6 There's no resource damage whatsoever because these are
7 houses or subdivisions that -- sometimes it will be a
8 house that will be subdivided 20 years or 50 years down
9 the road, if that. It's an incredible opportunity for
10 the Southern California people to come to.

11 For those folks, my colleagues over here who
12 say, well, it's not fair, you have to be there to
13 understand it. You just have to see what it is. It's
14 just totally mind boggling. And the former director of
15 the BLM of the California City, when we did -- BLM,
16 Linda Hanson when she came, she was actually admiring
17 the cooperation we have between the three agencies --
18 actually, the four agencies, including the CHP that we
19 have in that area. This also funds Air 19. Air 19 is
20 a helicopter unit that goes all over that whole area.
21 It goes everywhere, I believe, Mike, right? It covers
22 an incredible area, so we're also funding a helicopter
23 area. The other folks, they do have some other
24 resources. This place does not have any other
25 resources. They're stuck.

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1 CHAIR SPITLER: Commissioner Anderson.

2 COMMISSIONER ANDERSON: Mr. Brissenden, I'm
3 familiar with this area. I don't agree with Ed that
4 their needs are sufficient to change these numbers, but
5 the primary -- my primary concern in raising to full
6 funding, giving them any money, is that the Desert
7 Tortoise Natural Area, the main source of impacts into
8 the Desert Tortoise Natural Area really come from the
9 adjacent use in California City. So having law
10 enforcement on the California City lands in my mind
11 protects and aids in the protection of the Desert
12 Tortoise Natural Area, immediately to the north and
13 west.

14 COMMISSIONER BRISSENDEN: Is that called out on
15 the grant application because that's what we found --
16 or as Commissioner Thomas found overnight, we have X'd
17 out a few grant situations yesterday that have impacted
18 some of our greatest concerns. So I'm real concerned
19 about whether or not that specific issue --

20 COMMISSIONER ANDERSON: I would be happy to put
21 in a -- suggest controlling language which indicates
22 that one of the concerns should be obviously health and
23 safety for the riders who are riding within the city
24 limits of California City, but also to aid in the
25 protection of the Desert Tortoise Natural Area.

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1 COMMISSIONER WALDHEIM: Mr. Chairman, I
2 personally ride the fence line of the tortoise
3 preserve.

4 CHAIR SPITLER: On which side?

5 COMMISSIONER WALDHEIM: That's a good point,
6 touch, one for you. Good point.

7 And any time there is -- Mr. Beck is over there.
8 He gets my e-mails. He gets his e-mails on a regular
9 basis when we find there is a problem with the fence so
10 the staff can go and fix that. We also have two
11 preserves, one is for the Cal Fish and Game, and the
12 other one is for U.S. Fish and Wildlife Service.

13 They're fenced around -- they have fences around those
14 areas, but, yes, tortoises are definitely a thing that
15 we deal with, and we're definitely protecting it and
16 we're definitely working on that, yes. It's hard, but.

17 CHAIR SPITLER: Okay. I'm going to try to wrap
18 this up, unless there is more discussion that has to be
19 had on this one.

20 We've got a motion and amendment, can we move
21 this to a vote?

22 COMMISSIONER BRISSENDEN: I will. There's some
23 sidebars that I need to talk to Commissioner Waldheim
24 about because every jurisdiction has the same issues he
25 brought up. We have two million visitors, and a

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1 population of 1200 a year. Those arguments don't hold
2 anything for me. So I'm really concerned about this
3 process and these dollars. So with that said.

4 COMMISSIONER THOMAS: So your motion is what?

5 COMMISSIONER BRISSENDEN: Zero.

6 COMMISSIONER ANDERSON: His motion was zero, but
7 the one on the floor is Mr. Prizmich's.

8 COMMISSIONER PRIZMICH: Right. It's staff.

9 COMMISSIONER ANDERSON: Which is staff.

10 CHAIR SPITLER: So we have a motion for
11 217,000 -- a score of 98 for a funding level of 217,000
12 and an amendment for the staff recommended score of 68,
13 a funding level of 119,000. We'll vote on the
14 amendment first. That would amend the score to 68 and
15 funding level of 119,000.

16 COMMISSIONER THOMAS: Now, Mr. Chairman, what
17 about the control? Is that on the table or off the
18 table?

19 CHAIR SPITLER: That's not part of any of the
20 motions that are being concerned, but we can do that in
21 a separate motion after.

22 So, Sandy, if we can do a roll call vote on the
23 amendment to amend the motion to the staff recommended
24 score of 68.

25 MS. ELDER: Anderson.

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1 COMMISSIONER ANDERSON: Aye.
2 MS. ELDER: Brissenden.
3 COMMISSIONER BRISSENDEN: No.
4 MS. ELDER: Spitler.
5 CHAIR SPITLER: Aye.
6 MS. ELDER: Thomas.
7 COMMISSIONER THOMAS: Abstain.
8 MS. ELDER: Prizmich.
9 COMMISSIONER PRIZMICH: Aye.
10 MS. ELDER: Waldheim.
11 COMMISSIONER WALDHEIM: No.
12 CHAIR SPITLER: Okay. The amendment carries.
13 The original motion now has been amended to the staff
14 recommended score of 68.
15 COMMISSIONER THOMAS: No, it doesn't carry.
16 Abstentions are noes, I think.
17 CHAIR SPITLER: We had three ayes, two noes, and
18 one abstention.
19 COMMISSIONER THOMAS: Abstentions are no.
20 CHAIR SPITLER: Counsel.
21 COUNSEL GETZ: Abstention has the effect of
22 becoming a no, but I'm not sure an abstention is a no,
23 but it has the impact of being a no. It isn't a
24 recorded vote of a no, but that's the import.
25 COMMISSIONER THOMAS: Right.

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1 COUNSEL GETZ: Basically you have, not a tie
2 vote, but you don't have a majority. So it's the same
3 effect. You have no action. You have to make another
4 motion, try another motion, to see if that works. It's
5 a non-action. I see Mr. LaFranchi has some thoughts on
6 this, too.

7 COUNSEL LaFRANCHI: Yes. Roberts Rules would
8 say that you must have a majority vote. So abstention
9 results in just what Mr. Getz said. However, to
10 reconsider you would have to have a motion by one --
11 there would have to be a reconsideration of that
12 because that's a final action, unless it's a new
13 subject matter. So another motion on the same subject
14 wouldn't be appropriate. You would have to come up
15 with a motion to reconsider by someone -- one of the
16 members on the winning side, which would be the losing
17 side.

18 COMMISSIONER ANDERSON: This was a vote.

19 COMMISSIONER WALDHEIM: This was an amendment.

20 COMMISSIONER ANDERSON: This was a vote on the
21 amendment, so the amendment failed.

22 COUNSEL LaFRANCHI: I'm just outlining what the
23 Roberts Rules would require, even for an amendment.

24 CHAIR SPITLER: Okay. So we have a -- now, we
25 have a motion on the table for the level of -- score of

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1 98 which translates to a funding level of 217,000.
2 Sandy, can we do a roll call vote, please.
3 MS. ELDER: Anderson.
4 COMMISSIONER ANDERSON: No.
5 MS. ELDER: Brissenden.
6 COMMISSIONER BRISSENDEN: No.
7 MS. ELDER: Spitler.
8 CHAIR SPITLER: No.
9 MS. ELDER: Thomas.
10 COMMISSIONER THOMAS: Abstain. It's a no.
11 Three noes, it's not passing. Abstain.
12 MS. ELDER: Prizmich.
13 COMMISSIONER PRIZMICH: No.
14 MS. ELDER: Waldheim.
15 COMMISSIONER WALDHEIM: Yes.
16 MS. ELDER: Four noes, one aye, and one abstain.
17 COMMISSIONER WALDHEIM: Mr. Chairman, can we
18 make a motion back again to what Mr. Prizmich did to
19 make a motion to give staff recommendation?
20 COMMISSIONER PRIZMICH: With the control
21 language included this time.
22 CHAIR SPITLER: You'd need a two-thirds vote to
23 reconsider.
24 COMMISSIONER THOMAS: I'll move to consider
25 staff with control language. I'm on the prevailing

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1 side, I can do that.

2 COMMISSIONER PRIZMICH: I'll second that.

3 CHAIR SPITLER: Can you state your control
4 language?

5 COMMISSIONER THOMAS: That the funds be
6 prioritized for the law enforcement in the vicinity of
7 desert protected areas, Desert Tortoise protected
8 areas.

9 COMMISSIONER WALDHEIM: Which they are.

10 COMMISSIONER THOMAS: I'm sure it's already.

11 COUNSEL GETZ: I think you have to take a motion
12 to reconsider. Once that passes, you change in on the
13 main.

14 CHAIR SPITLER: So we'll do a --

15 COUNSEL GETZ: One requires two-thirds, one does
16 not.

17 CHAIR SPITLER: So let's start with a motion to
18 reconsider by Commissioner Prizmich, seconded by
19 Mr. Thomas. Motion to reconsider. Discussion? All
20 those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Opposed.

23 COMMISSIONER BRISSENDEN: No.

24 CHAIR SPITLER: Okay.

25 COMMISSIONER WALDHEIM: I'd like to make a

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1 motion we do the staff recommendation.

2 COMMISSIONER PRIZMICH: With the control
3 language.

4 COMMISSIONER THOMAS: With the control language
5 as articulated earlier.

6 COMMISSIONER WALDHEIM: Fine.

7 CHAIR SPITLER: Okay. We have a motion and a
8 second. Is there more discussion? Okay. All those in
9 favor?

10 (Commissioners simultaneously voted.)

11 CHAIR SPITLER: Opposed?

12 COMMISSIONER BRISSENDEN: No.

13 CHAIR SPITLER: Motion carries. Thank you.

14 Okay. OR-734 Camp Fire USA.

15 STAFF HOM: OR-734 Camp Fire, Safety scored 91
16 points with Division funding determination of 80,100.

17 CINDY SZLOBODA: Good morning staff,
18 Commissioners, colleagues, friends, concerned citizens.
19 I think next year I'll move to the north, it sounds
20 like and head up there.

21 It's with honor and heartfelt gratitude that I'm
22 here today to share the joy and accomplishments of your
23 efforts in funding of our services. At this time I'd
24 like to pass the floor to public comment, and would be
25 honored to address any questions after.

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1 I would like you to please consider -- as our
2 speakers comment both on our grant and throughout the
3 process, I would like to encourage the Commissioners to
4 actually consider the feedback, both positive and
5 negative. Many of the speakers have put a lot of
6 years, hours, miles, thoughts, compromises, time and
7 talent into this process, and I would request starting
8 today and now that the Commissioners start utilizing
9 their efforts by giving them consideration when
10 implementing your decisions. I would like to open it
11 to the floor, please.

12 CHAIR SPITLER: Okay. We'll go to public
13 comment. Bruce Brazil, followed by Tom Tammone.

14 BRUCE BRAZIL: Good morning. Bruce Brazil,
15 California Enduro Riders Association. Being a Northern
16 California resident, I didn't look very thorough
17 through a lot of the requests from Southern California.
18 But this one kind of caught my eye. I was wondering
19 what the Camp Fire girls are doing applying. But when
20 I read through the grant request, I found out that was
21 not the case. What they're asking for as far as
22 funding for training people on off-road vehicles, both
23 in the operation, safety, ecological aspect of it, I
24 think is doing a great service for the whole OHV
25 community. I would recommend full funding for this.

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1 Thank you.

2 CHAIR SPITLER: Thank you Tom Tammone.

3 TOM TAMMONE: Tom Tammone, California Trail
4 Users Coalition. I would like to support full funding
5 of this grant by both scoring system, both what's
6 proposed and know what Division put up, that public
7 input was taken on. I've participated in every meeting
8 in developing that process, and I do believe this grant
9 is well within the scoring complex, both within the
10 spirit of what the public intended. This grant does
11 deserve its score. I think it deserves higher. The
12 area of volunteer participation, I don't feel is
13 adequately captured. Basically I don't think there is
14 a more skilled grant writer in the world who could
15 possibly explain the value of over 200 volunteers that
16 donate over 5,000 hours annually.

17 All I want to say is no matter what you do for
18 advertising, you've got to contact people on the
19 ground, and I'll show you why. Over here is a box that
20 I found sitting next to a trash can by the dealership I
21 work in Huntington Beach. Didn't even get a chance to
22 ride his ATV and brand new had taken his stock muffler
23 and all kinds of stuff off of it, put new ones on. So
24 it's just -- and he just threw it away. So I hope he
25 put one on that has a spark arrester on it. Brand new

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1 muffler, I don't know what he did -- he didn't put on
2 the brand new exhaust grommet because that's still
3 sitting in the box. So I don't think he's too
4 concerned about the noise of whatever it was he put on
5 there. These are about seven or \$800 I think from what
6 someone told me, so some day I'll sell it back to him
7 after he gets a ticket. And I guess he decided he
8 didn't need a couple of other things, too, like the
9 owners manual. That's still in the box with it. And
10 tips for practicing guide for ATV rider, all your Tread
11 Lightly material, everything that all of the
12 dealerships and everyone came a long way to develop,
13 didn't even get on his bike, didn't even start it, in
14 the trash. The only way you can meet these people and
15 deal with them is you got to get the volunteers out on
16 the ground. And there is no way you can put a price on
17 that. Thank you.

18 CHAIR SPITLER: Thank you. Ray LeLoup.

19 RAY LeLOUP: Ray LeLoup, El Centro Field Office.
20 I'm the Chief Law Enforcement Ranger for El Centro. We
21 would like to support this grant. They do a lot of
22 good things for the kids out there on the ground, so
23 that's the position of El Centro.

24 CHAIR SPITLER: Bill Dart, followed by Nick
25 Haris.

1 BILL DART: Bill Dart with the Off-Road Business
2 Association, and we really strongly feel that this
3 grant deserves full funding. Safety, education, and
4 education in general is hugely important. We urge you
5 to do this for the children.

6 CHAIR SPITLER: Nick Haris, followed by Dave
7 Pickett.

8 NICK HARIS: Nick Haris, Nick Haris, American
9 Motorcycle Association. Good morning, Commissioners, I
10 have come to you every year this grant has been up and
11 supported it for full funding. And I would like to see
12 the score bumped a little bit. It's a very small
13 amount of money for the amazing work they do and the
14 number of volunteers they get. Thank you.

15 CHAIR SPITLER: Dave Pickett.

16 DAVE PICKETT: Dave Pickett, District 36,
17 Motorcycle Sports Committee. This grant is what this
18 program is all about. There's nothing more powerful
19 than the passion of a volunteer. And through the years
20 this organization has put every single penny to
21 positive use across the board. District 36 strongly
22 urges the Commission to give this grant full funding.
23 Thank you.

24 CHAIR SPITLER: Don Amador followed by Don
25 Klusman.

1 DON AMADOR: Don Amador, Blue Ribbon Coalition.
2 We would support full funding of this grant. The
3 triangle of a successful program, you have enforcement,
4 engineering and education. We've spent a lot of time
5 on the last day talking about enforcement and some
6 other issues, but not a lot about education. I think
7 this grant fulfills that one leg of the triangle. I'd
8 like you to consider full funding.

9 CHAIR SPITLER: Don Klusman, John Stewart.

10 JOHN STEWART: Good morning, Commissioners, John
11 Stewart, California Association of 4-Wheel Drive Clubs.
12 Cal 4-Wheel believes strongly in enforcement and
13 education, and one cannot go without the other. I'd
14 also like to point out that one very -- one aspect of
15 this grant is this is aimed at a new generation of
16 people. This is aimed at our youth. This teaches them
17 safety. This teaches them environmental ethics. This
18 teaches them how to ride. This teaches them about
19 responsible recreation. This is something that we
20 in -- the generation that we need to reach out to. We
21 need to attract and bring in to a point where they know
22 what it is, what is the proper operation, the safety
23 procedures, and the environmental ethics. We have
24 spent many hours trying to figure out how to reach the
25 youth of our nation. This is something that is

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1 working. This is a program that is working, that shows
2 benefit, reaps benefits, and the future of the health
3 of the environment and that will benefit. This program
4 deserves full funding. Thank you.

5 CHAIR SPITLER: Thank you. Heath Wakelee.

6 HEATH WAKELEE: Heath Wakelee, Audubon Society.
7 We fully support this grant in its full amount. We
8 believe also that education is the key and believe that
9 this program does provide valuable -- both riding
10 information and environmental education. Thank you.

11 CHAIR SPITLER: Thank you. Is there anyone else
12 from the public who wants to comment on this?

13 LOIS SILVERNAIL: Lois Silvernail from CORVA.
14 As a member of CORVA and also as a member of the
15 stakeholders group from the State Parks, we have to
16 endorse this grant. Our youth is a big thing with our
17 sport. My daughter always teases me and asks me what
18 in the heck are you doing and why are you doing it,
19 mom. I said I'm doing it for the youth, so my
20 grandchildren can go out there and enjoy this. And to
21 do that properly we have to train these children. And
22 this is one of the best programs for that. It's the
23 safety classes and that. So as a member of CORVA, we
24 just started a new into dirt program within our
25 organization. And basically it's about safety and

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1 usage. So certainly as a member of CORVA, we have to
2 take and sponsor anything in that and help them out to
3 get these going and on the ground. So CORVA definitely
4 hopes that you fund this a hundred percent.

5 CHAIR SPITLER: Thank you. Okay. Anyone else
6 from the public want to comment on this grant.

7 COMMISSIONER ANDERSON: I have a question.

8 CHAIR SPITLER: Commissioner Anderson.

9 COMMISSIONER ANDERSON: A question for the
10 applicant. Could you tell me how many students go
11 through your program?

12 CINDY SZLOBODA: I sure can. What I'd like to
13 show you is nine one one. So it depends on how you
14 want to count them. We have nine program leaders. We
15 have eleven programs. For the audience, for the
16 Commission, as being an elementary school teacher, this
17 equals -- not funding equals emergency disaster for the
18 OHV program. So I can break it down for you, but we do
19 have eleven programs going. So if we consider just the
20 mandatory ATV school, we can do four students at a
21 time. That's why the cost efficiency, that is what the
22 law is. That's what we can do. It takes us about
23 five-and-a-half hours to do four students, and then we
24 usually transport them, as well. I have it broken down
25 in several components. But if you would like an

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1 overall, do you need it by year or would you like a
2 total?

3 COMMISSIONER ANDERSON: Just an overall for one
4 year.

5 CINDY SZLOBODA: For hands-on, face to face that
6 we're actually with them, probably 900 points of
7 contact. We're in excess with the Adventure Trail
8 Program from NOVAC. We have three stations of that,
9 one permanent at Gold Rock Ranch, and two, one with our
10 U-Haul trucks that we're doing in the Imperial Sand
11 Dunes, and the other that we take to schools. And at
12 that point we're in excess of 12,000 points of contact.
13 So we've done for this year, which wasn't in our grant
14 last year, we've already started it, we've distributed
15 2,000 Adventure Trail Books, and have them take the
16 test. And that was exceeding our grant expectations
17 from last year.

18 CHAIR SPITLER: Would you say how old the kids
19 are in your program?

20 CINDY SZLOBODA: Actually, situated on an ATV or
21 dirt bike, they need to be six. But that's just one
22 component. We have eleven programs. The coloring
23 books are for ages two and up. The families come out
24 and now the trend is going to these mini sand rails,
25 and so our big concern about them is parents putting

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1 them in safety seats and strapping them in. Because on
2 the last Thanksgiving weekend, a young boy was ejected
3 and killed from a four-wheel drive vehicle. So as far
4 as education, many of our volunteers, in excess of 200
5 volunteers, are retired people. As far as the
6 education, the concern is the newborn ride-out because
7 that's a big deal. Mom and dad want their time, and
8 they just put them in the wrong safety seats.

9 COMMISSIONER ANDERSON: Thank you.

10 COMMISSIONER THOMAS: You know, I'm a little
11 worried about funding a program that's taking five year
12 olds and six year olds out on a machine. Anyway, let
13 me ask a couple of questions. This \$89,000, that's
14 your applied grant, right?

15 CINDY SZLOBODA: That's the applied, but we
16 would like to go with staff recommendations on it.

17 COMMISSIONER THOMAS: But that's what you asked
18 for. How much of that is administrative overhead?

19 CINDY SZLOBODA: I had broken it down on there.
20 Again, just from reviewing those grants, I put my
21 salary in as a matching grant. When you're talking
22 administrative overhead, none of our national fees,
23 that's 2.5 percent, there's none of that. Anything
24 that would be administrative would be us actually
25 phoning, having the secretary taking the calls for

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1 people reserving for classes.

2 COMMISSIONER THOMAS: If you could give us a
3 number.

4 CINDY SZLOBODA: About \$1500 maybe, because most
5 of our staff does that volunteer.

6 COMMISSIONER THOMAS: I was looking at the grant
7 application. I actually went and got the grant
8 application today, and it looked like 25 percent in
9 your underlying grant application was administrative
10 overhead.

11 CINDY SZLOBODA: Are you looking at the project
12 costs deliverables? So the last line under there,
13 administration, phone, executive director, website,
14 Internet service?

15 COMMISSIONER THOMAS: 48,000, 25 percent of the
16 grant.

17 CINDY SZLOBODA: Right. Like I say, I put that
18 as a match as my volunteer salary.

19 COMMISSIONER THOMAS: Well, that's not a cost.
20 It shows up as a cost.

21 CHIEF JENKINS: If you look there at that last
22 line, \$48,000 shows as the cost. It shows the next
23 column over, 42,000 of that is match.

24 CINDY SZLOBODA: That is correct.

25 CHIEF JENKINS: So she's only asking for six.

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1 COMMISSIONER THOMAS: So \$6,000 is coming from
2 the grant, so it's \$6,000 of overhead total?

3 CINDY SZLOBODA: Yes, if you would consider all
4 of those overhead, whatever, in the phone, the
5 Internet, the website.

6 COMMISSIONER THOMAS: Can you tell me what the
7 overhead is here, because it's, at best, confusing and
8 perhaps at worst --

9 CHIEF JENKINS: The easier way to look at this
10 is to go and just look at the larger perspective on the
11 page if you look down at the bottom under the match
12 column, the next to the last column. For the total
13 program they're providing \$125,000 of match for the
14 \$89,000 that they're asking for.

15 COMMISSIONER THOMAS: And the \$6,000 of
16 overhead -- actually it's \$10,000 of overhead on
17 89,000; is that right?

18 CHIEF JENKINS: This is direct support.
19 Administrative overhead would be \$6,000 that they're
20 asking for, correct.

21 COMMISSIONER THOMAS: So it's a total of ten,
22 insurance, DMV fees, all of that on 89, so it's about
23 ten percent, a little more than 12 percent overhead.

24 CHIEF JENKINS: That would be rough numbers.

25 COMMISSIONER THOMAS: Okay. Thank you.

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1 CINDY SZLOBODA: Thank you.

2 COMMISSIONER WALDHEIM: Mr. Chairman, Harold
3 Soens asked me to make sure that we give them at least
4 50 percent of what staff had recommended. The parody,
5 it's ironic. If we're looking at staff's
6 recommendation what we just did with California City,
7 they also are ASI instructions. They're also dealing
8 with children and educating people, yet we're dealing
9 with 300,000 people. Where there is no law enforcement
10 whatsoever in it, so it's kind of ironic, you know.

11 And the other thing that we, as a commission,
12 need to deal with is this whole education program.
13 We're having a little piecemeal here, piecemeal here,
14 piecemeal here. And I've ask the Deputy Director, even
15 the stakeholders that we need to look at this entire
16 education program on a statewide basis to have a
17 concentrated effort on where we're going with this
18 education program. It's desperately needed. It's an
19 element that has to be done, but everybody is doing
20 their little corner, you know, and we're not maximizing
21 our dollars on this whole thing.

22 CINDY SZLOBODA: If I could refer you to the
23 efficient use of funds, and that's what we've tried to
24 collaborate with the BLM, and we have incorporated the
25 NOVAC and all of the agencies. We're not reinventing

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1 the wheel. We are actually incorporating with the
2 California Trail Users on their sound program and
3 working on going that direction. So we are actually
4 putting a bunch of agencies together and delivering the
5 program. So I think we're on the right page there of
6 actually getting people, but you need the teachers out
7 there to get it. That's what they're saying. We are
8 putting the programs together to deliver them to both
9 nonusers and users alike. The whole part of our
10 program --

11 CHAIR SPITLER: I'm going to actually interrupt
12 you because we're actually in the Commission discussion
13 portion. So if we have questions, we'll ask them.

14 COMMISSIONER WALDHEIM: Mr. Chairman, I would
15 like the score that we had -- that I had put in the,
16 number one would be ten; the application, harm public,
17 six; next one demonstrates proposed project, 15;
18 proposed OHV population was zero; demonstrates
19 improvement, 15; and the volunteers ten, bring it to
20 56. That would provide us 40,050. And this is
21 something that I went over these with Harold Soens from
22 San Diego Coalition, and that's how I got to the
23 scoring on this.

24 CHAIR SPITLER: Is that a motion?

25 COMMISSIONER WALDHEIM: That's a motion.

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1 CHAIR SPITLER: Is there a second?

2 COMMISSIONER THOMAS: I'll second it for
3 discussion.

4 CHAIR SPITLER: Okay. There is a motion and a
5 second. I have a hard time understanding under the
6 third criteria here how this application demonstrates
7 that the project provides a required OHV training, when
8 you're talking about six year olds on all terrain
9 vehicles, I just can't see that as a required training.

10 CINDY SZLOBODA: Is that a question?

11 CHAIR SPITLER: No, it's not a question.

12 CINDY SZLOBODA: Okay.

13 COMMISSIONER WALDHEIM: There may be a few, but
14 there's a whole bunch of kids from 16 and under who
15 have to take the required training from the ATV
16 courses. I mean it's mandatory that they do that. The
17 issue that Mr. Tammone showed up with people just
18 totally throwing out the muffler and that, that is a
19 big issue that we need to definitely deal with. And
20 Mr. Dart can show you later in public comments what he
21 did two days ago in trying to address the sound issue,
22 so he's right on target in trying to get the
23 manufacturer to do that, but that's a different issue
24 than the training right now.

25 COMMISSIONER THOMAS: I have a question for

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1 staff. I mean aren't we worried about funding and
2 liability for funding of programs where six years old
3 are driving motor vehicles? Are you saying you're --
4 we're self-insured, right?

5 CHIEF JENKINS: This is a pretty
6 well-established program. The guidelines that they
7 work under and the program kind of overlay that
8 provides safety training. It's used throughout the
9 state, it's good. There has not been --

10 COMMISSIONER THOMAS: So the answer is, no,
11 you're not worried about funding -- liability
12 associated with funding six year olds on motor
13 vehicles.

14 CHIEF JENKINS: No, we're not. As a matter of
15 fact, I would think we would be more concerned if we
16 make no effort to make this kind of education training
17 with not providing some sort of effort to make sure
18 that the activities going are safe.

19 COMMISSIONER THOMAS: I understand your point of
20 view. I'm not comfortable voting on a program without
21 some kind of minimum age.

22 COMMISSIONER PRIZMICH: I don't know that that's
23 our position to be deciding how parents are going to
24 have their kids.

25 COMMISSIONER THOMAS: No, I just don't want the

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1 government funding a program where you put six year
2 olds --

3 COMMISSIONER PRIZMICH: In effect, it's the same
4 thing.

5 COMMISSIONER THOMAS: I was trying to extend
6 some funding, but I'm voting no in the absence.

7 COMMISSIONER WALDHEIM: Mr. Chairman, the ASI,
8 they have very strict rules on age limits on which
9 vehicle they can go on. So when Cindy starts training
10 folks she's not going to put a six year old on a 250.
11 It's going to be a 50cc. I would much rather train
12 these people, which is what the California City people
13 do with their training, too. I would rather train them
14 than not train them.

15 The option of not training, that's not an
16 option. We have to train people. My only worry is
17 that we should be doing this completely statewide
18 everywhere this should be done, on a continuing basis,
19 and we wouldn't have the mufflers thrown on the side of
20 the garage that we have. We've got to start with the
21 kids. The old folks, they're just set in their ways,
22 they're never going to reach them. So we got to start
23 with our children.

24 Law enforcement can deal with the old folks.
25 It's the education that needs to take care of the young

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1 kids. We have to do that. The only thing -- again,
2 we're doing the budgetary constraints, how we're doing
3 it, I'm hoping that the Division in the near future
4 with the stakeholders' help will come up with a
5 comprehensive program statewide that the Cindys of the
6 world and the Cal Cities of the world can get funding
7 or we can get resource into the OHV program on a bigger
8 scale than we're doing a little bit here and a little
9 bit there. Everybody is doing their own little thing,
10 and we need to really put some money into it.

11 COMMISSIONER THOMAS: I move the vote, move the
12 question.

13 CHAIR SPITLER: Okay. Is there more discussion?

14 COMMISSIONER BRISSENDEN: Just one quick
15 question. What was the level of funding last year?

16 COMMISSIONER WALDHEIM: 48,000.

17 CHAIR SPITLER: I just have one question. If
18 you could just tell us, what percentage of the funding
19 that you're asking for is for education of kids under
20 the age -- or riding kids under the age of 16?

21 CINDY SZLOBODA: That would be the ATVs and dirt
22 bikes, and that's probably 20 to 25 percent of our
23 program.

24 CHAIR SPITLER: Okay. Thank you.

25 So we could ensure through control language that

1 the deliverables of this grant, if we funded it at the
2 partial funding level, the deliverables won't be used
3 towards providing riding for kids under the age of 16.

4 COMMISSIONER ANDERSON: Sixteen?

5 COMMISSIONER WALDHEIM: No way you can do that.
6 No way. That's not the law. That's not the law, Mr.
7 Chairman. Mr. Spitler, Ed Waldheim, it is not the
8 position of this Commission to start dictating which
9 has been agreed to by courts and lawsuits and consent
10 decrees that was put on to this industry. That's why
11 this whole program was created in the first place, to
12 do the educational program. That was part of the
13 settlement agreement to do that. And we are continuing
14 to do that on a statewide basis. Mind you, we need to
15 do it better. But that's not within the purview of
16 this Commission to make a decision that the courts have
17 already ruled.

18 CHAIR SPITLER: We have a motion on the table.
19 Is there more discussion or should we move to a vote?

20 COMMISSIONER ANDERSON: I think your numbers are
21 a little low. I've heard in testimony today support
22 from all directions, and I certainly received a lot of
23 individual correspondence from participants in this
24 program, both volunteers and those who received
25 training. I think that I would certainly -- given what

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1 I heard about the growth of this program, think that
2 the lowest score is too low, and I don't think that the
3 score that you gave, Mr. Waldheim, to the public health
4 and safety in a controlling and responsible use, I
5 don't think that number is high enough. My personal
6 preference is for the staff recommendation. And I
7 would vote no on this.

8 CHAIR SPITLER: So are you making a motion?

9 COMMISSIONER ANDERSON: No, okay. All right.
10 Then I'll move to amend this to the staff
11 recommendation.

12 COMMISSIONER PRIZMICH: Second.

13 CHAIR SPITLER: Okay. We have a motion
14 amendment. Can we move to a vote on this?

15 COMMISSIONER THOMAS: Yes.

16 CHAIR SPITLER: Okay. We'll take the amendment
17 first, that's to increase the score to the staff
18 recommended score of 91, a funding level of 80,100.

19 Sandy, could we do a roll call, please?

20 MS. ELDER: Anderson.

21 COMMISSIONER ANDERSON: Aye.

22 MS. ELDER: Brissenden.

23 COMMISSIONER BRISSENDEN: Aye.

24 MS. ELDER: Spitler.

25 CHAIR SPITLER: No.

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1 MS. ELDER: Thomas.
2 COMMISSIONER THOMAS: No.
3 MS. ELDER: Prizmich.
4 COMMISSIONER PRIZMICH: No.
5 MS. ELDER: Waldheim.
6 COMMISSIONER WALDHEIM: Aye.
7 MS. ELDER: Tie vote.
8 CHAIR SPITLER: We'll go back to the original
9 motion, which is a score of 56 and a funding level of
10 40,050. If we can do a roll call on the original
11 motion, please.
12 MS. ELDER: Anderson.
13 COMMISSIONER ANDERSON: Wait a minute. Do we
14 have to second it?
15 CHAIR SPITLER: We had a motion.
16 COMMISSIONER WALDHEIM: We can't make another
17 amendment on the original?
18 CHAIR SPITLER: We've already voted on the
19 amendment. Now we're voting on the original motion as
20 originally proposed.
21 COMMISSIONER ANDERSON: Pass. I think you
22 called my name. I'm going to pass for a moment.
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: No.

4 MS. ELDER: Prizmich.

5 COMMISSIONER PRIZMICH: Yes.

6 MS. ELDER: Waldheim.

7 COMMISSIONER WALDHEIM: Yes.

8 COMMISSIONER ANDERSON: Yes.

9 CHAIR SPITLER: Okay. The motion fails.

10 COMMISSIONER WALDHEIM: So can Ms. Anderson

11 change the one that she had a concern that we did

12 wrong.

13 CHAIR SPITLER: No. You were in the prevailing

14 side of the vote, which was a no vote.

15 COMMISSIONER ANDERSON: When it's a tie, which

16 is prevailing?

17 CHAIR SPITLER: The no, does not pass.

18 COMMISSIONER WALDHEIM: So what did we do?

19 COMMISSIONER ANDERSON: Nothing.

20 CHAIR SPITLER: There was no action.

21 COMMISSIONER WALDHEIM: How can I undo the

22 nothing? I can make a motion.

23 COMMISSIONER THOMAS: No, you're on the wrong

24 side of the vote.

25 CHAIR SPITLER: Let's take a five-minute break.

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1 (Break taken in proceedings.)

2 CHAIR SPITLER: Okay. I'm going to keep
3 discussing this. I'm going to move that we reconsider
4 this application, so I'll make a motion to reconsider.

5 COMMISSIONER WALDHEIM: I'll second it.

6 COMMISSIONER THOMAS: Second.

7 CHAIR SPITLER: Discussion? All those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR SPITLER: Opposed?

10 COMMISSIONER WALDHEIM: Mr. Chairman, I would
11 like to move we approve the score the way we have it up
12 there, we already went through that once.

13 CHAIR SPITLER: A score of 56 for a funding
14 level of 40,050. Is there a second?

15 I'll second. Discussion?

16 Sandy, can we do a roll call, please?

17 MS. ELDER: Anderson.

18 COMMISSIONER ANDERSON: Aye.

19 MS. ELDER: Brissenden.

20 COMMISSIONER BRISSENDEN: No.

21 MS. ELDER: Spitler.

22 CHAIR SPITLER: Aye.

23 MS. ELDER: Thomas.

24 COMMISSIONER THOMAS: No.

25 MS. ELDER: Prizmich.

1 COMMISSIONER PRIZMICH: Aye.

2 MS. ELDER: Waldheim.

3 COMMISSIONER WALDHEIM: Aye.

4 CHAIR SPITLER: Okay. Motion passes. Thank
5 you.

6 CINDY SZOLOBODA: Thank you. We'll exceed your
7 expectations.

8 CHAIR SPITLER: Thank you. Next screen is
9 Imperial County, OR-740.

10 STAFF HOM: OR-740, Imperial County Sheriff, Law
11 Enforcement scored 73 points with a Division funding
12 determination of 365,700.

13 HAROLD CARTER: Good morning, Mr. Chairman,
14 members of the Commission, Harold Carter,
15 Sheriff/Coroner of Imperial County.

16 I'd like to remind the Commission that about
17 four years ago when we became directly involved in
18 providing law enforcement services in OHV areas, that
19 was the result of the media representing the Imperial
20 Sand Dunes recreation as the most lawless recreation
21 area in the world. And so we were asked to become
22 involved, and we have been involved. It is no longer
23 the most lawless recreation area in the world, but
24 there is a tremendous need for law enforcement services
25 there. In the last two holidays, Halloween and

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1 Thanksgiving, we have written several thousand
2 citations, we've made a lot of arrests. We've
3 experienced seven fatalities, hundreds of emergency
4 service calls. And this last Thanksgiving, our
5 visitation in the west desert and in this recreation
6 area, was about 300,000 or more, the one weekend.

7 And we are finding our resources pulled
8 increasingly to the west desert, the Ocotillo Wells
9 areas, Truckhaven, and those areas that are now
10 experiencing increased growth because of the law
11 enforcement efforts being put into the east desert
12 impacting the County of Imperial, not only in the
13 services we're providing, but our courts, my coroner's
14 office, medical services, the entire county's impacted
15 by the growth. And we are seeing increased
16 visitation -- not lessened visitation, increased
17 visitation.

18 And the fact is that without the resources to
19 provide the law enforcement coalition that is handling
20 the bulk of this activity, we are simply going to have
21 to return to State Parks and BLM the responsibility for
22 law enforcement in these areas, which I think is not a
23 good idea. We don't want to repeat history. We have a
24 pretty good handle on what's going on there now. We
25 still have on average one or two unlawful assemblies

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1 per weekend, holiday weekend in the desert; however, in
2 the last three holidays, we have not had to use any
3 force to disperse those people. They understand that
4 the law enforcement is there, and they need to obey the
5 law. We are -- certainly the growth, the activities
6 are going to increase in that -- in my county. And
7 without the adequate funding, we simply will not be
8 able to provide the services. And I would encourage
9 you to consider that with 300,000 people using the
10 recreation facilities, and the constant demand for more
11 and more law enforcement presence, that you consider
12 that when you consider our funding. And I'll be glad
13 to answer any questions.

14 CHAIR SPITLER: Stick around. We might have
15 questions for you. Bill Dart, followed by Nick Haris.

16 MEMBER OF THE PUBLIC: Pass.

17 CHAIR SPITLER: Nick Haris.

18 NICK HARIS: Nick Haris, American Motorcycle
19 Association. I would like to support the staff
20 recommendations on this particular grant.

21 And I do have a question. I was going to bring
22 it up in public testimony but since this is the grant
23 that I think would be most affected, we are still
24 waiting for the in lieu funds where we switched the
25 registration money that was going to go by registration

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1 to the county is now going to go to the county of use.
2 I would assume that these folks will be getting a lot
3 of money. And so I would like to see the Commission,
4 you know prod along the Comptroller's office to get
5 that money Fried up because I hear there's quite a bit
6 of it.

7 CHAIR SPITLER: Thank you. Dave Pickett.

8 COMMISSIONER PRIZMICH: Mr. Chairman, is their
9 mic on? I'm not hearing them. Is there some way to
10 check that?

11 CHAIR SPITLER: Can folks hear the public
12 comment in the back? If folks can't hear in the back,
13 you should signal somehow and we'll correct it.

14 Don Amador.

15 DON AMADOR: Don Amador, Blue Ribbon. We
16 support staff funding for this grant but just wanted to
17 tag along with what Nick Haris said. At previous
18 Commission meetings in years past I've asked for those
19 numbers because it makes it hard for us as a community
20 to know what we should be supporting. If they're going
21 to be getting a big chunk of money, how does it fit
22 into the allocation. So, again, just want to tag on to
23 what Mr. Haris said. We'd like to see those numbers,
24 as we've asked for in the past.

25 CHAIR SPITLER: Thank you. Don Klusman.

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1 DON KLUSMAN: Don Klusman, California 4-Wheel
2 Drive Association. This is a toughy. I've been down
3 there on a holiday weekend. I've seen what happens
4 down there. I also understand the sheriff's concern.
5 I was there when it was the lawless, and I've been
6 there since it has been improved. The problem is we
7 don't have the dollars. I would love to say give them
8 full funding. But when you're talking 500,000 out of
9 three million for the whole state, that's a tough
10 decision. I have to go with staff recommendation on
11 this.

12 The other issue here is that a lot of the issues
13 down there that are happening on the desert, you can't
14 blame on OHVs, but they seem to get blamed on OHVs
15 because people take a motor vehicle to get out there.
16 The rave parties, that has nothing to do with OHV. The
17 meth labs, that has nothing to do with OHV. I've seen
18 all of that stuff out there. You know, the weekend
19 parties that decide, it's not OHV. Yeah, it's a
20 four-wheel drive pickup they throw 15 people in the
21 back of with a keg of beer. Is that OHV, no.

22 But here again, because it's an OHV area, we are
23 tasked with controlling that. The in lieu funds, when
24 we changed that so it wasn't the county of
25 registration, it was the county of usage, should help

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1 with that. But, again, as Mr. Haris said and
2 Mr. Amador, we don't know what kind of money they're
3 getting for that right now. Thank you.

4 CHAIR SPITLER: Mr. Klusman, do you have
5 personal experience with those rave parties? Don't
6 answer that.

7 HAROLD CARTER: No.

8 CHAIR SPITLER: John Stewart, followed by Bill
9 Dart.

10 JOHN STEWART: John Stewart, California
11 Association of 4-Wheel Drive Clubs. Being a regular
12 recreationist that does get out into the Imperial
13 County area, yes, I do see an increase in visitorship
14 out there. Areas that not even -- like the sheriff
15 said, is that the areas traditionally recreation has
16 gone to at Imperial Sand Dunes and Ocotillo Wells. So
17 there are other areas out there that are now receiving
18 increased visitation, and these areas are not under
19 enforcement from the BLM rangers or from the State
20 Parks rangers. So that is an area left to the county.
21 This is something that the growing problems out
22 there -- and, you know, Don pointed out some other
23 things that are issues out there OHV is being blamed
24 for. One of the major problems that neither BLM nor
25 the State Parks have any control of is the illegal

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1 alien traffic that is coming up across the border,
2 which is creating a significant impact on the resources
3 in the county.

4 Now, these are all things that we have to deal
5 with, and there is a challenges that we have face. So
6 this is something that really does underscore the need
7 for the county to have this funding, the increased
8 usage, the increased problems out there. I would go
9 with the staff recommendations. And knowing that, you
10 know, I'd love to be able to support more, but the
11 reality is we are stretched thin throughout the state,
12 but I think the staff recommendation is a bare minimum
13 that they can get by with. Thank you.

14 CHAIR SPITLER: Thank you. Bill Dart.

15 BILL DART: Bill Dart, Off-Road Business
16 Association. And I would like to echo the comments you
17 heard before, that we do support law enforcement grants
18 and we wish we had more money. One thing I've heard,
19 the El Centro BLM office has also got another grant
20 application in, and the staff recommendation is for
21 substantial funding. And I think the combination of
22 the two will probably be adequate, assuming that you
23 decide to fund those folks at reasonable levels. So
24 thank you.

25 CHAIR SPITLER: Thank you. Anyone else to

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1 comment on Imperial County?

2 RAY LeLOUP: Ray LeLoup, Chief Law Enforcement
3 for El Centro. I work very closely with Imperial
4 County Sheriff. They're an integral part of our
5 operation down there. Any cut in funding for this is
6 going to affect El Centro BLM, as well. So I'm in full
7 support of Sheriff Carter and his folks, so please do
8 what you can.

9 CHAIR SPITLER: Thank you. Okay.

10 COMMISSIONER WALDHEIM: Mr. Chairman, I would
11 like to move staff recommendation. And I do that with
12 a caveat because when the BLM -- when Vicki Wood comes
13 up for the law enforcement, we are hoping that the
14 Bureau of Land Management, Rob, Vicki Wood and Rob --
15 is Rob still here? He'll be back this afternoon. Is
16 Vicki here?

17 COMMISSIONER THOMAS: Mr. Chairman, we need to
18 close the public hearing.

19 CHAIR SPITLER: The public hearing is closed.

20 COMMISSIONER WALDHEIM: So later on, when they
21 come up, there are some constraints that we have as far
22 as funding because of the minimum funding. So I will
23 be making a motion on the BLM and sincerely hope that
24 the Bureau of Land Management and Sheriff Carter will
25 have a memorandum of understanding or an agreement with

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1 them to assist Imperial County to pick up the shortfall
2 or whatever it is to work on the financing. So later
3 on we will make up for the kind of difference from the
4 BLM grant. That's just an explanation of why I'm doing
5 this.

6 CHAIR SPITLER: Okay. So I heard a motion for
7 staff recommendation.

8 COMMISSIONER WALDHEIM: Staff recommendation.

9 CHAIR SPITLER: Is there a second?

10 COMMISSIONER PRIZMICH: Can I make a comment
11 before?

12 CHAIR SPITLER: We have a motion, without a
13 second.

14 COMMISSIONER ANDERSON: I'll second for
15 discussion.

16 CHAIR SPITLER: Okay. Discussion? Commissioner
17 Prizmich.

18 COMMISSIONER PRIZMICH: I think on the scoring
19 there, I find it difficult to believe that with what
20 we've heard, that the second item down there, the nine
21 through 14, is only listed as a little over half. I
22 think that has to reflect a much higher score, and I'd
23 at least give that an 18. That's what I'd like to see
24 there, because that's reflective of the actual
25 circumstances based on what I've heard.

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1 COMMISSIONER WALDHEIM: Mr. Chairman, if I may
2 address --

3 CHAIR SPITLER: Excuse me, Commissioner
4 Prizmich, was an amendment to the motion.

5 COMMISSIONER PRIZMICH: I'd like to make that
6 amendment, yes.

7 CHAIR SPITLER: Okay. Is there a second?

8 COMMISSIONER ANDERSON: I'll second that.

9 COMMISSIONER WALDHEIM: Okay. On the second,
10 Mr. Chairman and Mr. Prizmich, I'm not arguing the need
11 of going up or down. The only thing I'm cautioning
12 you, because, again, of the constraints of the money
13 that we're in, if you do that, there is no way we can
14 reduce the other grants to make up for this. We are at
15 a minimum what I'm going to recommend with the Bureau
16 of Land Management, that is, we cannot change that
17 number. So even though you want to increase it here
18 and take it off, we legally can't do it because of the
19 minimum.

20 COMMISSIONER PRIZMICH: I understand that, and I
21 understand the dilemma that we're caught in, but I for
22 one --

23 COMMISSIONER WALDHEIM: In principle I agree
24 with you.

25 COMMISSIONER PRIZMICH: That's the whole point.

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1 We're dealing with the scoring system, and I'm not
2 about to let something that's obviously wrong go
3 through marked lower than it should be, in my opinion.

4 COMMISSIONER WALDHEIM: Then Mr. Prizmich, then
5 if you do that, then you are going to have to take the
6 money away someplace else, which you don't have to
7 because we have it.

8 CHAIR SPITLER: Okay. We have a motion and a
9 second -- excuse me, a motion and an amendment. Is
10 there more discussion of either the motion or the
11 amendment?

12 COMMISSIONER BRISSENDEN: Just again the
13 question of level of funding last year.

14 CHAIR SPITLER: Last year, I believe.

15 COMMISSIONER WALDHEIM: Five hundred.

16 CHAIR SPITLER: I won't be supporting -- I'll be
17 supporting the original motion at the staff recommended
18 funding level. I think that's -- I think those scores
19 accurately reflect the situation there, and I think
20 particularly in combination with the funds BLM has
21 requested, that will provide more than adequate. When
22 you look overall at the level of law enforcement
23 provided to this single area out of the law enforcement
24 funds for the state, I think it's a substantial share.
25 Almost a third of all of the state's law enforcement

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1 fund goes to this one region. So I think the score is
2 an accurate reflection.

3 Is there more discussion of the motion or the
4 amendment? Okay. We'll do a vote on the amendment
5 to -- first the amendment is to increase the score to
6 80, which would translate to a funding level of
7 433,500. Sandy, if we could do a roll call, please.

8 MS. ELDER: Anderson.

9 COMMISSIONER ANDERSON: Aye.

10 MS. ELDER: Brissenden.

11 COMMISSIONER BRISSENDEN: No.

12 MS. ELDER: Spitler.

13 CHAIR SPITLER: No.

14 MS. ELDER: Thomas.

15 COMMISSIONER THOMAS: No.

16 MS. ELDER: Prizmich.

17 COMMISSIONER PRIZMICH: Aye.

18 MS. ELDER: Waldheim.

19 COMMISSIONER WALDHEIM: No.

20 CHAIR SPITLER: Okay. The amendment fails.

21 The original motion is at the staff recommended
22 level of 73 for an overall funding level of 375,700.

23 All those in favor?

24 (Commissioners simultaneously voted.)

25 CHAIR SPITLER: Opposed? Motion carries. Thank

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1 you.

2 HAROLD CARTER: Mr. Chairman, if I could make
3 one comment.

4 CHAIR SPITLER: I'm sorry, the public comment
5 period is done. But if you want to address
6 Commissioners individually at the break, you're more
7 than welcome to.

8 HAROLD CARTER: I just wanted to make a comment
9 about the funding that we're not receiving.

10 CHAIR SPITLER: Okay. Thank you. We are at the
11 point of the meeting where we address public comment on
12 items not on today's agenda. If you haven't done so
13 already and you wish to comment on items not on today's
14 agenda, if you could fill out one of these blue forms
15 and give them to Sandy. Again, these are for items not
16 on today's agenda. So if something is coming up today,
17 if you can hold your comments for that item.

18 Okay. First comment is Fred Wiley, followed by
19 Sylvia Milligan, and Elizabeth Norton.

20 FRED WILEY: Good morning, I'm Fred Wiley with
21 the California Nevada Snowmobile Association. During
22 the public comment period today, I'd like to address a
23 situation that's a little bit different from where you
24 normally see me. I want to discuss the land
25 acquisitions. A couple of them are in place already.

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1 I'd like to support the 6800-acre purchase at Onyx
2 Ranch. And the balance of that that is in the process,
3 I'd like to have the Commission look very hard at that
4 before they proceed any further.

5 But also I'd like to talk about the Riverside
6 project. The OHV community that I work in as a whole
7 at this point in time is looking very hard at not
8 supporting future development of that project. It just
9 simply does not look like a good project. We want to
10 go on record as requesting that the Commission take a
11 very, very hard look at that project and make sure that
12 it's viable. The future management there is going to
13 cost probably more than we can ever afford. So we'd
14 like you to look very hard at that.

15 We would also like to see where we are at in the
16 Deer Creek process. Is there actually a title that's
17 gone to the state or has it gone to a conservancy?
18 Where are we at in this process?

19 With all of that said, I think it's time to go
20 on record that the OHV community is asking the
21 Commission to take a bigger part in these processes and
22 make sure you take part in protecting our interests on
23 these land acquisitions. Thank you.

24 COMMISSIONER THOMAS: Just a question, if I may
25 of the speaker.

1 CHAIR SPITLER: Briefly.

2 COMMISSIONER THOMAS: Very brief. You support
3 Onyx and you don't support Riverside. Is that what I
4 heard?

5 FRED WILEY: We support Onyx in a limited
6 fashion. Of 6800 acres that are already being used by
7 the OHV community there, and not the other acreage
8 that's been included. I'm not even sure we know
9 exactly how much that is at this point.

10 COMMISSIONER THOMAS: Thank you.

11 CHAIR SPITLER: Thank you. Sylvia Milligan,
12 followed by Elizabeth Norton.

13 SYLVIA MILLIGAN: I'm Sylvia Milligan, and I'm
14 here for California Nevada Snowmobile Association. And
15 you know, my car is trained. It stops at all garage
16 sales, quilt shops, and today I was headed north, and
17 you know what, I could not keep that car on the road.
18 It turned back here to this meeting because I spent a
19 lot of time last night thinking about logic. I'm a
20 teacher. There is no way that I would bring a class to
21 this -- to a meeting like this to demonstrate logic,
22 I'm sorry.

23 And one of the reasons being that yesterday we
24 finally were able to convince you that we needed money
25 for equipment. However, we didn't get the money for

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1 the law enforcement to use the equipment. And I'm
2 wondering are we supposed to take these new snowmobiles
3 out to the trailheads and just leave them sitting
4 there? Is that going to get the point across to
5 people? Is that going to help with violations? It
6 didn't make sense to me. You know, we either have the
7 law enforcement money or the equipment money. Maybe we
8 should have given both the law enforcement money and
9 the equipment money to the same places this year and
10 worked our way down the line. I would like to see --

11 And I realize there is not a lot of money to go
12 around. It's very, very tight. But we've got to have
13 some logic here, and one of the biggest ones was the
14 Lassen. We finally got some equipment. That's a vast
15 area those people cover. They have a wilderness area
16 that they're trying to protect. So I would like to see
17 that one reopened maybe -- in the same way with the
18 county down south, they got the law enforcement money,
19 but they didn't get any equipment money. If there's a
20 way to come up and maybe balance this out a little, I
21 would like to see that happen. Thank you for your
22 time.

23 CHAIR SPITLER: Thank you, Ms. Milligan. I
24 think the flaw in your logic is the assumption that the
25 Commission is the sole source of law enforcement duties

1 of the federal agencies that have their own sources of
2 funding for law enforcement on federal lands.

3 FRED WILEY: Perhaps you see it that way.

4 CHAIR SPITLER: Okay. Thank you. Ms. Norton.

5 ELIZABETH NORTON: Good morning, Commissioners.
6 I wanted to let you know that we've had a partnership
7 with the OHV Division and with the Commission for 26
8 years since 1984 when our winter and our summer program
9 started, so it's a very important program to us. And
10 that partnership has allowed the program to grow and
11 expand to the quality and the extent that it is today.
12 And we also have a very outstanding volunteer program
13 that has grown tremendously over the years. I would
14 say half of our winter program is operated with the
15 support of an outstanding group of volunteers. I
16 really appreciate the funding decisions that you made
17 yesterday, in particular the equipment decision. That
18 was important to us, as well.

19 But I wanted to go on record and express my
20 concern that we are very disappointed that there were
21 no dollars for the first time in 26 years applied to
22 our law enforcement program. And we need those funds
23 in order to put riders on the machines, as Ms. Milligan
24 has pointed out. We have the equipment now, but now we
25 don't have any law enforcement officers in order to

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1 operate those machines.

2 And so going on record, I want to respectfully
3 request that you reconsider your decision in not
4 funding our law enforcement program so that we can at
5 least provide a minimum law enforcement presence out
6 there on the ground because we do have serious issues
7 that we need to address with the presence of our law
8 enforcement officers.

9 I also want to go on record, too, in indicating
10 that the rationale in particular that Chairman Spitler
11 mentioned yesterday, the number of citations, the
12 number of warnings that were issued in 2005, were
13 apparently the reason for dropping our scores so that
14 we received zero funding. And when I looked at the
15 scoring criteria, I could not even find number of
16 warnings or citations or the PAR reports as part of the
17 criteria on that scoring. And so I wasn't sure why the
18 numbers dropped when the PAR report information is not
19 that scoring criteria.

20 So the quality and the effectiveness of the
21 program really counts on having a law enforcement
22 presence. If you wanted a recommendation for funding,
23 I would say consider what was granted to us last year,
24 which was \$25,000, and that would at least allow
25 operators to use the new equipment and provide that

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1 very important presence out on the ground to deal with
2 our wilderness intrusions into Lassen Volcanic National
3 Park and intrusions into private property. Thank you
4 for your consideration.

5 CHAIR SPITLER: Thank you.

6 COMMISSIONER THOMAS: I've got a comment on that
7 issue. Ma'am, I've been on this Commission I think now
8 five years, and in that period of time, I have asked
9 the region and the individual forests to develop
10 comprehensive law enforcement plans over multi years so
11 that there's a consistent and planned and responsible
12 effort in this function. And the response today has
13 been, no, or we do business this way, we do business
14 forest by forest. We don't do this.

15 If the only way we have to say to you, please
16 plan comprehensively on a long-term basis is to
17 reallocate funding within very competitive
18 environments, then perhaps you all will go back to the
19 region and come back with a law enforcement plan next
20 year. If one element of a competitive program is not
21 willing to compete, the others will out compete, and
22 that's really what's occurring in my humble personal
23 view.

24 ELIZABETH NORTON: And, Commissioner Thomas, I
25 thought you had a very good recommendation, and I hope

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1 we will all take it under serious advisement and
2 perhaps work on that this year.

3 But in the interim, I would ask you not to
4 penalize those units that have had a success and need
5 to have that law enforcement presence. If there would
6 be a commitment between now and the end of tomorrow
7 when you adjourn, perhaps in the interim period, units
8 could have at least a base level of law enforcement
9 funding, and then we could work on that strategy for
10 allocations for 2007. Thank you.

11 CHAIR SPITLER: Thank you. Bill Dart, followed
12 by Don Amador.

13 BILL DART: Bill Dart of the Off-Road Business
14 Association. Mr. Waldheim, alluded to a project that
15 we've initiated at ORBA. We've had a sound, Turn Down
16 the Volume Summit, two days ago in Corona, California.
17 There's been a lot of efforts by a lot of organizations
18 to deal with a very serious problem that -- you know,
19 we want to not compromise the enjoyment of public lands
20 and private lands by folks that are irritated by
21 excessive noise. And, additionally, you know, as
22 enthusiasts, we don't want excessive noise, and we want
23 to protect our sport and our industry long-term.

24 So we engaged a segment that hasn't really been
25 seriously engaged before. We invited all of the

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1 after-market exhaust manufacturers to the table, and we
2 invited all of the enthusiasts and trade press to the
3 table, groups that play a huge role. The media helps
4 shape the demand for products and attitudes of the
5 riders, so we don't have people throwing away brand new
6 mufflers before they take them home. And the industry,
7 we want them to work harder at developing innovative
8 products that improve performance and weight and all of
9 the things that are desirable to our community while at
10 the same time keeping noise at reasonable levels.

11 We also got a commitment from Jeremy McGrath,
12 probably the most popular super cross rider of all time
13 to become a champion of a campaign, "Quiet is Cool"
14 campaign. The young riders don't want to listen to old
15 guys like me. They will listen hopefully to their
16 heroes. So anyway it's a positive program we're
17 engaging.

18 Turning to the other side of a more negative
19 issue, the Off-Road Business Association would also
20 like to go on record as wanting to put the brakes on
21 all of the current land acquisition programs in
22 Riverside County, the Onyx Ranch. We would like to see
23 all of these issues brought out to a public forum where
24 they're openly debated and input is taken, rather than
25 as those were originally developed, kind of behind the

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1 scenes.

2 We're not sure that the Riverside County -- we
3 don't think it's a good deal right now to trade very
4 high-quality lands that we've already paid for with
5 good access and good opportunity for a site with no
6 access today and with a toxic waste problem and unknown
7 factors about whether we're going to get to use it at
8 all in the long-term.

9 The Onyx Ranch, we agree with the previous
10 speaker, we support the acquisition of the lands that
11 are actually in use by the OHV users today. We do not
12 support buying vast tracts of land that would not be
13 used and would never be used by OHV folks. We don't
14 think that's appropriate use of our money. Long range
15 we want to see a more -- a better strategic planning
16 process where we develop a strategy, where are we going
17 to go, what are the needs, where are they at, and do
18 this in an open public fashion, rather than a
19 behind-the-scene fashion with legislative mandates
20 rather than as intended, you know, that everybody play
21 a role in acquisitions. The Deer Creek itself is
22 another one that we have concern about. And now I'm
23 cut off, so.

24 CHAIR SPITLER: Your time is up. I do have a
25 question for you, though. Is it ORBA's position that

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1 it opposes the development of new OHV park in
2 Riverside?

3 BILL DART: As structured to it today, yes.

4 CHAIR SPITLER: Thank you.

5 COMMISSIONER PRIZMICH: I have a question, too,
6 Bill. You mentioned the work that you've done on noise
7 volume on your machine. Is there any dialogue with
8 machines like Harley-Davidsons that are bought right
9 out of the showroom and exceed the noise level of the
10 off-road bikes. Is there any work being done relative
11 to that? I'm a little bit -- we get a lot of touring
12 bikes up our way, and the noise level is incredible.

13 BILL DART: Well, I agree completely with you,
14 and you know we have --

15 COMMISSIONER PRIZMICH: These bikes are coming
16 off the showroom illegal.

17 BILL DART: You are absolutely right, and that's
18 a point we have made to the industry, both the OEMs and
19 to the after-market who participated in this. And as
20 you probably are aware they're breaking federal laws.
21 But the EPA today has no enforcement Division for this
22 aspect. If they were to look at it -- if you go into
23 an automotive shop today and say I'd like you to modify
24 my emission system, they will tell you to get out of
25 here right now, I don't want to ever see you again.

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1 On the other hand, it's common practice for
2 dealers to modify these motorcycles, before they're
3 even delivered. The magazines are full of ads for
4 after-market mufflers, which do not comply with EPA
5 regulations that have to be stamped that they're
6 approved products.

7 I'll kind of turn it back to you a little bit.
8 Your community doesn't seem to take it seriously
9 either.

10 COMMISSIONER PRIZMICH: It's hard to argue that.

11 BILL DART: I believe in the three Es, education
12 of the folks about what they need to do, engineering
13 good products, and enforcing the rules when people
14 aren't willing to follow the education.

15 COMMISSIONER PRIZMICH: I commend you on
16 whatever efforts you are making. It seems like the
17 off-road community is at least making an effort.

18 BILL DART: Exactly. We understand that to a
19 lot of folks, a motorcycle is a motorcycle. And
20 whether it's a street bike or off-road bike, all of
21 them, make them mad, and it's the one issue that makes
22 everybody mad, not just some of our more ardent
23 critics.

24 CHAIR SPITLER: Thank you. Don Amador.

25 DON AMADOR: Don Amador, Blue Ribbon. Just add

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1 something to the sound, I want to congratulate ORBA for
2 putting on that sound conference. I went down there,
3 also. As you know, Blue Ribbon spends a lot of time
4 addressing the sound issue. A good part of my job is
5 out there working with the agencies and clubs at
6 events, taking bikes, and I think we've made some great
7 strides in that area. So AMA actually has a sound
8 working group that has the loud pipe guys sitting at
9 the table, so we are taking a look at that on a
10 national basis.

11 Blue Ribbon does support the comments made
12 earlier today on the Onyx Ranch and Riverside. I
13 wanted to add one other thing. DeAnza is also part of
14 this equation. And in the early '90s, I believe about
15 \$4 million of OHV green sticker funds were used to
16 purchase that property. But I know that some other
17 entities are looking at that, and I just want to make
18 sure that if that is sold from OHV -- if that's sold
19 from the Division or whatever, that we get credited
20 back, not with the four million, but what it's worth
21 today, which may be 80 to 100 million. I'd like to see
22 that money come back into the program. I think that
23 would be a good thing.

24 Also, too, we talked a lot about land
25 acquisitions on a statewide basis. I know in the '90s,

1 the Commission had looked at a regional map of
2 California, developed kind of a strategy of trying to
3 go out and site new SVRAs, maybe in some -- in Northern
4 California we don't have the issues. I know there is
5 timberlands being sold. Planning for the future, maybe
6 that might play into it. And like Bill said, I think
7 we need to have an open process where you develop a
8 strategy in the open, rather than covert deals made
9 behind the scenes. I don't think anybody really likes
10 that.

11 And also, too, earlier I mentioned the
12 restorations fund. We're, as most of you know,
13 operating under artificial limits. The restoration
14 fund -- as a member of OHV stakeholders, we were told
15 that it was only going to be a one-year deal. Now
16 we're into it two, three years, we may be another one
17 or two years out of that fuel tax study being done. So
18 the law enforcement people are suffering, the trail
19 people are suffering by artificial limits. So I'm
20 asking this board to maybe consider a resolution today,
21 not binding or nonbinding, or even a directive to
22 Division, to look at maybe addressing some of those
23 inequities, getting some of that restoration money back
24 out into the field for law enforcement and trail
25 enforcers. BLM can use it for on-the-ground public

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1 services. And that's it. Thank you very much.

2 CHAIR SPITLER: Thank you. Dave Pickett.

3 DAVE PICKETT: Dave Pickett, District 36,
4 Motorcycle Sports Committee. My first comment will be
5 something that Mr. Waldheim brought up on law
6 enforcement and the huge demand for law enforcement
7 dollars. I think it's been pretty clear today that the
8 funding priorities of the Commission established
9 earlier in the year seem to be bass "ackwards". In
10 other words, we've got restoration up here and law
11 enforcement here, but if we have law enforcement up
12 here there would be less dollars needed for restoration
13 on the other side. I'd like serious consideration on
14 that for the future.

15 On the sound summit that my colleagues,
16 Mr. Amador and Mr. Dart brought up. I participated in
17 that also. It was awesome. It was excellent. It's
18 forward thinking. I'm also a State of California
19 certified sound tester; been heavily involved on the
20 American Motorcycle Association side where through
21 legislation submitted on the amateur side of racing, I
22 was able to get the entire AMA district network
23 nationwide to adopt California sound standards of
24 96 dba for off-road, and 99 dba for closed course.
25 There was 100 percent supported, no dissent. We moved

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1 forward on that. It's a key issue to us.

2 One another point, what Mr. Spitler, you said
3 acquisition on ORV park. They're not ORV parks.
4 They're state vehicle recreation areas, so I don't want
5 the public to be confused on that issue.

6 I also submitted to you a fresh copy of the
7 Bureau of State Audit that came out on August the 17th.
8 My position, as yesterday, is the same on the Onyx
9 Ranch acquisition process as well as the Riverside
10 slash DeAnza. I mirror a lot of the comments
11 Mr. Amador made. I think it needs to be shelved at
12 this time and a full open investigation done on the
13 process from conception to date. It does not look like
14 it's going to be good value for the public, especially
15 the heavy mitigation factors where we've got to buy six
16 acres to ride on one. And \$30 million plus for six
17 acres would make it about half the size of Prairie
18 City. Thank you very much.

19 CHAIR SPITLER: Thank you. Ray LeLoup. Harold
20 Bechtel. We will take Mr. LeLoup afterwards.

21 HAROLD BECHTEL: Good morning, folks. I'm Errol
22 Bechtel with San Bernardino County Sheriff's office
23 from the Victor Valley Station. We submitted a grant
24 this year. We were approved for some funding for the
25 equipment grant, however denied the law enforcement

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1 grant. And it was our fault. We did not complete that
2 grant apparently in the proper format. My
3 understanding was the contents were there but not done
4 in the proper format. That was written by another
5 individual that's no longer with us.

6 I would like to assure you that he would not
7 have purposefully or intentionally written a grant and
8 submitted that grant not believing that it wasn't done
9 in the proper format in its entirety. We are now
10 asking that you reconsider the law enforcement grant.
11 We asked for \$46,000. We cover about 300,000 acres of
12 OHV designated area. We entertain about two million
13 folks a year that come in our OHV areas, and probably
14 about 80 percent of them folks are from outside of the
15 area, Riverside, L.A., Orange County.

16 Without the funding for law enforcement, we will
17 not have an operation. We are over 240 positions down
18 within San Bernardino County Sheriff's Department right
19 now. The funding that is allocated from the board of
20 supervisors will be going to hire themselves and paying
21 their wages. We do not have any money whatsoever to
22 continue that OHV enforcement and education program.

23 We've been working closely with BLM and trying
24 to education the folks out there, maintain the lands
25 out there, and enforce the OHV laws. Over this last

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1 Thanksgiving weekend, it was eight of us that gave up
2 our family Thanksgiving dinner to go out and do exactly
3 that, and that was to enforce and educate OHV
4 enthusiasts and make it safe for everybody out there
5 and enjoyable.

6 We have experienced that during the major
7 holidays when we put together programs through the
8 year, that those weekends have been pretty much trouble
9 free as far as violations. Most of them are family
10 members that come out, want to enjoy their OHV
11 activities; however, when the noncompliant OHV people
12 come out, they know that we're not out there because we
13 don't have the funding for that.

14 So I would please ask that you would reconsider
15 our law enforcement portion of that grant, and we are
16 asking for 46. Anything that we could get would be
17 greatly appreciated. Victor Valley covers Johnson
18 Valley, which entertains probably about 187 of those
19 acres that I was -- 187,000 of those acres that I was
20 talking about earlier. El Mirage is another area. El
21 Mirage in itself picks up about four to six thousand
22 folks on a weekend. Thank you.

23 CHAIR SPITLER: Thank you.

24 COMMISSIONER THOMAS: Staff, what's the actual
25 numbers?

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1 COMMISSIONER PRIZMICH: Staff, we've got
2 different numbers here, which grant is this gentleman
3 talking about? Is it -- because I have one here, it's
4 OR-2-SV-84, is that the same one that we're talking
5 about here or is this figure --

6 HAROLD BECHTEL: You're going to have Barstow's
7 grant.

8 COMMISSIONER PRIZMICH: I don't have this one on
9 my sheet.

10 HAROLD BECHTEL: It's not on there, that's what
11 I'm trying to explain.

12 DEPUTY DIRECTOR GREENE: This particular project
13 was part of a joint application that was submitted as
14 well on behalf of all of San Bernardino, including, as
15 he had mentioned, Victor Valley and Barstow. Two
16 components of that particular project, two separate
17 ones, they could have put in as one; however, it was
18 not just a matter of aesthetics. This was a matter of
19 there were basic elements that were simply not even
20 addressed that needed to be in order to have it move
21 forward.

22 COMMISSIONER THOMAS: Hang on here, let's say,
23 760, OR-760.

24 CHAIR SPITLER: Let me ask a clarifying
25 question. I'm not sure the grant is even going to show

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1 up on that list. It sounds like wasn't even a
2 qualified application.

3 COMMISSIONER THOMAS: There's one.

4 CHAIR SPITLER: Excuse me, can I get some
5 clarification from staff.

6 CHIEF JENKINS: There's two San Bernardino
7 application packages that came in, one was for Victor
8 Valley Station, one was Barstow Station.

9 HAROLD BECHTEL: Actually three.

10 CHIEF JENKINS: So Barstow might be what you're
11 looking at. The Victor Valley law enforcement was the
12 one that was considered incomplete and not moved
13 forward.

14 CHAIR SPITLER: One out of the three was
15 incomplete, and the other two are before us. Why was
16 it --

17 CHIEF JENKINS: For Victor Valley -- if we're
18 just talking Victor Valley, there were two elements,
19 equipment and law enforcement submitted. The law
20 enforcement was incomplete. The equipment is before
21 you.

22 COMMISSIONER THOMAS: Now, I've got the grant
23 here in the book. If it's incomplete, why is it in our
24 book? This is the book, right? This is the submitted
25 book, it says Victor Valley on it.

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1 DEPUTY DIRECTOR GREENE: On that particular one,
2 because it was part of -- it was an entire project that
3 was submitted as one but then separated out, that's
4 something that we're going to address for next year,
5 whether or not it would behoove the sheriff to apply as
6 one grant with substations, and then they can be able
7 to determine at the end of the funding allocation made
8 by the Commission how they want to spend their funds
9 throughout the entire area.

10 COMMISSIONER THOMAS: I don't want to bail them
11 out here if they did it right. So you're telling us
12 that the application that's in this book is not right.

13 DEPUTY DIRECTOR GREENE: I'm telling you that
14 the application, which was submitted,
15 Commissioner Thomas, was deemed incomplete and
16 therefore did not move forward for your consideration.

17 COMMISSIONER THOMAS: And why was it deemed
18 incomplete?

19 CHIEF JENKINS: In the law enforcement plan in
20 the criteria of what was deemed incomplete, there is a
21 pretty specific list of items that have to be
22 addressed. If you recall back, that was one of the
23 things we went over -- I don't know if it was a
24 subcommittee we were at. Anyway, we looked back at
25 those elements, and if the elements were involved in

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1 there -- I think what the sheriff was referring to was,
2 as far as the format. Originally, we wanted it in a
3 specific format, which made it very quick and easy to
4 determine if those elements all existed. In the end,
5 we just had to look at the grant and the spirit of what
6 was in that criteria, were those elements addressed.
7 If all of the elements were addressed, then we deemed
8 that it was significantly complying with those
9 criteria, and we moved it forward. If there were
10 elements missing of that list of elements that had to
11 be in that law enforcement plan, then that was not a
12 complete grant and did not move forward.

13 DEPUTY DIRECTOR GREENE: I believe as the
14 gentleman has already said, that he recognizes that
15 they did not produce an application which did meet
16 those criteria and therefore, as we mentioned earlier
17 today, in the competitive process, which we're
18 currently in, recognizing there are a lot of demands,
19 those applicants who did meet in the competitive
20 process did move forward.

21 COMMISSIONER THOMAS: Sounds like two
22 competitive processes. Your competitive process and
23 the Commission's competitive process. Did you provide
24 a report to the Commission detailing the deficiencies
25 of this? Did we receive anything?

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1 DEPUTY DIRECTOR GREENE: In the regs,
2 Commissioner Thomas, you'll see that those grant
3 applications that were deemed incomplete did not move
4 forward to the Commission for consideration. That's
5 something we can certainly address next year and
6 provide you with that information.

7 COMMISSIONER THOMAS: So we never got any
8 information or listing of those deficiencies?

9 DEPUTY DIRECTOR GREENE: You received a list of
10 those applications that did not move forward. I don't
11 believe that they had that specific information.

12 COMMISSIONER WALDHEIM: Mr. Chairman,
13 Mr. Bechtel, you realize that the grants, both
14 equipment grants for San Bernardino County, were on
15 Consent yesterday; they got approved?

16 HAROLD BECHTEL: Yes, sir, I do. And when they
17 came in yesterday and asked about that, we were
18 told Northern Cal grants. And this is our first stab
19 at this. So we didn't understand the process. But the
20 agenda and then the folks we talked to said Northern
21 California was for yesterday, Southern California was
22 for today. That's why we came back today to speak on
23 both issues. And then found out that it was a Consent
24 item, and I guess we were supposed to speak on it
25 yesterday. We were unaware of that. We were directed

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1 to speak today by the agenda.

2 COMMISSIONER WALDHEIM: But it got approved, so
3 you got approved with staff recommendation.

4 CHAIR SPITLER: You do have another grant,
5 OR-760, which we will be hearing after this public
6 comment.

7 HAROLD BECHTEL: That's from Morongo.

8 CHAIR SPITLER: I'm going to keep going, if we
9 could get through this. We have more members of the
10 public waiting to speak. We can keep discuss this
11 after the public comment is over. Is there more
12 discussion?

13 Greg Loup. Don Klusman.

14 MR. KLUSMAN: Don Klusman, California 4-Wheel
15 Drive Association. I'd like to reiterate what some of
16 my colleagues have said earlier on the Onyx and the
17 Riverside project. I toured the Riverside project with
18 some of the Commission, and I don't know if any of the
19 Commission currently on there, was there at that time.

20 COMMISSIONER THOMAS: I was there.

21 COMMISSIONER ANDERSON: Yes.

22 DON KLUSMAN: We talked about that project. We
23 talked about the issues involved in that project.
24 Since then, many more issues have come up. At this
25 point, I cannot support that program or that

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1 acquisition. I mean we were talking when we toured the
2 place of a four-to-one rate that we get -- we buy five
3 acres and we get four for non-recreation, one for
4 recreation. Now I understand it's six-to-one, so we
5 buy seven, we throw away six and we get one. There was
6 also some other concerns with property in the past.
7 And here I'm the old guy again, but in the past when
8 we've looked at several of these different areas, one
9 of them you heard about yesterday, the Commission
10 toured them with the Division, with the public, and we
11 talked about them. And many of them we deemed that it
12 was not in the best interest of the OHV community. One
13 of them, like I said, you heard about yesterday, we
14 toured up in the forest, and we thought it would be too
15 much of a project to try to get in compliance with
16 state regulations. Well, now we're doing it anyway
17 with restoration funds because it got to be Forest
18 Service land, so I guess it's full circle. We cannot
19 support either project at this time.

20 The other thing that concerns me is I brought
21 this up earlier about the parity between areas and
22 between different agencies. I understand the concern
23 saying about the federal agencies can supply law
24 enforcement under a different means if they can come up
25 with the money through the federal government or other

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1 avenues. But when you zeroed out a county yesterday
2 just because -- because, I guess, that county didn't
3 have any recourse either. And I find it a real
4 conflict of interest when Mr. Waldheim sits there and
5 lobbies openly in an open meeting for a place that he
6 lives at for that city. That is an unfair advantage
7 for the rest of us out here. I don't live in Nevada
8 County, but it's sure my next-door neighbor, but I
9 would have lobbied as hard as he did. I guess all of
10 us have to become Commissioners to help save the areas
11 that we appreciate. I find that totally wrong. Thank
12 you.

13 CHAIR SPITLER: Thank you. Bruce Brazil.

14 BRUCE BRAZIL: Bruce Brazil, California Enduro
15 Riders Association. I understand that we're supposed
16 to have four minutes time. The clock only shows three.

17 CHAIR SPITLER: Go ahead and address your
18 comments, Mr. Brazil.

19 BRUCE BRAZIL: Thank you. I'd like to present
20 something a little bit unique today, and that would be
21 the report card on what I have seen with the actions of
22 the Commission during both the preliminary meetings
23 that were held about a month and a half ago up to this
24 point in time. And this will be with the individual
25 Commissioners and as a group. So I'd like to start.

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1 COMMISSIONER THOMAS: Mr. Chairman, there are
2 some rules of just good manners in attacking
3 individuals.

4 BRUCE BRAZIL: This will not be an attack. This
5 will be an observation, sir.

6 CHAIR SPITLER: Mr. Thomas, just let Mr. Brazil
7 finish his comment.

8 COMMISSIONER THOMAS: But I would encourage the
9 Chair to keep control of the issue.

10 BRUCE BRAZIL: I will try to keep it politically
11 correct.

12 COMMISSIONER THOMAS: That's always a good idea.

13 BRUCE BRAZIL: Thank you.

14 First, Commissioner Brissenden, I imagine that
15 the people that you're representing would like to hear
16 more from you with your opinions and whatever is going
17 on within the meetings.

18 Commissioner Thomas, it's from my observation
19 that your personal agenda of law enforcement seems to
20 be impairing some of your rational decisions.

21 Mr. Prizmich, wherever he may be -- it looks
22 like everyone is scooting out here, Mr. Prizmich on his
23 comments, there may not be a lot of them, but they do
24 seem to be focused and rational.

25 Mr. Spitler, Chairman, I believe some of your

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1 personal agenda is also getting in the way of rational
2 decisions in some of -- both you and
3 Commissioner Thomas in some of the grants requested
4 yesterday where you were changing the scores, you were
5 not really citing what was within the grant's request.
6 You were just kind of using your own discretion at
7 that.

8 And also, Commissioner Anderson, I'd like to see
9 you act a little bit more independently. You seem to
10 kind of go with the flow. I'm sure there are people
11 that you're representing that would really appreciate
12 your input concerning their needs.

13 Mr. Waldheim, wherever he went, up in the hot
14 seat, please, it's on my time. Commissioner Waldheim
15 has been very vocal and active in the discussions;
16 unfortunately, like with this morning, I believe he's
17 also prejudiced for the area that he is residing in,
18 and it's influencing some of his decision.

19 Commissioner Chavez, who has not attended the
20 last five days of Commission meetings, I believe he
21 should resign so that that position will be made
22 available for someone that will come into the meetings
23 and perform the duties of a commissioner.

24 Now, the Commission as a group, part of their --
25 what they are supposed to be doing is providing general

1 guidance to the Division, not dictating parental
2 control of children, as was expressed shortly before.
3 They've come to the meetings not being familiar with
4 the new grants process. They have failed to take into
5 consideration the civil codes in which they're doing
6 the scoring of the grants. They failed to take into
7 consideration public input when there's been an
8 overwhelming opinion expressed by the public. And
9 quite often the final vote on these that they've taken
10 doesn't really coincide with the opinions that you've
11 expressed during the discussions.

12 On the positive note, there is some, the
13 Commission has taken into consideration verbal input by
14 the applicants when there's been additional --

15 CHAIR SPITLER: Mr. Brazil, if I could ask you
16 to conclude your comments.

17 BRUCE BRAZIL: Conclusion, I scored the whole
18 operation of the Commission as a D plus. D plus,
19 there's a lot of room for improvement. Thank you.

20 CHAIR SPITLER: Thank you. I would just like to
21 correct the previous speaker. His made a misstatement
22 when he said that Commissioner Waldheim had been
23 particularly vocal yesterday, and I can state for a
24 certainty that Commissioner Waldheim was anything but
25 vocal yesterday. He was particularly quiet.

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1 Next speaker is Nick Haris, followed by John
2 Stewart.

3 NICK HARIS: Nick Haris, American Motorcycle
4 Association. That's a hard act to follow there.

5 I just wanted to touch on a couple of things.
6 First of all, I wanted to mention the summit that ORBA
7 helped organize -- or really organized in Southern
8 California. I attended. My boss came out from
9 Washington, D.C., and our board vice-chair also came
10 out from Montana, and was very happy to see this
11 meeting held. It was impressive, a very, very good
12 idea.

13 We had a presentation at stakeholders about a
14 week ago where the Washington folks came down and gave
15 us some insight into their program. And a very
16 interesting thing they brought up was they pay no
17 administration to any federal agency. They pay direct
18 costs. If it costs, you know, two hours of time to
19 fill out the grant, then they pay that. If it costs
20 eight hours of time for the person to sit there, they
21 don't pay it. I thought it was real interesting. They
22 deal with all of the same state agencies that you folks
23 deal with.

24 I wanted to publicly support this ranking
25 system. I don't think it's perfect. I think we are

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1 much closer to what we need because I want to be able
2 to look at grants and say, this is an 80, this is a 70,
3 this is a 90. I know that we need to polish it. The
4 Commission, when this idea came up six months ago
5 didn't want to have any part of it. Now you've got it.

6 So I'd like to see the Division administration
7 and the Commission, the people that are in this room
8 all come together and figure out what are the five
9 criteria that we need that we can all agree on to make
10 for a good law enforcement grant. I really think that
11 this is the way we've got to go. We've got to have
12 consistency for the applicants and for everybody else.

13 I do want to touch again on the in lieu funds.
14 I'm still not sure what's going on with that. I've
15 heard that it's stuck in the administrative process.
16 The money is there, and they're not getting it out to
17 the counties. So when you've got a county like
18 Imperial, a lot of users and a low population base, and
19 it's not getting their money. And we specifically said
20 we don't want L.A. County with a lot of people and no
21 opportunity to not get this money. So we've got a lot
22 of money we should be reallocating to places where
23 there's use.

24 And I want to touch on the land acquisition. I
25 support the previous speakers. I would like to see a

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1 lot more information out about that.

2 Touched again today on the training of riders,
3 and this has come up before, and I realize that for
4 some folks to think a six year old kid on an ATV,
5 that's strange. Trust me, that's the norm. If you, as
6 a parent, this is what you choose to do as a parent,
7 that's what your children do. There's proper gear for
8 those kids, there's proper equipment, but we as
9 stakeholders decided that those kids need a safety
10 certificate in order to ride. So we have got to fund
11 the programs that allow those kids to get trained.
12 Because I can tell you, they're going to ride. And the
13 last thing I want to see is a kid on a 600 cc quad.
14 But if his parents are forced to take a training,
15 parents don't understand what's going on. That's what
16 happens. A lot of times when you see something in the
17 paper, you see something that you don't want to see, it
18 was an inappropriate use, a kid on a piece of equipment
19 he shouldn't have been on in the first place. I really
20 want to support that training idea.

21 And just lastly, Commissioner Prizmich mentioned
22 a Harley. There is actually a new program -- I don't
23 have the brochure with me. I got it in Seattle at a
24 motorcycle show, all about addressing this loud pipe
25 issued. AMA has worked about a year and a half with

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1 Harley on that, also do have a big document that came
2 out called Sound Advice with a lot of recommendations
3 put out to the committee. I would be happy to provide
4 copies for all the Commissioners. This goes for both
5 off-road and on-road. We do recognize this is a big
6 issue. We're doing what we can. I would be happy to
7 show you the efforts we will be putting in. Thank you.

8 CHAIR SPITLER: Thank you. John Stewart.

9 JOHN STEWART: Good morning, Commissioners, John
10 Stewart, California Association of 4-Wheel Drive Clubs.
11 I'd like to touch on a couple of subjects here that are
12 near and dear to my heart.

13 One of them is moving forward with this
14 legislative-mandated program, one of the things called
15 for as a shortcoming that was noted in the recent audit
16 is a lack of a strategic plan, lack a strategic plan
17 that involves the Commission, the Division and
18 stakeholders. Now, such a strategic plan, if it were
19 in place, would identify goals for recreation, would
20 identify what is expected out of a well-managed
21 recreation program. From those goals, you would then
22 take it one step further and your grants process would
23 be then supportive of the goals for a well-managed
24 recreation process. That would make your criteria and
25 your decisions a lot easier. That would address your

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1 weighting factors as far as what you're going to put
2 for law enforcement, what you're going to put for
3 equipment planning, all of these others, restoration,
4 all of these are part of a well-managed, ecologically
5 sound recreation program.

6 And one thing has come up that is really lacking
7 in this planning process is an acquisition plan. There
8 is no acquisition plan in place to address the needs
9 for the future. Previous speakers have talked about
10 the projects, problems with projects at Onyx Ranch and
11 problems of the potential Riverside project. I can't
12 support either one of those. However, if you look at
13 Onyx Ranch, as a classic case, the proposals that have
14 been floated say it's an all-or-nothing proposition.
15 Yet when you start looking at it, no, there are people
16 who are willing to sell say 6,800 acres within an area
17 that would be a valuable recreational opportunity and
18 would be an asset that could be added to the existing
19 recreational area and solve a lot of problems.

20 We need projects that actually do provide an
21 opportunity for recreation and is providing an
22 opportunity for recreation. The Riverside project does
23 not. The Riverside project is flawed with excessive
24 cost and potential long-term cost impacts that cannot
25 even be envisioned.

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1 In short, an acquisition program must provide
2 opportunity, it must make sense, and it must support an
3 ecologically-balanced recreation program that supports
4 what the people of the state are requiring and
5 requesting from the Division. Thank you.

6 CHAIR SPITLER: Thank you. Anyone else wish to
7 comment on items not on today's agenda?

8 I just had a quick question for staff following
9 the public comments. I'm a little taken aback by the
10 level of opposition from the ORV community to the
11 proposed ORV park at Riverside. I thought that was a
12 good project. It seemed like the environmental
13 community and -- local environmental and ORV groups had
14 gotten together to support that project, and I thought,
15 you know, being on this Commission for five years, new
16 opportunity was important. So I'm just wondering if
17 the staff could comment on that project, where it is,
18 is the staff still supporting it, moving it forward.
19 And what the response to these objections are.

20 DEPUTY DIRECTOR GREENE: Not a problem, Chairman
21 Spitler. I didn't know whether or not this was
22 something that you would also like me to address
23 tomorrow.

24 CHAIR SPITLER: Yes, I think we can probably
25 spend more time on it tomorrow. I guess I'm a little

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1 surprised, so I'd like to hear your response to it.

2 DEPUTY DIRECTOR GREENE: I think I've heard some
3 issues and there's been some discussion, but at this
4 point in time, we are considering to work with
5 Riverside County. I don't know that I would
6 necessarily say that there is local support from all
7 parties involved. I clearly think that the issue in
8 the audit raised some questions, in particular actually
9 there are more concerns right now from Lockheed in
10 particular.

11 So we are working with Assemblyman Garcia office
12 and everyone down at Riverside County, and we were just
13 down there about ten days ago looking for perhaps
14 alternative sites. There are a lot of issues going on
15 right now as it pertains to the Riverside project.

16 CHAIR SPITLER: Okay. Thank you. So much for
17 the first SVRA in 20 years. We'll keep looking.

18 Okay. Any comments from Commissioners? We will
19 go back to the agenda. I'm hoping we can get through
20 the last three local grants before we break for lunch.

21 The next grant up is Los Angeles County Sheriff,
22 OR-752.

23 STAFF HOM: OR-752, Los Angeles County Sheriff,
24 Law Enforcement scored 63 points with a Division
25 funding determination of 103,950.

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1 ROGER WALLACE: Good morning, Commission Spittler
2 and fellow Commissioners. My name is Sergeant Roger
3 Wallace from the Santa Clarita Sheriff's Station and
4 Deputy Dave Jennings from Palmdale Sheriff's Station.

5 Northern L.A. County now has some of the highest
6 registered OHV per capita in the state, which presents
7 a unique problem in Santa Clarita Valley and Palmdale
8 Sheriff's Station with respect to OHV riders riding
9 illegally on private lands. Both Santa Clarita and
10 Palmdale Stations received a exorbitant number of
11 complaints from motorcyclists trespassing on private
12 property. Last year, we made over 11,000 law
13 enforcement contacts and issued 500 citations.
14 Additionally while conducting our OHV operations, we
15 found that there is a high number of OHVs without
16 approved spark plugs. We used to say in L.A. County
17 that's a high fire danger. This a grave concern to
18 everybody.

19 Even though in our areas we currently have two
20 open OHV areas, Hungary Valley and Rower Flats, we are
21 forging new relationships with other agencies such as
22 the Forest Service and private landowners to locate
23 additional OHV opportunity. We recognize the fact that
24 the enforcement program request exceeded the law
25 enforcement allocation and that the funding cuts need

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1 to be made by the Commission. Los Angeles County
2 Sheriff's Department respectfully requests that the
3 Commission approve the staff recommendations and
4 funding level of \$103,000.

5 CHAIR SPITLER: Thank you. Stick around for
6 questions. Bill Dart, followed by Nick Haris and Dave
7 Pickett.

8 MEMBER OF THE PUBLIC: Pass.

9 CHAIR SPITLER: Don Amador, Don Klusman, and
10 John Stewart.

11 JOHN STEWART: Good morning, Commissioners.
12 John Stewart, California Association of 4-Wheel Drive
13 Clubs. We've looked at this, and we believe that the
14 sheriff, they are providing a valid opportunity, valid
15 service to the recreation community. We would support
16 the staff recommendations on this grant.

17 CHAIR SPITLER: Thank you. Okay.
18 Commissioners.

19 COMMISSIONER WALDHEIM: Mr. Chairman.

20 COMMISSIONER ANDERSON: I'll move the staff
21 recommendation.

22 COMMISSIONER PRIZMICH: Second.

23 CHAIR SPITLER: Discussion.

24 COMMISSIONER BRISSENDEN: The in lieu funds have
25 been mentioned several times. What are the uses of

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1 those in lieu funds within L.A. County at this time and
2 how much do you receive?

3 DAVE JENNINGS: In lieu funds, are we talking
4 about --

5 COMMISSIONER ANDERSON: The OHV.

6 DAVE JENNINGS: The green sticker L.A. County
7 Parks and Rec recently Fried up \$70,000 a year to help
8 us with our law enforcement endeavors.

9 COMMISSIONER BRISSENDEN: How much was that?

10 DAVE JENNINGS: \$70,000.

11 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like
12 to make a substitute motion.

13 CHAIR SPITLER: Amendment.

14 COMMISSIONER WALDHEIM: Do you put the number in
15 dollar amount?

16 COMMISSIONER ANDERSON: Put the numbers in.

17 COMMISSIONER WALDHEIM: Okay. First one would
18 be number ten, give it a ten. The second one, eleven;
19 next one, four; next one, 18; next one, ten; next one,
20 zero; total of 53. Now, the reason for that motion, as
21 already testified here, that this was not part of the
22 original contract -- I mean we didn't know about the
23 county giving them money to do this. We also -- that's
24 from the in lieu fees is where these numbers are coming
25 from. They're doing to a good job. I've met both

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1 James and Wallace, they were at our ceremonies at CTUC
2 Indian Canyon. But there is a combination of a social
3 issue. This is an issue of folks riding in areas where
4 they shouldn't be riding, and the county is working
5 diligently trying to figure out how we can get some
6 more riding areas in the future. But, again, with the
7 constraints that we have on the funding and so forth,
8 this gives them -- last year they got \$20,000, so this
9 almost is more than -- they're almost four times as
10 much as than what we did last year. So I feel this is
11 a fair amount at this point.

12 CHAIR SPITLER: Okay. There is an amendment.
13 Is there a second?

14 COMMISSIONER BRISSENDEN: Second.

15 CHAIR SPITLER: Second. Commissioner Prizmich.

16 COMMISSIONER PRIZMICH: Yes, I'd like to ask the
17 officers or the deputies, it shows then in category 21
18 through 25 that there is no potential for volunteer
19 assistance. Can you address that? Do you receive
20 volunteer assistance or utilize volunteers?

21 DAVE JENNINGS: I'll go ahead and speak for my
22 particular station. At the Palmdale Sheriff's Station
23 we have 102 volunteers at my station. And part of that
24 volunteer corps is about 22 volunteers in our area,
25 which is one of our high complaint areas. And we also

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1 have about 12 in our Little Rock, Pear Blossom area,
2 which is another one of our high complaint areas.

3 Those volunteers are there. Their process that
4 they do, a lot of patrol checks of problems area. They
5 are our eyes and ears out there in those areas. We
6 only have one radio car, for instance, for an area
7 which is roughly 3270 square miles. We have one radio
8 car out there handling that. So we have these extra
9 volunteers out there doing patrols and also looking at
10 the OHV areas where we are having problems. And
11 they're coordinating with our aerial bureau, as well,
12 trying to get that law enforcement to help us out in
13 that area.

14 COMMISSIONER PRIZMICH: They not only have a
15 training coordinator, but do you provide training to
16 them as well?

17 DAVE JENNINGS: Yes.

18 COMMISSIONER ANDERSON: Do they provide
19 information to the public?

20 DAVE JENNINGS: They attend monthly town
21 councils with me and provide information.

22 COMMISSIONER PRIZMICH: On site, do they
23 provide --

24 DAVE JENNINGS: They have a lot of both the
25 state and the recent CTUC maps that when they come

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1 across folks, and we can't have law enforcement
2 contacts with them, they'll hand out these brochures
3 and let these folks know where they can ride.

4 COMMISSIONER PRIZMICH: It would seem to me it
5 would be clear that the efforts in the volunteerism,
6 which were given zero, is completely inaccurate, and I
7 would give that at least a 12.

8 DAVE JENNINGS: If I could comment on that.
9 That was one of the things I was actually kind of
10 disappointed in hearing.

11 COMMISSIONER THOMAS: I just went to the funding
12 sheet, and I question the validity of this analysis.
13 This is supposedly a competitive fair analysis. When
14 the reviewers were zero, zero, zero, zero. One person
15 gave them a four. So does that mean all of the
16 testimony we heard was completely discounted in the
17 analysis? It must have been because they're all these
18 zeros.

19 So when one is asked to rest the decision to do
20 law enforcement in the State of California on analyses
21 like these, I can't support this. This is a 15. These
22 guys are on top of it. Their record inside the
23 citation is probably one of the best in Southern
24 California. This is a remarkable record. So just on a
25 competitive basis alone, regardless of the budget,

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1 these people exceed the standard. I would vote for
2 staff recommendation merely to move along and comply
3 with the budget. On a competitive basis, this
4 clearly is an application that exceeds the standard.

5 CHAIR SPITLER: Okay. We have a motion and an
6 amendment. Is there more discussion or can we start
7 voting on these? Okay. Let's take the amendment
8 first.

9 The amendment is to reduce the score to 53,
10 which translates to a funding level of 85,000.

11 Sandy, can we do a roll call, please?

12 MS. ELDER: Anderson.

13 COMMISSIONER ANDERSON: No.

14 MS. ELDER: Brissenden.

15 COMMISSIONER BRISSENDEN: Aye.

16 MS. ELDER: Spitler.

17 CHAIR SPITLER: No.

18 MS. ELDER: Thomas.

19 COMMISSIONER THOMAS: No.

20 MS. ELDER: Prizmich.

21 COMMISSIONER PRIZMICH: No.

22 MS. ELDER: Waldheim.

23 COMMISSIONER WALDHEIM: Aye.

24 CHAIR SPITLER: The amendment fails.

25 Now we have the original motion, which is the

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1 staff recommendation, the score of 63 for a funding
2 level of 103,950. All those in favor?

3 COMMISSIONER THOMAS: Hang on just a second. Do
4 you want to amend it and have it --

5 COMMISSIONER ANDERSON: I was suggesting another
6 amendment.

7 COMMISSIONER PRIZMICH: I would like to
8 accurately reflect that these individuals here have
9 done a stellar job on their volunteer, and they're
10 getting -- and they've gotten a zero, and I'll defer to
11 Commissioner Thomas on this. I suggest 12, but
12 Commissioner Thomas.

13 COMMISSIONER THOMAS: Twelve is fine. Let's see
14 what it does in the competitive world.

15 COMMISSIONER WALDHEIM: Leaves it the same at
16 staff recommendation.

17 COMMISSIONER THOMAS: At least it's an accurate
18 reflection of what they can do.

19 How is it that you make a ten -- if it's a
20 hundred point base, you've made a ten percent increase,
21 but there is no change?

22 CHAIR SPITLER: I think you need to correct that
23 chart to put the numbers back to the staff recommended
24 numbers.

25 CHIEF JENKINS: That could explain the disparity

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1 of the volunteer numbers.

2 CHAIR SPITLER: Now, put the bottom twelve.

3 Is that an amendment?

4 COMMISSIONER THOMAS: That's an amendment.

5 CHAIR SPITLER: Second?

6 COMMISSIONER PRIZMICH: Yes.

7 COMMISSIONER THOMAS: It's the competitive
8 process, Ed.

9 COMMISSIONER WALDHEIM: We're never going to
10 make it.

11 CHAIR SPITLER: Okay. We have another amendment
12 to increase the score to 75. Commissioner Prizmich
13 motioned and Thomas seconded on the amendment.

14 COMMISSIONER WALDHEIM: Mr. Chairman, on the
15 motion, I'm going to vote no on this. I mean this is a
16 social issue. We're going to give them \$122,000 for no
17 opportunity, very little opportunity. Yet on the other
18 side where you chastise me for pushing California City
19 119,000 for 300,000 people opportunity, it makes
20 absolutely no sense.

21 CHAIR SPITLER: More discussion on the
22 amendment.

23 COMMISSIONER WALDHEIM: Makes no sense.

24 CHAIR SPITLER: Okay. Let's go ahead and take
25 that amendment. It's an amendment to increase the

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1 score to 75 for funding level of 122,850.

2 Sandy, can we do a roll call?

3 MS. ELDER: Anderson.

4 COMMISSIONER ANDERSON: No.

5 MS. ELDER: Brissenden.

6 COMMISSIONER BRISSENDEN: No.

7 MS. ELDER: Spitler.

8 CHAIR SPITLER: No.

9 MS. ELDER: Thomas.

10 COMMISSIONER THOMAS: Aye.

11 MS. ELDER: Prizmich.

12 COMMISSIONER PRIZMICH: Aye.

13 MS. ELDER: Waldheim.

14 COMMISSIONER WALDHEIM: No.

15 CHAIR SPITLER: Okay. Are there any other
16 amendments. Can we consider the original motion?

17 The motion is for staff recommendation. All
18 those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIR SPITLER: Opposed? Motion carries. Thank
21 you.

22 Town of Yucca Valley, OR-753.

23 STAFF HOM: OR-753, Town of Yucca Valley, Law
24 Enforcement scored 57 points with a Division funding
25 determination of 30,150.

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1 DALE MONDARY: Dale Mondary, Sergeant with the
2 San Bernardino County Sheriff's Department in
3 specifically the Town of Yucca Valley, one of our
4 contract cities. I'm here for that grant, and
5 surprisingly I'm also here to ask for full funding of
6 this grant.

7 CHAIR SPITLER: We're shocked.

8 DALE MONDARY: I thought you might be, sir.

9 We, last year, participated for the first time,
10 we, being the town of Yucca Valley, as a separate
11 entity from the sheriff's department. We received full
12 funding. We have been successful in the town in our
13 efforts of dealing with our OHV problem; however, part
14 of the problem in our efforts is that the illegal
15 riders are now going out within the unincorporated
16 areas of the Town of Yucca Valley, that include the
17 Morongo Basin, Morongo Valley, Landers, Joshua Tree
18 Valley, Twentynine Palms, and trying to be the good
19 neighbors, instead of saying we're solving our problem,
20 that's your problem, they actually are trying to expand
21 their grant so that we can do enforcement outside town
22 limits.

23 There are legal riding areas within the Morongo
24 Basis that we are -- with the grant that we're working
25 under now doing education and enforcement. We've

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1 developed brochures directing our OHV riders into those
2 legal riding areas. The town also is not just trying
3 to again force even the legal riders into illegal
4 areas. They actually have land designated to develop
5 an OHV park. They are going to be applying next year
6 for a grant for planning and environmental studies to
7 get that park up and running. I don't know if anybody
8 else is going to be here today. But at the southern
9 meeting, I'd just like to remind the Commission of a
10 lot of the support that we got, specifically from a
11 couple of people who actually identified the Town of
12 Yucca Valley grant as one of the model programs as far
13 as education and enforcement, as well. There was one
14 negative comment where a gentleman said that it was a
15 local problem, which it's not. I mean it is a local
16 problem for the Town of Yucca Valley, but we do have a
17 number of enthusiasts that come from specifically the
18 Orange County, L.A. County area that do ride out there.
19 And we're asking for full funding so that we can expand
20 our program and continue to educate and funnel our OHV
21 enthusiasts into the right areas. Even during last
22 year's grant, I remember one of the Commissioners
23 making the comment that it was the first time that they
24 had an environmental group and enthusiasts group
25 supporting that same grant. And this is just an

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1 extension of that grant.

2 CHAIR SPITLER: Thank you. Bill Dart, followed
3 by Nick Haris, Dave Pickett, Don Amador, Don Klusman,
4 John Stewart.

5 JOHN STEWART: This is John Stewart, California
6 Association of 4-Wheel Drive Clubs. This is law
7 enforcement, and this is an issue. Where does it end?
8 Yes, this is a local problem, the law enforcement they
9 serve locally. I have to remind the Commissioners that
10 yesterday they denied a grant of a similar nature -- or
11 similar application where it was looking to fund an
12 agency in order to help with a problem on private and
13 public lands. This again is a similar thing, the
14 problem on public and private land. And as the speaker
15 noted, now they've extended beyond the city limits out
16 into the unincorporated areas. I think that this
17 underscores a point, where is the overall plan. How
18 much of this is going to be duplicated by efforts
19 within the San Bernardino County itself, within Yucca
20 Valley, their efforts, and within BLM's efforts within
21 the same area. Without a coordinated effort in here,
22 it is hard to say where the efficiencies and
23 effectiveness of this grant can be looked at and
24 measured. Thank you.

25 CHAIR SPITLER: Thank you.

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1 JOHN STEWART: By the way, I do want to say I
2 would support the staff recommendations.

3 CHAIR SPITLER: Thanks. I've reviewed this
4 application and heard an awful lot of comments about
5 it. I think the scores don't reflect -- don't reflect
6 accurately -- the staff has recommended representation
7 of the criteria that --

8 Is there more public comment? I'm sorry. If
9 you could step forward. Anyone else want to comment on
10 this grant? Go ahead and step forward now.

11 BRENT SCHORADT: Thanks, Brent Schoradt, I'm
12 here representing the California Wilderness Coalition.
13 We would like to support the Town of Yucca Valley's
14 grant. And we agree with the County of San Bernardino
15 this is a model program for enforcement. And we also
16 agree with the need to expand this model program to
17 include the entire Morongo Basin. And so we'd like to
18 urge the Commission to support this grant. And also
19 it's our understanding that the original proposal was
20 for \$100,000, and it was -- then about \$30,000 of that
21 was knocked down by the staff because apparently some
22 of the equipment was ineligible under funding. So we
23 would like to urge the Commission not only to fund this
24 grant, but also reconsider fully funding the \$100,000.
25 Thanks.

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1 CHAIR SPITLER: Thank you. I'll just go ahead
2 and make my proposal. I'm going to propose a score of
3 15.

4 COMMISSIONER ANDERSON: Are you going to close
5 public comment?

6 CHAIR SPITLER: Public comment is closed.

7 COMMISSIONER ANDERSON: Thank you.

8 CHAIR SPITLER: Twenty, twenty-five,
9 twenty-five, fifteen and fifteen. I think that the
10 application warrants those scores based on my review,
11 based on the comments that I've heard. So I'll move a
12 score of 95 and a funding level of 67,000.

13 Is there a second?

14 COMMISSIONER ANDERSON: I'll second that.

15 COMMISSIONER WALDHEIM: Like to make an
16 amendment motion. Like to make an amended motion to
17 accept staff's recommendation.

18 CHAIR SPITLER: Is there a second?

19 Okay. Amendment fails. Discussion?

20 Okay. All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Opposed?

23 COMMISSIONER WALDHEIM: No.

24 COMMISSIONER BRISSENDEN: No.

25 CHAIR SPITLER: Motion carries. Commissioners

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1 Waldheim and Brissenden vote no.

2 Okay. Our final grant before we break for lunch
3 is OR-760, San Bernardino County Sheriff.

4 STAFF HOM: OR-750, San Bernardino County
5 Sheriff, Law Enforcement scored 61 points with a
6 Division funding determination of 31,900.

7 CHAIR SPITLER: Okay. Public comments here?
8 Errol Bechtel, followed by Greg Loup.

9 If anyone from the public wants to comment on
10 the grant, if you could go ahead and step forward.

11 JOHN STEWART: John Stewart, California
12 Association of 4-Wheel Drive Clubs. We would support
13 this grant at the scored level, at the staff scored
14 level. Thank you.

15 CHAIR SPITLER: Thank you.

16 BRENT SCHORADT: Brent Schoradt from the
17 California Wilderness Coalition. We support full
18 funding of this grant.

19 CHAIR SPITLER: Thank you. Any other member of
20 the public want to comment on this grant?

21 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like
22 to make a motion then, it seems like this Commission is
23 bent on spending money on social issues, so I'm going
24 to spend money for OHV issues. San Bernardino County
25 Sheriff Barstow Field Office, they assist us

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1 tremendously in the Barstow Field Office on the Bureau
2 of Land Management. I know that they work with us in
3 Dumont Dunes and other areas. So I am going to
4 increase the criteria up there from 10 to 15, from 11.7
5 to 20, next one is 10, next one is 25, next one is 15,
6 next one is 11; for 96.

7 COMMISSIONER THOMAS: Sounds like you want to be
8 on that train, Ed.

9 COMMISSIONER WALDHEIM: I might as well be on
10 the train that provides and helps us on the OHV
11 opportunity. The train that we've going on is how to
12 catch the guys to keep from riding. I'm just getting
13 real tired. We might as well call this Commission a
14 non-OHV Commission. We're just totally denying our
15 opportunity every time I turn around. We're denying
16 those agencies that are helping for safety and public
17 health for the users, and we're just denying them.
18 We're just trying to catch the bad guys so to speak,
19 and I'm getting tired of that. So anyway, that's my
20 motion on this. These folks really are out there, and
21 the Bureau of Land Management and Barstow Field Office
22 is Mike Ahrens, he definitely can vouch for me that
23 they do help them on the Barstow Field Office. Without
24 those folks -- I wish I could give them triple the
25 money. We just don't have the money, just don't have

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1 the money anyway to look at that.

2 COMMISSIONER PRIZMICH: Second that, the triple.

3 CHAIR SPITLER: Okay. We have a motion and a
4 second, and a triple. Is there discussion?

5 COMMISSIONER BRISSENDEN: I'm a little surprised
6 with Ed's comments. He's usually out with the militia
7 wanting to shoot them all.

8 COMMISSIONER WALDHEIM: Mr. Chairman, because
9 there's a court reporter over here and we have a lot of
10 law enforcement people, I've been advised by counsel to
11 watch what I'm going to say.

12 CHAIR SPITLER: Probably for the best for all of
13 us.

14 Is there more discussion on this motion? Okay.
15 All those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR SPITLER: Opposed? Okay. Motion carries.

18 COMMISSIONER THOMAS: That was that, the
19 amendment.

20 CHAIR SPITLER: That was the motion. That
21 wasn't the amendment.

22 It's 12:15. Let's make it back at 1:15.

23 (Lunch break taken in proceedings.)

24 CHAIR SPITLER: Okay. If we are ready to grab
25 our seats, we will go ahead and move into the afternoon

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1 portion of today's meeting.

2 COMMISSIONER WALDHEIM: Mr. Chairman.

3 CHAIR SPITLER: The federal agency's
4 applications.

5 COMMISSIONER WALDHEIM: Mr. Chairman.

6 CHAIR SPITLER: Are there any comments before we
7 move on to the afternoon portion?

8 COMMISSIONER WALDHEIM: Kathy Mick has been
9 accusing me of being quiet. Well, forget it. Kathy
10 Mick took me to lunch, and she said you've got to go
11 and get a bite to eat, and so I recharged my batteries,
12 and I want to give the Commission and the public a
13 reality of life check here. And I'm going to open it
14 up, if counsel will let me do that.

15 Counsel, may I make a motion on a resolution or
16 may I read a resolution?

17 COUNSEL GETZ: No.

18 CHAIR SPITLER: You're way out of order.

19 COMMISSIONER WALDHEIM: When do you get to do
20 that?

21 CHAIR SPITLER: You can make your brief
22 comments, and then we're moving on with the afternoon
23 agenda.

24 COUNSEL GETZ: If you have a new business item,
25 it would be appropriate.

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1 COMMISSIONER WALDHEIM: Do you have new business
2 on the Commission for tomorrow then?

3 CHAIR SPITLER: Yes, we have a whole day's
4 agenda tomorrow.

5 COMMISSIONER WALDHEIM: I'm leaving at eleven
6 o'clock tomorrow.

7 CHAIR SPITLER: I understand. If you want to
8 address your comments, we're right in the middle of
9 dealing with the federal agency grants.

10 COMMISSIONER WALDHEIM: Mr. Chairman and fellow
11 Commissioners, I would like to give you the reality
12 check that if we keep going the way we are, we going to
13 lose all those grants that are highlighted up there
14 down are going to be off the funding. They will
15 disappear. Mr. Chairman, that is taking into
16 consideration my recommendations for the rest of the
17 stuff. I have already included everything the way I
18 have it. If we make no changes, if we make no changes,
19 that is what's going to happen to the grants right now
20 the way we are.

21 We have just gone and spent more money than we
22 have allocated for these funds, and this is what I've
23 been trying to tell you for the last two days. And we
24 just keep spending like we have carte blanche, and we
25 don't have carte blanche. So either the Commission

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1 starts figuring out how we're going to reel these
2 things in, or the Division is going to do it for us
3 because they have no problem doing it for us. They
4 just go by the law. They'll just go make the line,
5 bingo and everything below. And I just want you to see
6 the implications of what we're doing.

7 That's why I felt that we needed to do the
8 \$1.3 million for the inventory, and we would have had
9 the \$700,000, would give us a breather, we wouldn't
10 lose anything, and we would have money to finish up our
11 program, and everybody goes home happy. The way it is
12 now, there are going to be a lot of people unhappy up
13 here. I've been trying -- I've been chastised for
14 cutting things that I shouldn't have cut, but we don't
15 even have the money to do what we want to do.

16 So, Mr. Chairman, we've got to figure out how
17 we're going to get through this thing, because we're
18 going to crash.

19 CHAIR SPITLER: Okay. Thank you, Commissioner
20 Waldheim. With that said, we will get back to our
21 agenda and move forward with Angeles National Forest,
22 OR-2-A-66, Angeles, Law Enforcement.

23 STAFF HOM: Chairman Spitler, I was wondering
24 when we were going to hear that OR-1-NO-64 BLM Redding
25 Field Office?

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1 CHAIR SPITLER: Do that at the end of the day
2 today.

3 STAFF HOM: End of the day.

4 Okay. OR-2-A-66, Angeles National Forest, Law
5 Enforcement has a score of 71 points with Division
6 funding determination of 177,450.

7 CHAIR SPITLER: Okay.

8 TOM COUCHER: Sir, good afternoon, Tom Coucher
9 Angeles National Forest Program Coordinator. First,
10 I'd like to start out by saying if there is a good
11 definition of unique, it would be the Angeles National
12 Forest. We sit right in the middle of Los Angeles
13 County with a major population on pretty much both
14 sides. We have major population growth going out in
15 the Antelope Valley and also in the Santa Clarita
16 Valley which was major impact on your forests.

17 One thing about law enforcement dollars, it can
18 also be used for patrolling, which is -- you know, for
19 warning notices, citations, things like that. But also
20 those monies can be used for doing barricading and
21 fencing and signing. This is a big part of what we
22 have on the forest to keep the users on the designated
23 trails and in the area. On your forest, San Gabriel
24 Canyon OHV area, we have a sensitive species there.
25 Little Rock Recreation Area, an OHV area, we also have

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1 a sensitive species there. Rowher Flats Off-Highway
2 Vehicle Area, we also a major Indian archeological
3 site, in all of these areas there, we have major
4 barricades and signing to keep the OHV users in those
5 areas. It's very important that we keep that signing
6 going.

7 In the past, our funding has been inadequate to
8 cover all of our areas for fencing and barricading and
9 signing. We've put most of our emphasis in those areas
10 for the sensitive species and archeological sites. For
11 this additional funding, which is above and beyond what
12 we received in the past, this will help us catch up in
13 some of these areas that we've been lacking in the last
14 several years.

15 With our grant that we have there, we've been
16 utilizing Los Angeles County Sheriff's Department that
17 has made a major impact in the Antelope Valley and
18 Santa Clarita areas along the border. They have
19 reduced some of the encroachment into our forests by
20 over 90 percent in some cases. We've actually got
21 Mother Nature taking over and revegetating some areas
22 that have been impacted by OHVs in the past. Our
23 forest would like to go along with the recommendation
24 by staff for the staff funding. Thank you.

25 CHAIR SPITLER: Thank you. Roger Wallace.

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1 ROGER WALLACE: Roger Wallace, L.A. County
2 Sheriff's Department out of the Santa Clarita Station.
3 We fully support the Forest Service out of the Angeles
4 National Forest. They have done a tremendous job.
5 With our aggressive enforcement efforts, their
6 attendance has increased dramatically in Rowher Flats
7 areas. And we fully support and respectfully request
8 the Commission approve staff recommendation funding
9 levels. Thank you.

10 CHAIR SPITLER: Is there anyone else from the
11 public who wants to comment on the Angeles National
12 Forest, Law Enforcement?

13 TOM TAMMONE: Tom Tammone, California Trail
14 Users Coalition. I haven't spent too much time in the
15 Angeles National Forest, but the time I have spent
16 there, I have to say I concur with Tom Coucher and his
17 needs. He needs the money, and I believe staff
18 recommendation is a good amount. Thank you.

19 CHAIR SPITLER: Thank you. Any other comments
20 for the Angeles National Forest, Law Enforcement?

21 Okay Commissioners.

22 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like
23 to change the ranking category on this enforcement
24 grant. First item, 10 points. The second one would be
25 16 points, 13, 15.

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1 COMMISSIONER ANDERSON: The maximum there is
2 ten.

3 COMMISSIONER WALDHEIM: Change that back to ten,
4 sorry about that. My error. So that would be eighteen
5 the next one, five, seven, should be 66. That's
6 correct. And that's my motion for 66 points for the
7 Angeles National Forest.

8 COMMISSIONER ANDERSON: I'll second that.

9 CHAIR SPITLER: Discussion?

10 COMMISSIONER ANDERSON: I have a question for
11 the applicant. You mentioned not being able to finish
12 your barricades and barriers. What percentage of that
13 is finished currently?

14 TOM COUCHER: Well, it's not that it's not
15 finished. We have a lot of barricades and fencing
16 throughout the forest to stop a lot of the illegal use.
17 And because our emphasis has been primarily in those
18 sensitive species and archeological sites, we've been
19 unable to keep up with some of the damage that's been
20 taken down. It would be great if we could put up a
21 fence or a barricade and leave it alone and it would
22 never get damaged, but unfortunately we do have a lot
23 of use where it goes out there and breaks things down,
24 so we have to go back and repair. We lose a lot of
25 signs; therefore, we have to go back and repair that

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1 stuff. That's what's been lacking.

2 COMMISSIONER ANDERSON: I don't see a
3 restoration grant here.

4 TOM COUCHER: We're not talking about
5 restoration.

6 COMMISSIONER ANDERSON: I know. Did you apply
7 for restoration funds?

8 TOM COUCHER: No, not this year. We applied
9 last year, and we are spending that restoration at this
10 time.

11 COMMISSIONER ANDERSON: Okay.

12 CHAIR SPITLER: Okay. More discussion? All
13 those in favor?

14 (Commissioners simultaneously voted.)

15 CHAIR SPITLER: Opposed? Motion carries.

16 TOM COUCHER: Thank you.

17 CHAIR SPITLER: OR-2-C-51, Cleveland National
18 Forest.

19 STAFF HOM: OR-2-C-51, Cleveland National
20 Forest, Restoration scored 50 points with a Division
21 funding determination of 83,250.

22 CRAIG COWIE: Craig Cowie, Cleveland National
23 Forest. I've provided the Commissioners an updated
24 scoring sheet. On the back of that scoring sheet is
25 just some Bullhead statements that reiterate what

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1 possible scoring might be. The recommendation for the
2 restoration grant is for fixing several areas, hill
3 climbs, some of our trails. And so we'd like to
4 propose a scoring change in the recommended changes.

5 COMMISSIONER WALDHEIM: What are the scores?

6 CRAIG COWIE: Twenty for the first one, ten for
7 the second one, ten for the second one, 30, 12, ten for
8 a total of 92 out of a hundred.

9 COMMISSIONER PRIZMICH: I thought I heard one of
10 the Commissioners ask for a little greater detail.

11 COMMISSIONER THOMAS: Can you give us some facts
12 so that we feel a little more comfortable with agreeing
13 with you?

14 CRAIG COWIE: As far as facts on the different
15 scoring that I did?

16 COMMISSIONER THOMAS: Yes, why you believe that
17 30 points in the third and fourth category is
18 appropriate.

19 CRAIG COWIE: For which ones particular?

20 COMMISSIONER THOMAS: You built the 30 point
21 analysis, tell us why you think 30 points is
22 appropriate.

23 CRAIG COWIE: Because of the benefits that we're
24 going to -- for our rare and endangered species is
25 probably the main one. We've got on Bear Valley, which

1 is one of the proposals that we're planning to restore,
2 we have the San Bernardino grass that's a rare and
3 endangered species that we plan on fixing, some of the
4 hill climbs also. We have Arroyo toad that we are
5 working on to enhance so that that's part of that
6 restoring those particular areas.

7 COMMISSIONER THOMAS: Anything more to justify
8 your suggestion?

9 CRAIG COWIE: On the back of that sheet there
10 is -- I provided some Bullhead points to help in that
11 clarification.

12 COMMISSIONER THOMAS: Does this particular area
13 include the area around -- does this particular grant
14 application include the area around San Mateo Creek?

15 CRAIG COWIE: Yes, it does.

16 COMMISSIONER THOMAS: And what are you doing
17 there that would benefit -- to demonstrate that the
18 proposed project will --

19 CRAIG COWIE: Well, Wildomar, which is one of
20 the areas that they're talking about, San Mateo Creek
21 has anadromous fisheries down at the bottom end of that
22 going into Camp Pendleton. So that would help keep
23 sediment from going from that area down into San Mateo
24 Creek which goes down into the ocean to the anadromous
25 fisheries.

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1 COMMISSIONER THOMAS: If I could just ask,
2 you've asked for some changes here. We're going to
3 have public comment right after you're done. Public
4 has not had an opportunity to see your notes here, so
5 it might be helpful for them to understand why it is
6 you're asking for the changes. That's what I think
7 that we're trying to get at. So if you could -- we can
8 turn this over and read it, but I think it might be
9 advantageous for the public to hear your comments as to
10 why you're upping these.

11 CRAIG COWIE: For each one?

12 COMMISSIONER THOMAS: Yes.

13 THE WITNESS: For the law enforcement one, the
14 reason for going up to the recommended changes,
15 describes appropriate mix of FPOs and law enforcement.
16 For patrol, the particular areas that are closed and
17 rehabilitated, riding warnings or citations for one
18 who's violating designated closures. Application
19 requests 25 days patrol time and monitoring of those
20 particular areas. So that was in the application.

21 Efficient use of funds describes working
22 relationship with the CCC crews, which is a crew that
23 we use to help with our volunteers so that this
24 demonstrates a partnership that -- completing the
25 project in an efficient manner, using that money to

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1 help supplement and using the partnerships.

2 Next one, negative impacts of not funding, with
3 those areas we continue to degrade and leading to more
4 resource damage, and we'd have to come back for more
5 funding to fix those potential areas.

6 Protects, restores, and conserves resources,
7 application contains a general statement on pages four
8 and five of the application, and then there's other
9 areas in those different applications. And I can get
10 the grant application and read those particular pages,
11 but there's -- that to me addresses those particular
12 points.

13 Innovative aspects, describes what's been
14 successful in the past as far as closing hill climbs
15 and doing those past restorations, we've been
16 successful in keeping people out of the areas we've
17 already restored in the past.

18 And the volunteer participation, how well we've
19 used the volunteers, which I talked about above, and
20 those are also all in the application on those
21 different pages that I described.

22 COMMISSIONER PRIZMICH: Okay. Thank you.

23 Public comment. Any public comment?

24 Hearing none, Commission?

25 COMMISSIONER THOMAS: This is a restoration

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1 grant?

2 COMMISSIONER WALDHEIM: Yes, sir.

3 COMMISSIONER THOMAS: This is 51, so I'll move
4 the grant with the following project scores, 20, 10,
5 10, 30, 12 and 10.

6 CHAIR SPITLER: We've got a motion on that. Do
7 we have a second on that?

8 COMMISSIONER ANDERSON: I'll second.

9 CHAIR SPITLER: Discussion.

10 COMMISSIONER ANDERSON: Another question for the
11 applicant. Which area is -- Cleveland National Forest
12 is spread out over two-and-a-half counties. Can you
13 tell me within the application which area is going to
14 receive priorities? Where is most of the restoration
15 going to be done, in which units of the forest?

16 CRAIG COWIE: Both of our OHV area, Corel Canyon
17 and Wildomar, so there is areas in both of those
18 particular OHV areas. One, Corel Canyon is in
19 San Diego County, Wildomar is in Riverside, and both of
20 those would benefit from this grant.

21 COMMISSIONER ANDERSON: Are you doing any
22 restoration in other areas of the forest outside the
23 OHV area?

24 CRAIG COWIE: There is some on the route to
25 Wildomar along the north main divide up there on top.

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1 There is some intrusions that this particular grant
2 would help alleviate. So there is some outside of the
3 Wildomar OHV area.

4 COMMISSIONER ANDERSON: Do you not have any
5 other areas with impact?

6 CRAIG COWIE: We have some, but this grant is
7 not addressing those at this particular time.

8 COMMISSIONER ANDERSON: Thank you.

9 COMMISSIONER THOMAS: So this grant is limited
10 to two ranger districts?

11 CRAIG COWIE: Correct.

12 COMMISSIONER THOMAS: We don't come with all of
13 the boxes of grants all absorbed, so we have to ask
14 you.

15 CRAIG COWIE: That's fine, just keep asking
16 questions.

17 COMMISSIONER THOMAS: It's helpful if you just
18 tell us.

19 CRAIG COWIE: Okay.

20 CHAIR SPITLER: Okay. Is there more discussion
21 from the Commission?

22 COMMISSIONER WALDHEIM: I would like to ask --
23 just state that Craig has been a great help when we
24 have our regular quarterly meetings with Tina Terrell,
25 the forest supervisor and his staff, so I want to

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1 commend him for being there and working with us and
2 getting our programs going with both Corel and
3 Wildomar, so I want to thank them for all of the work
4 they're doing down there.

5 CRAIG COWIE: Thank you.

6 CHAIR SPITLER: More discussion? All those in
7 favor?

8 (Commissioners simultaneously voted.)

9 CHAIR SPITLER: Opposed. Motion carries.

10 Inyo National Forest, OR-2-I-73 and OR-2-I-70.

11 STAFF HOM: OR-2-I-70, Inyo National Forest, Law
12 Enforcement scored 78 points with a Division funding
13 determination of 114,400. And then OR-2-I-73, Inyo
14 National Forest, Restoration scored 76 points with a
15 Division funding determination of 74,750.

16 TODD ELLSWORTH: Good afternoon, Commissioners,
17 I'm Todd Ellsworth, the Watershed Program Manager and
18 OHV Program Manager for the Inyo National Forest. This
19 is Mark Daniel, law enforcement from the Inyo National
20 Forest.

21 First, I will address the law enforcement
22 grants, and then the restoration grant, which I passed
23 out an updated scoring criteria sheet to you. We
24 appreciate the Division's score of 78 for law
25 enforcement and support staff's recommendation for law

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1 enforcement. That's all I have to say about that. Do
2 you want me to address the restoration grant, too?

3 CHAIR SPITLER: Yes, if you could.

4 TODD ELLSWORTH: Okay. I passed out an updated
5 criteria score sheet for the restoration grant.
6 There's three specific criteria that I addressed in my
7 updated recommendation. The first criteria was the law
8 enforcement piece of it. And the Inyo, we submitted
9 six separate grants that basically covered the whole
10 forest. We have four ranger districts on the Inyo.
11 It's about two million acres. So we submitted six
12 grants. And each of the grants addresses how we would,
13 once we do the restoration, increase patrols in those
14 areas to make sure that that money that was spent keeps
15 the areas closed that we want closed and restored that
16 we want restored. We addressed those in the grant and
17 in the PCDs.

18 On criteria number four, the application
19 demonstrates that the proposed project restores,
20 conserves resources; again we addressed in each of the
21 grants how the specific resources for each of the
22 restoration projects would be conserved or restored.
23 And these include wildlife habitat, vegetation, and
24 soil and water quality, for instance. And each one has
25 some specific things that they address.

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1 For the fifth criteria, application demonstrates
2 innovative approaches, again, what we did is when we
3 evaluated these areas, we did site specific evaluations
4 and tailored our prescription treatments to those site
5 specific conditions. So we feel like we've done a good
6 job as being innovative as we can. And the Inyo has a
7 history of doing quality and innovative watershed
8 restoration and OHV restoration projects. And
9 recommended -- for the first one I recommended a score
10 of 20 for the law enforcement piece. For criteria
11 four, I recommended a score of 29. And for criteria
12 five, I recommended a score of 20 for an updated score
13 of 95.

14 CHAIR SPITLER: Thank you. Okay. Anyone from
15 the public want to comment on these grants?

16 Go ahead and step forward.

17 JOHN STEWART: John Stewart, California
18 Association 4-Wheel Drive Clubs. We support these
19 grants at the staff recommendations, and I'd like to
20 point out that this is a prime example of how a forest
21 is taking or trying to manage an OHV program and
22 implement or meld the categories of law enforcement
23 with their restoration.

24 In other words, the restoration is a key
25 component of this, but in order to make that

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1 restoration work, you have to fund the law enforcement
2 to what is necessary, and this is -- the minimum
3 requested for the law enforcement is at the staff
4 recommendation. It's essential that the forest receive
5 that kind of support in order to ensure that the
6 restoration work that they do actually remains intact.

7 This particular forest is being impacted by a
8 growing visitation, both summer and winter. And in
9 order for them to make headway and keep their program
10 going, they need the support of the law enforcement
11 dollars. So I would urge to make sure we do fund that
12 at the staff recommended level. Thank you.

13 CHAIR SPITLER: Thank you.

14 JAY WATSON: Briefly, Jay Watson with the
15 Student Conservation Association. We're just hoping
16 for fuller funding on the restoration grant. What it
17 will allow us to do with the forest is bring some
18 matching funds from the National Forest Foundation and
19 a private individual donor to bear on our project that
20 we're doing in partnership with the Inyo. But were it
21 not funded at a fuller level, it might put those
22 matching funds in jeopardy. Thank you.

23 CHAIR SPITLER: Thank you. Anyone else to
24 comment on Inyo National Forest?

25 Okay. Let's take the law enforcement first,

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1 OR-2-I-70.

2 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like
3 to go and first category eight; second one, eight; next
4 one, zero; next one, 15; next one, 13; next one, nine;
5 should be 52, 79,200. And my reason for doing that is
6 there's -- they have the opportunity up there. They
7 have a cooperative agreement or they work together in
8 concert with the Bureau of Land Management, and I feel
9 that -- those are the numbers, and I move that we go
10 for the 53.

11 CHAIR SPITLER: Is there a second? I'll second.
12 Discussion? Commissioner Anderson.

13 COMMISSIONER ANDERSON: Just a question, the
14 category that you gave zero to, can you -- I heard
15 exactly the opposite from the applicant, not that they
16 had a unique enforcement issue, but that they were
17 addressing -- the applicant indicated that they were
18 dealing with enforcement around the restoration
19 project. Is that --

20 COMMISSIONER WALDHEIM: Commissioner Anderson,
21 if I look at the criteria that staff provided us, if I
22 throw out the high and low, I end up with zero. So
23 they in their own, when they did the thing, was pretty
24 much zero because if you go on throwing out the high
25 and low, it should have been zero in the first place.

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1 And there is nothing really unique about their ability
2 to enforce.

3 COMMISSIONER THOMAS: Well, is there any
4 representative from the community, that Inyo community
5 in the audience, is there a user community? I mean
6 what does the community think of this grant for the
7 Inyo?

8 CHAIR SPITLER: Commissioner Thomas, we did
9 public comment.

10 COMMISSIONER THOMAS: Very good, it's closed. I
11 was just checking.

12 CHAIR SPITLER: Okay. More discussion?

13 COMMISSIONER THOMAS: I'm not sure what to think
14 about the Inyo. My last experience was a trip out in
15 the desert to watch the Inyo try to build a road
16 through what seemed to me to be a rather active
17 streambed with riparian vegetation.

18 COMMISSIONER WALDHEIM: Mr. Chairman, that is
19 irrelevant to this proceeding.

20 COMMISSIONER THOMAS: No, it isn't because it
21 goes to the credibility of the organization to follow
22 through on its commitments, which I'm sure in this list
23 of factors we will find credibility as one of the
24 elements. Nevertheless, in the absence of community
25 input, I'll follow the Commission's lead.

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1 CHAIR SPITLER: More discussion? Okay. All
2 those in favor?

3 (Commissioners simultaneously voted.)

4 CHAIR SPITLER: Opposed?

5 COMMISSIONER BRISSENDEN: No.

6 CHAIR SPITLER: Motion carries.

7 OR-20-I -- Commissioner Waldheim, you're just
8 happy that the microphone did not pick up those
9 comments.

10 OR-2-I-73, Inyo National Forest, Restoration.

11 (Discussion held off the record dealing with room
12 temperature.)

13 COMMISSIONER ANDERSON: This is the restoration
14 grant?

15 COMMISSIONER THOMAS: Restoration grant, I would
16 view the numbers according to the suggested motion
17 involving 20, 10, six, 29, 20 and 10, because restoring
18 things to their natural environment might be a good way
19 to deal with the Inyo. That's my motion.

20 COMMISSIONER ANDERSON: That's your motion?
21 I'll second that.

22 COMMISSIONER THOMAS: Twenty, 10, six, 29, 10,
23 10.

24 COMMISSIONER BRISSENDEN: You're not
25 conditioning that on removing that road to the stream?

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1 COMMISSIONER THOMAS: Well, I would, I would.
2 If you want to add that amendment, I would accept that.

3 COMMISSIONER WALDHEIM: Chairman, that's out of
4 order.

5 COMMISSIONER THOMAS: We're not out of order.
6 This is democratic process. Is that a motion, sir?

7 COMMISSIONER BRISSENDEN: I would like that
8 moved.

9 COMMISSIONER ANDERSON: I don't know what that
10 one is.

11 CHAIR SPITLER: I'm not sure that's even part of
12 this application. So I don't think that that amendment
13 is actually in order.

14 COMMISSIONER BRISSENDEN: I'll get out of order
15 then.

16 COMMISSIONER THOMAS: I would accept that
17 amendment, if that's your -- if your conditioning --

18 COMMISSIONER BRISSENDEN: Remove the road from
19 the stream.

20 COMMISSIONER ANDERSON: That's a little general.
21 Can we --

22 COMMISSIONER BRISSENDEN: Commissioner Thomas,
23 was specifying in his observations, and he can be more
24 specific if he would like.

25 COMMISSIONER THOMAS: The lower third of the

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1 Furnace Creek Road alignment in the White Mountains.

2 COMMISSIONER PRIZMICH: Can I ask the applicant
3 if there is a road that is in the middle of a
4 streambed? Is that, in fact, what's going on?

5 TODD ELLSWORTH: Which road specifically?

6 COMMISSIONER PRIZMICH: I don't know. You've
7 heard the discussion here.

8 COMMISSIONER WALDHEIM: Furnace Creek.

9 TODD ELLSWORTH: The Furnace Creek Road goes
10 through Bureau of Land Management lands, and then under
11 the Inyo National Forest. It is currently closed due
12 to resource impacts. The BLM in conjunction with the
13 Forest Service completed an environmental assessment to
14 determine what final decision would be made on that
15 road. And that decision will be coming out within the
16 next several months.

17 COMMISSIONER PRIZMICH: That does not answer.

18 CHAIR SPITLER: I'm going to ask counsel to just
19 address this question of whether this motion is in our
20 jurisdiction.

21 COUNSEL GETZ: There are a number of cases,
22 including one involving the Coastal Commission that
23 came out of the Cal Supreme Court to say when you
24 condition something, there has to be a direct
25 relationship between your authority to do directly what

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1 you're trying to do indirectly. If you could condition
2 removal of a road as part of the application in chief,
3 then you certainly can do it as part of the funding for
4 that application. But it doesn't look here that you
5 have the authority, as I read the codes. Let me give
6 you an absurd example. If in the future for some
7 reason you weren't happy with a particular employee of
8 the organization seeking funds, you condition upon
9 removal of that employee from employment, which you're
10 not doing. Just another example of things that can get
11 a little bit off focus, and I think this is one that I
12 don't think you can do indirectly, what you couldn't do
13 directly.

14 COMMISSIONER THOMAS: You're speaking to the
15 nexus requirement.

16 COUNSEL GETZ: Correct.

17 COMMISSIONER THOMAS: And the thought is that
18 the Off-Highway Vehicle Commission is funding the
19 opportunity and balancing opportunity with
20 environmental protection inside national forests. And
21 that the proposed condition would be an exercise in
22 that balance.

23 COUNSEL GETZ: It's correct, you can do that.

24 But, on the other hand, any application has an
25 implementation plan and the funding is off of that. So

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1 you're actually going into the detail of the
2 application and saying don't do it X, do it Y. That
3 doesn't seem appropriate as far as the funding process.

4 COMMISSIONER THOMAS: I understand.

5 COMMISSIONER WALDHEIM: Mr. Chairman, may I ask
6 that the applicants on the restoration specifically
7 word where you are spending this money. You ask very
8 specifics. I think we're fishing here.

9 TODD ELLSWORTH: Correct, we do have specifics.
10 Deadman Creek project, West Glass project, Gwenaduma
11 project, Pilot Road restoration, Smokey Bear Flats and
12 Buttermilk Canyon.

13 COMMISSIONER WALDHEIM: Therefore, Mr. Chairman,
14 I submit to you that what fellow Commissioners are
15 trying to advocate has absolutely no relevance to this
16 grant. It's not even close to it.

17 Chair Spitzler. Thank you, Commissioner.

18 I'm going to rule this motion out of order and
19 accept a new motion on the substitute motion on the
20 Inyo restoration grant.

21 COMMISSIONER THOMAS: Well, the underlying
22 motion would continue, if you rule the amendment out of
23 order.

24 COUNSEL GETZ: Right.

25 CHAIR SPITLER: I'll rule the amendment out of

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1 order. We'll allow the original motion of a score of
2 95 for funding level of \$115,000.

3 More discussion on the original motion?

4 COMMISSIONER ANDERSON: Who was the second?

5 CHAIR SPITLER: I don't know.

6 COMMISSIONER ANDERSON: You were? I will then,
7 if you didn't have a second. I'll make sure that we
8 have a second for the original. He was making that
9 motion, and then --

10 COMMISSIONER THOMAS: Now, we have a second, and
11 I understood you just made that second.

12 COMMISSIONER ANDERSON: Yes.

13 CHAIR SPITLER: Okay. We have a motion.

14 Is there more discussion of the motion?

15 Okay. All those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR SPITLER: Opposed? Motion carries. Thank
18 you.

19 TODD ELLSWORTH: Thanks.

20 CHAIR SPITLER: OR-2-LP-98 Los Padres National
21 Forest.

22 STAFF HOM: OR-2-LP-98, Los Padres National
23 Forest, Restoration scored 79 points with a Division
24 funding termination of 194,350.

25 KATHLEEN MICK: Good afternoon, Commissioners.

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1 Kathleen Mick U.S. Forest Service. The folks from the
2 Los Padres couldn't be here today due to some
3 scheduling conflicts and also just sheer budgetary
4 concerns, so I'm here to represent them.

5 I passed out to you a new score sheet in which
6 the Los Padres National Forest believes that for the
7 OR-2-LP-98 they should receive a total score of 95.
8 And if you'd like, I can provide you the reasons why
9 they think that. Their proposed project, their
10 application, they felt that it described the ongoing
11 law enforcement activities, including the patrol
12 personnel, scheduling and the areas of the concerns
13 that their efforts will be focused on. And there's a
14 page number that referred to that.

15 It discusses their law enforcement efforts
16 associated with resource protection and restoration of
17 illegal trails. For the efficient use of funds, that
18 they describe the efficient use of funding, and that
19 the project clearly articulates the existing conditions
20 of the roads and how restoration efforts will mitigate
21 existing damage that has occurred.

22 Implications of not funding the proposed project
23 as described in their decision memo, the Commada Canyon
24 Mole and threatened plant species is found only in the
25 Red Hill area and nowhere else in the world. Not

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1 funding this project would hinder current efforts to
2 protect that species.

3 For the demonstration that the proposed project
4 protects, restores or conserves resources, that their
5 application clearly described the efforts the forest
6 would take to protect, conserve and restore resources
7 through installation of pipes and/or barriers,
8 monitoring and seeding and contouring. And not funding
9 the project could result in lost critical habitat for
10 threatened species with continued resource damage.

11 Their innovated approaches that they intend to
12 use for both projects, their innovation of a light
13 footprint approach, using handwork instead of
14 mechanized equipment to minimize the compaction of the
15 area, and the use of resources at a district fire
16 station due to the remoteness of the projects.

17 And in terms of their volunteer participation,
18 that they have two clubs that donate and devote their
19 time to maintain OHV routes in the area and are very
20 active in maintenance and restoration efforts and have
21 contributed time and have helped with purchase and
22 installation of signs, picnic tables for the enjoyment
23 of the OHV community. And additionally volunteers
24 participated with the development of alternatives
25 during the planning phases for the proposed projects.

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1 COMMISSIONER ANDERSON: Question.

2 CHAIR SPITLER: Let's do the public comments,
3 and then will bring Ms. Mack back for questions.

4 Anyone from the public want to comment on
5 Los Padres?

6 JOHN STEWART: John Stewart, California
7 Association of 4-Wheel Drive Clubs. We would accept
8 the scored recommendations as the appropriate funding
9 level for this grant.

10 CHAIR SPITLER: Is there more public comments on
11 Los Padres? Okay. Ms. Mick, do you want to come back
12 for a few questions.

13 COMMISSIONER ANDERSON: Yes. Could you refresh
14 your memories on which districts this restoration work
15 is going to be in?

16 KATHLEEN MICK: I could, if the Division would
17 be so kind as to pull the application or provide me
18 with a book.

19 COMMISSIONER ANDERSON: Mount Pinos and Ojai.

20 KATHLEEN MICK: Okay. Restoration project
21 request includes activities on both the Santa Lucia
22 District, Monterey Ranger District. That's all it
23 seems to say here. It seems to be Santa Lucia and
24 Monterey.

25 COMMISSIONER ANDERSON: In addition to Mount

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1 Pinos.

2 KATHLEEN MICK: I don't see Mount Pinos here.

3 CHAIR SPITLER: Ms. Mick, maybe I can just ask
4 about the law enforcement application. I didn't -- I
5 don't find a law enforcement application here for the
6 Los Padres. I'm just curious as to why not.

7 KATHLEEN MICK: I think that that was fully
8 discussed during the subcommittee meeting. The law
9 enforcement application was deemed incomplete by the
10 Division and was rejected for further consideration by
11 the Commission.

12 CHAIR SPITLER: Why was it rejected?

13 KATHLEEN MICK: I believe they were in violation
14 of the regulations in terms of having excessive number
15 of pages.

16 CHAIR SPITLER: How much in excess were they?

17 KATHLEEN MICK: I don't recall.

18 COMMISSIONER WALDHEIM: One paragraph.

19 KATHLEEN MICK: Around a page or so.

20 CHAIR SPITLER: One paragraph. How much was
21 that application for?

22 KATHLEEN MICK: I don't know off the top of my
23 head. I can certainly ask the Division. We can ask
24 the Division that. I don't know. I wasn't prepared to
25 answer that, so I don't know. It was several hundred

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1 thousand dollars.

2 COMMISSIONER THOMAS: Should we put this grant
3 aside until you guys are prepared to answer that
4 question?

5 KATHLEEN MICK: The restoration grant. No, I
6 can give you --

7 COMMISSIONER THOMAS: No, this grant aside.

8 CHAIR SPITLER: We don't need to do that. Poor
9 guys got their application thrown out because it's a
10 paragraph over. We don't need to punish them further.

11 COMMISSIONER THOMAS: No, no, I'm not talking
12 about punishment. We've got someone standing in front
13 of us and you're asking questions. You haven't read
14 the grant, you're saying let me look at the grant.

15 CHAIR SPITLER: The question was not on the
16 grant that's before us right now. It's on the grant
17 that wasn't before us.

18 COMMISSIONER THOMAS: I've got questions. I'd
19 like to know how you -- under the section of your memo
20 called, "Implications not funding the proposed
21 project," you indicate that there is this threatened
22 plant species, and then no funding of this project
23 would hinder current efforts to protect the species.
24 What do you propose to do to protect the species? And
25 one of the reasons that I'm asking these direct

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1 questions is we're holding law enforcement grants to
2 pretty high standards. It would be particularly unfair
3 if we do not hold the restoration grants to equal
4 standards.

5 KATHLEEN MICK: Absolutely. Well, what the
6 forest said was that under their implications of not
7 funding the project, that not funding the Red Hill
8 project would result in continued illegal OHV activity
9 between Red Hill Road and Benchmark Trail. So that
10 would continue to erode, threaten plant habitat and
11 populations would diminish over time, and sensitive
12 heritage sites would become damaged. The prognosis
13 would only be compounded by the increasing OHV activity
14 in the Pozo/LaPanza area. If resource damage is not
15 addressed now, restoration costs would increase, and
16 restoration opportunities be foregone because damage
17 would be beyond repair. The threaten plant species
18 found in the canyon is found only in the Red Hill area
19 and nowhere else in the world. Not funding and
20 implementing this project could ultimately drive the
21 species into extinction.

22 COMMISSIONER THOMAS: My question is what are
23 you doing? What are you going to specifically do?

24 KATHLEEN MICK: I would have to ask the forest
25 that question specifically.

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1 TODD ELLSWORTH: I actually help the Los Padres
2 with this project if I could be allowed to address what
3 we plan on doing with that.

4 CHAIR SPITLER: Please.

5 TODD ELLSWORTH: My name is Todd Ellsworth,
6 Watershed program, an OHV program leader on the Inyo
7 National Forest. Like I said, I've been helping the
8 Los Padres for some of their OHV stuff, and this is one
9 of the projects I've been working on.

10 And what we propose to do is there is a staging
11 area that is impacting this plant population, and
12 there's a proliferation of trails off the staging area.
13 So one of the proposals is to barricade the staging
14 area, subsoil, restore the infiltration of the soil in
15 the compacted areas, and do some signage, and also
16 block some of the illegal road proliferation from that
17 area.

18 COMMISSIONER THOMAS: That's what I was looking
19 for. I wanted to know what you were going to do, how
20 you were going to do.

21 CHAIR SPITLER: Well, I think based on the
22 comments here today and my review of the application,
23 in light of the information that we've heard, I'm going
24 to propose the following scores 19, 10, 9, 30, 19, and
25 eight for a total score of 95, funding level of

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1 299,000.

2 COMMISSIONER BRISSENDEN: I'll second.

3 CHAIR SPITLER: Is there discussion? Okay.

4 Motion and second.

5 All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR SPITLER: Opposed? Motion carries.

8 KATHLEEN MICK: The Los Padres thanks you, and
9 Commissioner Thomas, next time one of the forests begs
10 out, I'll be sure to be more prepared.

11 COMMISSIONER THOMAS: Thank you.

12 CHAIR SPITLER: Okay. San Bernardino National
13 Forest.

14 STAFF HOM: OR-2-SB-86, San Bernardino National
15 Forest, Resource Management scored 72 points with a
16 Division funding determination of 24,700. OR-2-SB-87,
17 San Bernardino National Forest, Restoration scored 83
18 points with a Division funding determination of
19 157,500.

20 CHRIS EVANS: Good afternoon, Chair Spitler and
21 Commissioners. My name is Chris Evans. I'm the acting
22 Forest Trails Program Leader on the San Bernardino
23 National Forest. This may be something a little
24 different from some of what you've heard over the last
25 couple of days. We're actually very pleased with the

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1 scores as they are and with the recommendations that
2 the Division has made for funding.

3 The only comment that I think I would add to
4 that would be regarding our restoration proposal for
5 the Baldi Mesa area. We do feel this is an extremely
6 important project for the San Bernardino. We would
7 like to see it funded at the highest level that the
8 Commission would find appropriate. I'm not going to
9 suggest any changes to that score. I do feel like the
10 application was rated very fairly. But if the
11 Commission felt that they wanted to add a few bucks to
12 that pot, we certainly wouldn't complain. I'll be very
13 brief and leave it at that. And I will stand by if
14 anyone has any questions.

15 CHAIR SPITLER: Anyone from the public wish to
16 comment on the San Bernardino National Forest?

17 JOHN STEWART: John Stewart, California
18 Association of 4-Wheel Drive Clubs. With any
19 wilderness recreation program, the agencies need the
20 assistance of not only restoration grants to work into
21 it, but also other resources to work in and work in
22 conjunction with them. I'd urge the Commission saying
23 that the SB-86 grant be funded at the staff scored
24 level as it is an important component of making sure
25 that this restoration grant is actually completed.

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1 Thank you.

2 CHAIR SPITLER: Thank you.

3 TOM TAMMONE: Tom Tammone, California Trail
4 Users Coalition. As far as the SB-86, the resource
5 grant, I have a lot of concerns about it. This forest
6 is very dependent on its resource people and relies
7 heavily on volunteer labor who do trail maintenance. I
8 saw some articles -- especially concerned about the
9 ratio of restoration money to the ratio of trail
10 maintenance money. I just want to put those to rest.
11 We have some 39 adopt-a-trail closure. I'm member of
12 one of the forests, and we donate approximately
13 \$500,000 a year annually in maintenance for trail
14 maintenance. So there is no issue with getting trails
15 maintained in the San Bernardino National Forest.

16 And back there in the time of the southern
17 province when most forests were closed due to high
18 rains, most of the trails up there were still open. So
19 I just want to put those concerns to rest, and there is
20 no reason why anybody that's a responsible off-road
21 individual wouldn't object to full funding of the
22 restoration grant. Thanks.

23 CHAIR SPITLER: Thank you.

24 BENJAMIN VON DIELINGEN: Good afternoon,
25 Commissioners, my name is Benjamin Von Dielingen. I'm

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1 at San Bernardino National Forest Association's
2 Off-Highway Vehicle Education Outreach Coordinator.
3 Tom, John and Chris pretty much said all what I wanted
4 to say, so I'll just throw in my support for requesting
5 Division's recommendation of the resource amount.
6 Thank you.

7 CHAIR SPITLER: Thank you. Anyone else to
8 comment only San Bernardino?

9 COMMISSIONER WALDHEIM: Mr. Chairman, I would
10 like to move staff recommendation.

11 COMMISSIONER PRIZMICH: Second.

12 CHAIR SPITLER: For OR-2-SB-86?

13 COMMISSIONER WALDHEIM: Sorry, the resource.

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

16 (Commissioners simultaneously voted.)

17 CHAIR SPITLER: Opposed? Motion carries.

18 OR-2-SB-87.

19 COMMISSIONER PRIZMICH: Mr. Chairman, I would
20 like to move staff recommendation.

21 CHAIR SPITLER: Is there a second?

22 COMMISSIONER ANDERSON: I'll second that.

23 COMMISSIONER WALDHEIM: I'd like to make an
24 amendment motion after Commissioner Anderson finishes.

25 COMMISSIONER ANDERSON: Go ahead.

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1 COMMISSIONER WALDHEIM: Yes, we talked about the
2 Baldi Mesa area, and I think this is one of those areas
3 that is long overdue. San Bernardino National Forest
4 is getting visitors like all of us down in Southern
5 California are getting. And so I would like to
6 change -- I'd like to change the ranking on the
7 restoration grant to 15 on the first item, ten on the
8 second, ten on the third, 30 on the fourth, 20 on
9 whatever -- is the fifth, and then eight. It should
10 come out to 92 -- 93 so 189, yeah, that's 189. That's
11 what I would like to have substitute motion on --
12 amendment.

13 CHAIR SPITLER: I'll second that.

14 Is there discussion? Okay we have a motion and
15 amendment. Do you want to vote? We will do the
16 amendment first. The amendment is to increase the
17 score to 93 to a funding level of 189,000.

18 Sandy, could we do a roll call, please?

19 MS. ELDER: Anderson.

20 COMMISSIONER ANDERSON: Pass.

21 MS. ELDER: Brissenden.

22 COMMISSIONER BRISSENDEN: Aye.

23 MS. ELDER: Spitler.

24 CHAIR SPITLER: Aye.

25 MS. ELDER: Thomas.

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1 COMMISSIONER THOMAS: Aye.

2 MS. ELDER: Prizmich.

3 COMMISSIONER PRIZMICH: Aye.

4 MS. ELDER: Waldheim.

5 COMMISSIONER WALDHEIM: Yes.

6 COMMISSIONER ANDERSON: I can join the majority.

7 COMMISSIONER WALDHEIM: Ms. Anderson is joining

8 the majority.

9 CHAIR SPITLER: The original motion as amended

10 to a score of 93 for 189,000. All those in favor?

11 (Commissioners simultaneously voted.)

12 CHAIR SPITLER: Opposed? Motion carries. Thank

13 you.

14 CHRIS EVANS: Thank you very much to all of you.

15 You have my word that we will do very good things with

16 Baldi Mesa, and we will make it better.

17 COMMISSIONER WALDHEIM: Better, Tom will be with

18 you.

19 CHAIR SPITLER: Staff, could we just -- I just

20 want to do a check in here on where we are at in

21 funding. Could you put up on the screen there where

22 we're at for law enforcement?

23 STAFF: That is how much money has been spent?

24 CHAIR SPITLER: Right, correct, in the overall.

25 CHIEF JENKINS: He's several behind. Give us

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1 about five minutes. We'll get it up there.

2 COMMISSIONER WALDHEIM: Mr. Chairman, I show
3 that I'm \$288,658 in the hole in enforcement.

4 CHAIR SPITLER: I have us at 337 over.

5 COMMISSIONER WALDHEIM: So somewhere in the
6 break we need to compare.

7 CHAIR SPITLER: Okay. Next grant is OR-2-SE-62,
8 Sequoia National Forest.

9 STAFF HOM: OR-2-SE-62, Sequoia National Forest,
10 Law Enforcement scored 66 points with Division funding
11 determination of 62,150.

12 CHAIR SPITLER: Ms. Mick.

13 KATHLEEN MICK: Good afternoon, Kathy Mick, U.S.
14 Forest Service. The Sequoia informed me on Wednesday
15 evening that they wouldn't be able to attend, so they
16 were completely happy with the Division's funding
17 determination. And I'll try with the application here
18 in my hand to answer any of your questions.

19 CHAIR SPITLER: Okay. Anyone from the public
20 want to comment on the Sequoia?

21 JOHN STEWART: John Stewart, California
22 Association of 4-Wheel Drive Clubs. Back to law
23 enforcement and the importance of law enforcement and
24 having a well-managed OHV program. The Sequoia -- and
25 I know Ranger Freeman -- have been facing a lot of

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1 challenges with routes and with user issues in the
2 area. This law enforcement grant is an essential
3 component to moving ahead with their program on that
4 ranger district. And to help them get a handle on the
5 user conflicts on trail issues, they need to have
6 their -- this law enforcement grant in order to fund
7 the on-the-ground work. This is something that is very
8 critical to their efforts in that district. And we
9 would support the staff recommendations. Thank you.

10 CHAIR SPITLER: Anyone else from the public want
11 to comment on the Sequoia?

12 Okay. I'll start the discussion by saying that
13 I was particularly unimpressed with this application.
14 I just found that in terms of the criteria that we
15 score applications on, I personally didn't score it
16 very high in any of them. I think the -- going down
17 the line, the effective use of funds, the negative
18 implications, improving the recreational experience, I
19 just found this application to be poor all the way
20 through. So my score for the application reflects
21 that. I also think that the report from past year's
22 activities from Sequoia was particularly unimpressive,
23 as well.

24 COMMISSIONER ANDERSON: Are you proposing some
25 numbers?

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1 CHAIR SPITLER: I could do that. The numbers
2 that I proposal ten, five, five, ten, ten, six, a score
3 of 46, a funding level of zero. I'll make that a
4 motion.

5 COMMISSIONER THOMAS: Second.

6 CHAIR SPITLER: Discussion?

7 COMMISSIONER ANDERSON: I wish we had the
8 application in front of me.

9 COMMISSIONER PRIZMICH: Kathy Mick has it. Your
10 wish is granted.

11 COMMISSIONER ANDERSON: Thank you.

12 COMMISSIONER WALDHEIM: Mr. Chairman, I would
13 like to point out that with the Consent Calendar, that
14 Sequoia last year got 155,000 and at this time for
15 trail maintenance, and we're giving them 188,000 that
16 was Consent. I know it's law enforcement, but the
17 total that they received last year was only 155, so
18 we've given them 182, so they've gotten some...

19 CHAIR SPITLER: Commissioner Anderson, do you
20 want to hold this open for discussion?

21 COMMISSIONER ANDERSON: I'd appreciate that.

22 CHAIR SPITLER: Okay.

23 COMMISSIONER ANDERSON: Are we about ready to
24 take a break?

25 COMMISSIONER BRISSENDEN: Not in the middle of a

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1 motion.

2 CHAIR SPITLER: We have a motion before us, and
3 they're ready to vote on this motion.

4 COMMISSIONER BRISSENDEN: So if I read you
5 right, Ed, that's a 20 percent increase over last year
6 to this forest, even though it may not be in this
7 particular category?

8 COMMISSIONER WALDHEIM: We have to remember this
9 is United States Forest Services use FPOs, which are
10 also into the trail maintenance. A guy can be on a
11 tractor, but he can also issue a ticket. That's the
12 beauty of the Forest Service. They have their FPOs.
13 Those are the ones I really like funding because they
14 work. They can be on both sides.

15 COMMISSIONER ANDERSON: I guess I would concur
16 with the Chairman in the lack of specificity -- if I
17 can get past that word today, not enough coffee or
18 something -- lacking in detail on the implementation of
19 this grant. Zero was harsh, but I wouldn't know quite
20 where to fix it otherwise, where to adjust the numbers.

21 CHAIR SPITLER: Okay. Is there more discussion?
22 All those in favor?

23 (Commissioners simultaneously voted.)

24 CHAIR SPITLER: Opposed? Motion carries.

25 Let's do one more, get Bakersfield out of the

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1 way. We'll take a break before we move on to the
2 desert. OR-1-B-57, Bakersfield.

3 STAFF HOM: OR-1-B-57 BLM Bakersfield Field
4 Office, Restoration, it scored 40 points with a funding
5 determination of zero dollars.

6 NIKA LEPAK: Good afternoon, Commissioners, my
7 name is Nika Lepak. I am representing the BLM
8 Bakersfield Field Office on behalf of our Keyesville
9 restoration grant application.

10 JIM WEIGAND: I'm Jim Weigand, the Ecologist at
11 the California State Office of BLM.

12 NIKA LEPAK: I would like to respectfully
13 request consideration of revision of the current
14 scoring for this application. I have supplied a
15 proposed revision with the rationale for improved
16 scoring of each of the five first criteria.

17 On the point of law enforcement support, we do
18 have a law enforcement ranger who is responsible for
19 that area who also lives in that area, so he's able to
20 make random checks all times of day. Funding from this
21 grant would allow us to increase his direction for
22 patrol of this area, specifically for resource
23 protection.

24 On the second criteria, efficient use of funds,
25 and also demonstration of partnerships, the project

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1 area does border the Sequoia National Forest on three
2 sides. BLM maintains working relationships with the
3 forest staff. Also volunteer efforts such as the SCA
4 crew volunteers restoration user group input and
5 resident volunteer efforts are vital to the project and
6 these also lead to efficient use of funds.

7 On the third criteria, protection of resources
8 impacted by improper use, the project area may be at
9 risk for closure if the areas aren't restored. The
10 proposed project would halt and reverse existing damage
11 and prevent the need for closures within the area.

12 On the fourth criteria, protection and
13 restoration of resources, the critical resources within
14 the area include important winter range for big game,
15 significant historic and prehistoric cultural sites,
16 including some of the area's oldest cabins and
17 outbuildings and mining sites. The Kern River, which
18 is wild and scenic, runs through the project area and
19 would be protected from damage such as sediment loading
20 due to decreased erosion after implementation of
21 restoration. And also the project is designated as a
22 special management area for recreation by BLM.

23 On the last -- on the fifth criteria, innovative
24 approaches, this project is innovative mainly in that
25 we're able to use resources such as materials from on

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1 site, as well as using the SCA desert restoration crew
2 when they aren't able to work in the desert. And then
3 we also take advantage of volunteers efforts.

4 And on the sixth point, I concur with the
5 Division's scoring. Thank you.

6 CHAIR SPITLER: Okay. Thank you. Okay. Any
7 member of the public want to comment on Bakersfield?
8 Okay. Commissioners?

9 COMMISSIONER THOMAS: I'll make a motion with
10 the numbers as follows, 14 seven, six, 22, 12, and 10.

11 CHAIR SPITLER: Is there a second.

12 COMMISSIONER BRISSENDEN: I second.

13 CHAIR SPITLER: Discussion? Commissioner
14 Anderson.

15 COMMISSIONER ANDERSON: My question is within
16 the -- within the California Desert District, we had a
17 restoration plan which encompassed a number of years,
18 and we could see kind of an end to it.

19 One of my concerns has been that, although I'm
20 happy to give people restoration funds, some kind of a
21 picture of how this fits in the overall goals of the
22 Bakersfield Field Office in terms of other pending
23 restoration projects that need to be done in the
24 future, projects that you've previously completed, that
25 kind of context would help me in evaluating this

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1 individual part of that.

2 NIKA LEPAK: As far as restoration that is from
3 OHV damage, this is the only project in the office that
4 I'm aware of. We may have some potential other areas
5 in the future, but this one is our main focus as far as
6 restoring OHV damages.

7 COMMISSIONER ANDERSON: So after this one was
8 finished, you would be pretty well -- you should be in
9 good shape in terms of restoration needs in the
10 Sequoia.

11 NIKA LEPAK: Yes.

12 COMMISSIONER ANDERSON: Excuse me, Bakersfield.

13 NIKA LEPAK: In the Bakersfield BLM District,
14 there would possibly be some small areas, but it would
15 be a much less intensive scope of a project.

16 COMMISSIONER WALDHEIM: This project is strictly
17 for the Keyvilles area.

18 NIKA LEPAK: Yes, that's correct.

19 COMMISSIONER WALDHEIM: And you plan on using
20 the volunteer groups up there to make sure we don't
21 lose the system trails that we already have?

22 NIKA LEPAK: Yes.

23 JIM WEIGAND: Commissioner Waldheim, these are
24 designated routes, so there won't be any route loss
25 from restoration.

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1 COMMISSIONER WALDHEIM: Well, we just got to
2 make sure, because when we talked when we were in a
3 meeting up there, some trails have been obliterated and
4 they were designated trails. They weren't supposed to
5 be done so we ought to make sure that when the tractor
6 gets there, they know exactly where they have to do it
7 and don't go into different places. It's important
8 that they coordinate with Chris Horgan, who knows where
9 those trails are out there.

10 JIM WEIGAND: And we have been talking and
11 working with Chris.

12 COMMISSIONER WALDHEIM: Okay.

13 COMMISSIONER ANDERSON: A lot of money to go
14 into one area. That's why I was asking the question.

15 COMMISSIONER WALDHEIM: Commissioner Anderson,
16 the area, it's a beautiful area. It's a beautiful area
17 for single track area to go. But because of the
18 proximity to the river, the crowds that come in there
19 is incredible. People just love coming in to fish and
20 they camp. So to work with the two together, and we do
21 have some folks who just can't make the regular trail
22 and they start using wherever they can to get up there.
23 So this is why with this year hopefully we'll put the
24 barricades, we'll make sure they get to stay within
25 limits. It's a gorgeous place. It's a tough area to

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1 ride, but it's gorgeous up there.

2 COMMISSIONER ANDERSON: Thank you.

3 CHAIR SPITLER: Actually, my review of the
4 application, I had it scored a little bit higher. I'm
5 wondering if the maker of the motion might consider
6 modifying the motion for a score of 30 in the fourth
7 category.

8 COMMISSIONER THOMAS: Yes.

9 CHAIR SPITLER: And fifteen in the next.

10 COMMISSIONER THOMAS: If you believe the
11 evidence supports that, yes.

12 CHAIR SPITLER: My view of the evidence supports
13 that.

14 COMMISSIONER THOMAS: Very good.

15 CHAIR SPITLER: Score of 82, and a funding level
16 of 181,000. Is the maker of the motion amenable to
17 that?

18 COMMISSIONER THOMAS: Yes, he's accepting it.

19 CHAIR SPITLER: More discussion on this.

20 COMMISSIONER THOMAS: Probably need a second.

21 COMMISSIONER BRISSENDEN: The second is also
22 agreeable, for once.

23 CHAIR SPITLER: We have a motion at the level of
24 score of 82, funding level of 181,500. Is there more
25 discussion? All those in favor?

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1 (Commissioners simultaneously voted.)

2 CHAIR SPITLER: Opposed? Motion carries. Thank
3 you.

4 NIKA LEPAK: Thank you.

5 CHAIR SPITLER: Why don't we go ahead and do a
6 quick five-minute break, and then we'll come back and
7 move on to the desert.

8 (Break taken in proceedings.)

9 CHAIR SPITLER: Okay. Next item of business is
10 Barstow Field Office, OR-1-CD-340, 41 and 42.

11 STAFF HOM: OR-1-CD-340, BLM Barstow Field
12 Office, Law Enforcement scored 79 points with a
13 384,800. OR-1-CD-341 BLM Barstow Field Office,
14 Facility Operation and Maintenance scored 87 points
15 with a Division funding determination of 125,750. And
16 then OR-1-CD-342, BLM Barstow Field Office, Restoration
17 scored 61 points with a Division funding determination
18 of 552,750.

19 CHAIR SPITLER: Thank you. Mr. Ahrens.

20 MIKE AHRENS: Good afternoon, Chairman Spitler,
21 Commissioners, my name is Mike Ahrens. I'm the Barstow
22 BLM representative and as staff mentioned I'll be
23 helping three different grants.

24 In regards to our law enforcement grant program
25 in general, first of all you know we have a pretty

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1 large complex program in Barstow. And not to belabor
2 that, I did just want to go through a few of the stats
3 that were listed on your PAR. Our field office
4 jurisdiction includes 3.2 million acres. Within that
5 jurisdiction there are five designated off-highway
6 vehicle areas totaling a little over 300,000 acres of
7 land dedicated specifically to off-highway vehicle use.
8 We recorded over 20,000 volunteer hours to our program
9 in the last year. And specifically to our law
10 enforcement grant, we had roughly 828,000 visitors in
11 our jurisdiction last year. Had 5300, a little better
12 than 5300 warnings and about 1200 citations written in
13 there.

14 I looked at the scoring sheets to kind of get an
15 idea of where we maybe could have been ranked better in
16 regards to our law enforcement grant, and the two
17 places that kind of came to my mind is that the
18 implications of not funding, I have to tell you, I hate
19 that criteria in it just seems to be vague to tell you
20 if you don't fund us we're going to close the area.
21 That's not our intent. And in fact, if we have an
22 issue in Barstow it is that we don't have enough
23 staffing to be able to enforce what we have already.
24 So we have less staffing, we're probably less able to
25 enforce closures and what have you, so. But certainly

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1 if we're not able to do this funding, there will be
2 less enforcement, there will be increases in accidents,
3 and resource damages and what have you.

4 The other area on that that we didn't score well
5 in was our staffing. And I'm not sure if that was a
6 limited explanation of the staffing or the fact that
7 our staffing is so low comparative to the amount of
8 use. We request in regards to the LE grant that we
9 receive at a minimum the Division's funding
10 recommendation.

11 In regards to the facility maintenance grant,
12 that grant would provide facilities and operation
13 services at El Mirage, Dumont Dunes, and Johnson Valley
14 and Stoddard Valley OHV areas. Again, we seemed to
15 score lowest in our implications criteria, and I would
16 just say that as the -- it's been actually several
17 years since those operations or maintenance grants have
18 been funded very well. We are, you know, realizing
19 where our visitors are, their experience has
20 diminished. The trails are getting more and more
21 hooped out. There are more people, more crowding, and
22 that I think is causing people to go out and ride in
23 private lands and what you have, and that's going to be
24 one of the continued implications of that. So, again,
25 we would request at a minimum the staff's

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1 recommendation.

2 And then, thirdly, our restoration grant, we
3 propose restoration in three areas. The Ord Mountains
4 and Juniper Flats area, both of which we're currently
5 doing restoration in, and then additional we wanted to
6 begin restoration works within our El Mirage West
7 Mojave subregion, not to be confused with the El Mirage
8 Recreation Area. On that criterion sheet, there were
9 several places where I thought we could have been
10 ranked better. One noted that we didn't have -- we
11 hadn't addressed the need for law enforcement.
12 Actually -- and I spoke with John about this and he
13 pointed out, well, you should have referenced it, we
14 actually had a law enforcement project within our law
15 enforcement grant specific to the restoration areas,
16 because we think it's critically important that we back
17 up our restoration efforts with law enforcement.

18 Our SCA crews as far as the efficient use of
19 those guys, they come in, they're fully -- they're a
20 turnkey operation. They come in, they're equipped.
21 They stay on the site. They work 14-days stints.
22 That's just been absolutely the most efficient way,
23 probably cannot do this as we do without them.

24 Again, the implications of not doing that, we
25 lack some scores on, and again if we don't -- the whole

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1 idea here is to implement these route designations that
2 we're putting into place. Without the ability to
3 disguise and make those closed routes go away, the
4 ability to keep folks on the open routes is going to be
5 diminished. Two of those areas, the Ords and the
6 El Mirage areas are both critical area tortoise
7 habitat. The other is in a critical transition zone,
8 Juniper Flats is in a transition zone between the
9 deserts and San Bernardino Mountains.

10 So we think that all the programs have been very
11 innovative. Again we had over 20,000 hours volunteer
12 time put in that program, and we'd like to request full
13 funding for that restoration grant. And I'll be
14 available for questions.

15 CHAIR SPITLER: Okay. Thank you stick around
16 for questions. Anyone from the public want to comment
17 on Barstow, go ahead and line up.

18 JOHN STEWART: Good afternoon, Commissioners,
19 John Stewart, California Association of 4-Wheel Drive
20 Clubs. In looking at the Barstow grants, they have
21 laid out a program that is requesting funding in all
22 phases of elements that are needed to set up and
23 establish and maintain and manage and execute a
24 recreation plan. This is a very good thing. Barstow
25 is -- like Mike Ahrens indicated, Barstow has five

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1 designated OHV areas. They need the facilities and
2 maintenance and the law enforcement in order to
3 accommodate those. They draw visitors from the L.A.
4 basin area, the L.A. Riverside area, significant number
5 of visitors there. Significant number of visitors also
6 come in from Clark County, Nevada which is right next
7 door and to the Dumont Dunes area. So Barstow sits
8 right in the middle of some of the largest population
9 centers in the United States. Largest growing
10 population is here, you know, with the growth of
11 population, with the growth of demand, the people are
12 coming to the desert. The people are going out there
13 to recreate. Without having the facilities there, we
14 put the desert at risk. We put the desert tortoise
15 habitat at risk. Without having law enforcement out
16 there, we put public lives and public health and safety
17 at risk.

18 We support funding, you know -- I'd love to see
19 full funding on all of these. Knowing the funding
20 constraints, Cal 4-Wheel, we're willing to accept the
21 staff scored recommendations as far as the minimum
22 amount necessary in order for Barstow to keep and
23 maintain the excellent OHV program that they have in
24 place. Thank you.

25 CHAIR SPITLER: Thank you.

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1 BRUCE BRAZIL: Bruce Brazil, California Enduro
2 Riders Association. And after reading through their
3 extensive dollar grant, there's one part that I'd kind
4 of like to question. And I may not be clear, so I may
5 need some clarification from the gentleman. And that's
6 in the restoration work that's to be done, out of the
7 just over a million dollars that they're requested,
8 810,000 of that it's going to go to the SCA. And a lot
9 of the trail restoration that they are doing in quoting
10 their figure, the BFO's preferred route restoration
11 method called vertical mulching employs several
12 techniques beginning with decompaction of the soil base
13 primarily through the use of hand tools.

14 Why couldn't they get a Sweco, some other small
15 tractor or something like that and do some shallow
16 rippings? I mean they've got a lot of area to restore.
17 Thank you.

18 CHAIR SPITLER: Thank you. Anyone else for
19 public comments on the Barstow application? Okay.

20 Let's start with OR-1-CD-340.

21 COMMISSIONER WALDHEIM: Mr. Ahrens, could you
22 please explain what we're talking about with the hand
23 crew and SCA so the Commission understands exactly what
24 that means, the difference between the Sweco -- we do
25 use a Sweco, but why we use SCA?

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1 MIKE AHRENS: We do use on occasion a small
2 Bobcat or Sweco to do ripping on the bigger jobs. But
3 for the most part, when we're doing those restorations,
4 it's a line of sight. We found what has worked for us
5 is we employ these six to eight-man SCA crews, they
6 come in there equipped. Like I say, they stay on site
7 for the entire duration of their -- you know, their
8 duty duration there. And it's a very low area, kind of
9 decompacting they knock out with -- for the most part
10 it's worked out really well for them.

11 COMMISSIONER WALDHEIM: Okay. Mr. Chairman.
12 I'd like to move on the law enforcement, OR-1-CD-340
13 and change the scoring on this one. The first item
14 will be 10 points; second one, 15 points; third, fourth
15 four points, 10 points; 10 points; 10 points; 59 for a
16 total of 266,400.

17 These grants, it pains me to have to do this,
18 but we're in a reality check here now. We're getting
19 to the bottom of the barrel, so to say. And these
20 guys -- it pains me especially since Mike Ahrens is one
21 of those that did an incredible job to get a team
22 together to put these grants together. And I've
23 been -- I told him where I was going at the meetings,
24 and they got mad and they screamed at me, and folks
25 feel that the south is not doing sacrificing. We are

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1 doing tremendous sacrifice, especially in view of the
2 visitors that we have coming down on us. This is a
3 grant that should be fully funded where staff has it,
4 but we just don't have the money. And if we did fund
5 it at what staff has, the northern grounds grants would
6 lose big time. So I am going on the recommendation to
7 go to 59 at 266,400. That's my motion.

8 COMMISSIONER THOMAS: Question for the --

9 CHAIR SPITLER: Hold on. We have a motion. Is
10 there a second?

11 COMMISSIONER ANDERSON: I'll second for
12 discussion.

13 CHAIR SPITLER: Discussion. Mr. Thomas.

14 COMMISSIONER THOMAS: Question for the
15 applicant. I have a letter here from the Mojave Group
16 Sierra Club talking about rural enforcement. Is that
17 part of your -- is that a term of art in your grant? I
18 mean do you have a rural enforcement program that's
19 separate? How does your grant -- what are they
20 referring to?

21 MIKE AHRENS: Yes, sir, we presented five
22 aspects to your -- five projects under our law
23 enforcement grant. One for the El Mirage Recreation
24 Area, one for the Dumont Dunes, one for the Johnson
25 Valley combined, one for what we called rural law

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1 enforcement, which is those areas which are -- where
2 our jurisdiction abuts rural communities. And it was
3 specifically designed to deal with that trespass from
4 private lands onto public lands or vice versa. And
5 then we also had an aspect in our project for our
6 restoration program.

7 COMMISSIONER THOMAS: And restoration
8 enforcement, is that one of the elements?

9 MIKE AHRENS: Correct. So that there would be
10 some enforcement to back up our restoration efforts.

11 COMMISSIONER THOMAS: And what were the initial
12 numbers requested for rural enforcement, \$84,000?

13 MIKE AHRENS: 180,000.

14 COMMISSIONER THOMAS: 180,000.

15 MIKE AHRENS: No, I'm sorry. Wait a minute,
16 84,417, I'm sorry.

17 COMMISSIONER THOMAS: And what was the amount
18 for restoration enforcement, 46,000?

19 MIKE AHRENS: Yes, sir, 46,060.

20 COMMISSIONER THOMAS: So if you are reduced,
21 would you object to preserving those -- at least
22 preserving those two elements in those funded amounts?

23 MIKE AHRENS: I'm not sure that this is going to
24 be my decision, to be very honest with you. The
25 problem, of course, one of our -- certainly our field

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1 manager directs the work. And certainly her highest
2 concern, while resources and what have you, is a very
3 high concern for her, her highest concern is public
4 health and safety. And to do that would virtually
5 remove any law enforcement from our highest, most used
6 populated recreation areas, and I'm not sure that
7 that's something she can responsibly feel like she can
8 do.

9 COMMISSIONER THOMAS: And 94,000 is listed as
10 administration?

11 MIKE AHRENS: That's correct.

12 COMMISSIONER THOMAS: That's administrative
13 overhead.

14 MIKE AHRENS: I was listening to you this
15 morning, Commissioner Thomas, talk about the
16 directed -- I forget exactly how you said it. We also
17 have a waiver from our -- actually national, our
18 business center in Denver where we don't pay any
19 administrative overhead on any of our OHV grants.
20 This, though, was intended for our local administrative
21 staff to process, timecards and procurements and what
22 have you to make those things happen. And the
23 application process allowed for ten percent. We had a
24 pretty big grant package. We recognized it would be
25 more funding than we would need to supplement that

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1 extra work. So we, you know, instead requested a four
2 percent administrative charge to cover those people.

3 COMMISSIONER THOMAS: So there was a four
4 percent administrative charge in the grant application?

5 MIKE AHRENS: Yes, to cover our in-house
6 administrative folks.

7 COMMISSIONER THOMAS: And 83,000 was for
8 education?

9 COMMISSIONER WALDHEIM: That was a vote. We
10 already voted on that on Consent.

11 MIKE AHRENS: Yes.

12 COMMISSIONER WALDHEIM: 53,000 for that.

13 COMMISSIONER THOMAS: That's not part of the law
14 enforcement grant? It's identified in this letter as
15 part of the law enforcement grant.

16 MIKE AHRENS: Well, the education grant was a
17 separate grant item and was -- yes, Commissioner
18 Waldheim was correct. It was on the Consent Calendar.

19 COMMISSIONER THOMAS: How much was that funded
20 at?

21 COMMISSIONER WALDHEIM: 53,350.

22 COMMISSIONER THOMAS: All right. I'll save my
23 statements for control language. You guys can --

24 COMMISSIONER WALDHEIM: Mr. Chairman, before you
25 do control language, I have specific control language

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1 myself. The understanding is that out of the 266,400,
2 166,400 goes to El Mirage and a 100,000 goes to Dumont
3 Dunes.

4 COMMISSIONER THOMAS: So perhaps you want the
5 cuts to be taken by the rural landowners?

6 COMMISSIONER WALDHEIM: No, because BLM is doing
7 that anyway with their law enforcement. They could do
8 better. They could have more law enforcement people
9 doing it. The whole reason for this is remember El
10 Mirage is an SVRA within the Bureau of Land Management.
11 We are 100 percent responsible for funding El Mirage.
12 We created it. We have a monstrosity that we have to
13 deal with. The fund has to be done in that area. We
14 would love to do the full 384 or even more than what
15 they asked for. But given the choice that we're having
16 here tonight, we're doing sacrificing. We did the same
17 thing last year. We did the same thing. We funded El
18 Mirage law enforcement, and when you look at the
19 Waldheim budget, this is where I get these numbers out
20 of --

21 COMMISSIONER THOMAS: You're an effective
22 advocate, but we are getting a lot of letters from
23 people saying rural law enforcement trespass adjacent
24 to federal land, that's a problem. That's that whole
25 Friends of Juniper Flats, Yucca Valley.

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1 COMMISSIONER WALDHEIM: Those are sheriff's
2 responsibilities. Up there, they're sheriff's. In
3 Johnson Valley and the Stoddard Valley, Johnson Valley
4 where you're talking about the area, that's definitely
5 where the BLM can help, but the San Bernardino Sheriffs
6 are the ones that work on that. We do have law
7 enforcement going over into the Edward's Bowl. The BLM
8 -- law enforcement people do go right in there. When
9 they finish with El Mirage, they go right over there.
10 So just because we don't specifically identify, BLM is
11 doing their job going out there. It's not being
12 dropped off or not being done.

13 COMMISSIONER THOMAS: I understand your
14 advocacy.

15 COMMISSIONER WALDHEIM: And, Mr. Chairman,
16 again, I would like to point out that these numbers,
17 severe cuts that we're doing, if we're able to get the
18 Commission to agree on this, we will be coming into an
19 almost balanced budget at the end of the day. So we
20 save any possible cuts that take place that we can't
21 deal with. So we're trying to get down to the bottom
22 as close as possible. That's what I'm working on right
23 now.

24 COMMISSIONER PRIZMICH: Before we -- if there's
25 going to be control language from Mr. Thomas, can we

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1 find out a little bit about where you're going with
2 that.

3 COMMISSIONER THOMAS: My motion would be that we
4 reserve \$84,000 for rural enforcement as described in
5 the application, and 46,000 for restoration enforcement
6 as described in the application. That would be the
7 total extent of my motion.

8 COMMISSIONER PRIZMICH: And does that --

9 COMMISSIONER WALDHEIM: You lose me as far as --
10 we're going to have -- we're going to advocate a lot
11 more restoration money, especially in those hot areas
12 of Juniper Flats and Edward's Bowl, and we are going to
13 advocate a million dollars for that. So there's plenty
14 of money for that, so I don't understand why we would
15 need to take precious dollars from law enforcement to
16 do that, since we cut them back. That's not the place
17 I would want to cut.

18 COMMISSIONER THOMAS: You remember one of the
19 criteria is in order to fund the restoration, there has
20 to be law enforcement to protect the area that was
21 restored. That was my argument yesterday, which you
22 found so circular.

23 COMMISSIONER WALDHEIM: The question that we
24 would have to the applicant, to Mr. Ahrens, is say, you
25 know, it depends on where he runs his law enforcement

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1 staff. They either use our money to do the work or use
2 appropriated dollars to do the work. They're going to
3 do it. They're going to enforce it. There is no
4 way -- if we didn't specifically tell about policing
5 the restored areas, you're not going to abandon the
6 restored areas, you're going to enforce it anyway.

7 COMMISSIONER THOMAS: I'm talking about control
8 language that affects less than half the grant, in line
9 with one of the commenters on our grant in the form of
10 a letter from the Sierra Club Mojave group.

11 CHAIR SPITLER: Okay. So is that amendment to
12 the motion?

13 COMMISSIONER THOMAS: Yes, it is.

14 CHAIR SPITLER: Is there a second to the
15 amendment? Okay. Amendment fails for lack of a
16 second. More discussion on the original motion?

17 COMMISSIONER PRIZMICH: My understanding -- I
18 don't know, do we have a second on the original motion?

19 CHAIR SPITLER: Yes.

20 COMMISSIONER PRIZMICH: My understanding on our
21 efforts here, we're to be less intrusive in terms of
22 how they're managing these grants. And I'm not sure
23 that given all of the rhetoric that this gentleman has
24 just heard from this body, whether he'll have any clue
25 what it is we want you to do. I have none. So my

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1 preference is to settle the funds as to whatever we're
2 going to settle them, and leave the enforcement portion
3 of that to the people in the field, with the direction
4 and with the commentary and caveat that they've heard
5 so far where our interests are.

6 COMMISSIONER WALDHEIM: Mr. Chairman, I agree
7 with Commissioner Prizmich. I have full confidence in
8 Roxy Trost that they're going to use the resources in
9 the proper place at the proper time. I just showed you
10 my justification on how we came to these areas. But at
11 no time are we telling them you must have this here or
12 you must have that. That's totally their
13 responsibility, and I would hate for us to get into the
14 business of trying to deal them that. So they know
15 what we feel. They've done this now for two, three
16 years we've been doing this. So they know what they
17 have to do, so I trust them in doing their job.

18 CHAIR SPITLER: More discussion on this motion?
19 Take it for a vote. All those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIR SPITLER: Opposed? Motion carries.

22 OR-1-CD-341 Barstow, Operations and Maintenance.

23 COMMISSIONER WALDHEIM: Okay. Mr. Chairman,
24 this is a similar situation that we've had to do some
25 severe cuts, especially in the El Mirage area, which is

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1 most of the stuff that we were putting in here to fund
2 the area. We were able to cut -- the visitor center is
3 coming on line very nicely. We're on target, and we
4 hope to have it open probably by the end of 2006, if
5 not the beginning of 2007. So we have removed -- we
6 had asked the applying agency to put in money, about
7 \$80,000, for the funding of the staff to get the
8 staffing going to the visitor center. But we, again,
9 the second year in a row we are removing that \$80,000
10 because we don't think it's going to be ready at that
11 time. We left a little bit, I think about \$20,000 in
12 it. So what we did is we came up with a new score of
13 ten points, fifteen, fifteen, twelve, fifteen, 67 for
14 385,550, and I make a motion to that effect.

15 COMMISSIONER BRISSENDEN: Second. You say we
16 cut possibly from the applied for amount. What's the
17 amount?

18 COMMISSIONER WALDHEIM: 525,000 is what staff
19 had recommended. So we knew we weren't going to be
20 able to afford that, and the original grant was for
21 592,000.

22 COMMISSIONER BRISSENDEN: And what did we grant
23 them last year?

24 COMMISSIONER WALDHEIM: Last year was -- no, it
25 was \$400,000 last year, so we've gone down a little

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1 bit.

2 With the size of 3.9 million acres, trust me,
3 these guys are running a tight ship, as are all of the
4 field offices. Again, you can say it's a conflict of
5 interest because Waldheim is advocating this, but, you
6 know, I don't recreate in the Barstow Field Office, so
7 you can't call this a conflict, but I advocate what
8 they're doing. They get the brunt between that and
9 Imperial County and Ridgecrest. They get the brunt of
10 the 20 million visitors we have in Southern California.
11 They get the lion's share. Next year I hope we can do
12 some better funding and work things out better for
13 them.

14 COMMISSIONER BRISSENDEN: Well, if I understand
15 where we are going with the restoration grant, then
16 they're still getting about ten percent of our entire
17 grants program.

18 COMMISSIONER WALDHEIM: Yes.

19 CHAIR SPITLER: Okay. Is there more discussion?
20 Okay. All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Opposed? Motion carries.

23 COMMISSIONER WALDHEIM: Okay. Mr. Chairman, on
24 the restoration grants for the Barstow Field Office,
25 they have big challenges, as you saw the letters that

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1 are coming to you from different areas and different
2 communities. And Mr. Mick Ahrens has made a
3 commitment, especially on the Edward's Bowl and Juniper
4 Flats and the different areas, to really go do the
5 work. And so we are fully in support of what they're
6 doing, and this will preserve the areas that we are
7 recreating in, and it will also help the environment.
8 We want to take advantage while these funds are in
9 existence, while they still exist, we want to change
10 the ranking to 20 on the first one, ten on the second,
11 ten on the second, 30 on the next one, 16 on the next
12 one, ten on the next one, should come out to 96 for
13 \$1,050,000. That is my motion.

14 COMMISSIONER BRISSENDEN: Second.

15 To address Commissioner Thomas' concerns about
16 law enforcement specificity under this application, how
17 much dedicated to restoration enforcement?

18 MIKE AHRENS: Well, none of these monies because
19 we were told we could not use these monies for law
20 enforcement; restoration dollars for law enforcement,
21 which we thought was unfortunate.

22 COMMISSIONER BRISSENDEN: You got ten points for
23 addressing that. It points out the process is totally
24 a charade.

25 COMMISSIONER WALDHEIM: That's it, Mr. Chairman.

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1 Let's vote.

2 CHAIR SPITLER: More discussion? All those in
3 favor?

4 (Commissioners simultaneously voted.)

5 CHAIR SPITLER: Opposed? Motion carries.

6 MIKE AHRENS: Thank you very much.

7 COMMISSIONER ANDERSON: This is cycling back to
8 the remark that I made previously with the Bakersfield
9 district that these restoration projects are I think
10 going to be valuable and effective, but I would like to
11 see where they are in the context of an overall scheme.
12 Certainly we can't afford to give a million dollars to
13 the Barstow resource area year after year, so I would
14 like to see -- it doesn't have to be within the grants
15 process, but some other report that comes from Barstow
16 that indicates what their long-term plan is for
17 completing restoration and when we can look forward to
18 a series of small clean-up jobs rather than one major
19 big job.

20 COMMISSIONER WALDHEIM: Mr. Chairman, if I may
21 ask Mr. Jim Weigand to come up to the podium and please
22 tell us -- this statement that Commissioner Anderson is
23 stating should actually ditto for the entire
24 restoration projects that this Commission. Just like
25 we have an update on the route inventory on a

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1 progressive basis, I think it would behoove us to have
2 a report on the restoration projects, where they are,
3 what we've done, and what the total accumulative stuff
4 is.

5 COMMISSIONER ANDERSON: I don't want that report
6 now.

7 COMMISSIONER WALDHEIM: No, not now. I'm just
8 asking if he can do that, if that's something that
9 would satisfy.

10 JIM WEIGAND: Yes. And in conversations -- Jim
11 Weigand of the BLM -- Chairman Spitler has asked us to
12 come up with a ten-year plan for Southern California.
13 And although Bakersfield itself wasn't part of the
14 original request, I think it would be great to add in
15 the Owens Valley, the Bishop and Bakersfield areas as
16 well. And the thing that's holding us up is we're
17 working with Brian Clock at the Division, and he's
18 trying to get us the DMV data that shows us where the
19 registrations are, so we have an understanding of where
20 our OHV user communities are, and then how that syncs
21 with county planning and for urban growth and then the
22 individual city plans. So that we actually can say,
23 hey, these are the impact areas, this is where, you
24 know, we need to put priority both enforcement and
25 restoration efforts.

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1 COMMISSIONER WALDHEIM: What Ms. Anderson was
2 asking for, as we move forward, we put so much money
3 into these projects, have we done it -- where are we in
4 the process, on the time schedule, even Jawbone, Dove
5 Springs, where are we. Have we ordered the bales and
6 how are we going on that.

7 JIM WEIGAND: Yes. I think we could have it at
8 another time, you know, a full report of that. And I
9 would be very glad to provide that for you.

10 COMMISSIONER ANDERSON: Thank you.

11 CHAIR SPITLER: Tomorrow during the government
12 reports you can do that.

13 JIM WEIGAND: Okay.

14 COMMISSIONER BRISSENDEN: All ten years?

15 JIM WEIGAND: Okay.

16 CHAIR SPITLER: Next grant is Bishop Field
17 Office, OR-1-B-56.

18 STAFF HOM: OR-1-B-56, BLM Bishop Field Office,
19 Restoration scored 61 points with a Division funding
20 determination of 66,000.

21 RICHARD WILLIAMS: Good afternoon, Richard
22 Williams, Bureau of Land Management, Bishop.

23 JIM WEIGAND: Jim Weigand, ecologist for the
24 California state office.

25 RICHARD WILLIAMS: What I'd like to do is I'm

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1 going to follow the lead of all of the other folks up
2 here and kind of lay out some portions of our
3 application in a little bit more detail. There were
4 page restrictions. I tried to be brief in the original
5 grant, so I didn't give an exhaustive explanation.

6 If I can go down here through the list, the
7 number one scoring criteria here is the law enforcement
8 efforts. There is some law enforcement money included
9 in this grant to protect the restored areas. And
10 continuing down with number two, the demonstration that
11 the project is designed to provide for efficient use of
12 OHV funds, demonstration of partnerships and the
13 quality of the area, our partnerships, right now we
14 have Lone Pine Chamber of Commerce, Inyo National
15 Forest, Friends of the Inyo, Friends of Alabama Hills,
16 Cal Tech Y, Healthy Communities of Southern Inyo County
17 and Quail Unlimited. In addition, the quality of the
18 area is I believe unprecedented. It's the gateway to
19 Mount Whitney in the John Muir Wilderness. It's a
20 highly used area, very beautiful. I explained some of
21 that in the grant. I believe I deserve at least a ten
22 on that.

23 Number three the risk of larger closures and
24 more extensive damages, as we know a damaged area tends
25 to attract more damage. This is an eroded natural

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1 area. We want to -- we are going to close some roads,
2 some illegal roads. We want to make the area look
3 better yet to provide for recreation opportunities in
4 that area.

5 Number four, and this one year I believe I might
6 have missed some of the items in the grant here, but
7 I'll explain some of these here. The benefits to rare,
8 threatened and endangered species, we do have one BLM
9 and state listed bat, the Townsend big-eared bat, and
10 more importantly I believe is the protection of the
11 critical resources, the soil, water, the wildlife, and
12 the historic value. It's -- this area has a high
13 visual resource, a historic value. Since the '20s
14 filming has gone on in this area. I know all of us
15 have seen this on TV, Ford commercials are currently
16 being done there now. We want to protect this area as
17 a visual resource. We want to prevent off-road impacts
18 by closing and fixing these areas and designing a route
19 system to get people in the area, through the area to
20 enjoy the resources is our goal. And this will restore
21 damaged area near the John Muir Wilderness, which I
22 spoke about, and also the Inyo Mountains Wilderness,
23 which is to the east of the Alabama Hills. I believe
24 at least a minimum score of 25 on that, could be higher
25 if you see fit.

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1 Two last items here, the innovative approaches
2 to the restoration. What we've done is we have
3 contacted the local community around the Alabama Hills,
4 Lone Pine, and the community shares our vision that's
5 outlined in this grant. And I believe that that is the
6 innovative aspect of this grant and the restoration.
7 That alone will lead to an enhanced recovery of the
8 impacted resources. And, finally, volunteers, I talked
9 about the partnerships. We have 2500 hours of
10 volunteer time. We can anticipate, like I spoke of
11 before, the partnerships, we can anticipate more of
12 that in labor, donated labor and at times, cash. And
13 the capabilities of the volunteers, most of these folks
14 have done a lot of restoration projects before.
15 They're very good at it. Friends of the Inyo, Cal Tech
16 Y, have all done these projects before, and we rely
17 heavily upon them. So again that score, I'd like to
18 see that increased, also.

19 COMMISSIONER BRISSENDEN: Can I ask what the
20 total percentage or number would be on that with your
21 increases, your suggested increases?

22 RICHARD WILLIAMS: I believe it was 94.

23 COMMISSIONER PRIZMICH: Thank you.

24 CHAIR SPITLER: Okay. Let's go ahead and do
25 public comment. Anyone wishing to comment on the

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1 Bishop Field Office?

2 JOHN STEWART: John Stewart, California
3 Association of 4-Wheel Drive Clubs. As I stated before
4 on law enforcement, all of these things are important
5 and part of a good, well-managed recreation program.
6 And this is one restoration grant that will actually,
7 you know, the way it's been explained, will actually
8 provide a recreational opportunity or benefit to
9 recreation. California 4-Wheel Drive then supports
10 this grant. Thank you.

11 CHAIR SPITLER: Thank you. Any other comments
12 on Bishop? Okay. Commissioner Brissenden.

13 COMMISSIONER BRISSENDEN: I would support the
14 increases in the categories as suggested by the Bishop
15 BLM.

16 CHAIR SPITLER: Would you just read those off
17 for us?

18 COMMISSIONER BRISSENDEN: I didn't take notes.

19 RICHARD WILLIAMS: I don't suppose I could raise
20 those numbers, could I?

21 COMMISSIONER BRISSENDEN: Give the numbers that
22 you gave.

23 RICHARD WILLIAMS: In all fairness, I believe
24 this accurately reflects.

25 COMMISSIONER WALDHEIM: Mr. Chairman, I have it,
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1 I've got the numbers. 20 points, number one; ten
2 points, number two; ten points, number three; 30,
3 number four; 16 number, five; 10, number six; total 96.
4 We gave them more than they asked for. I knew I had
5 it.

6 COMMISSIONER BRISSENDEN: I do have a question
7 for the presenter. Do you have editorial comment or
8 control over the Ford commercials that you're allowing
9 in the district?

10 RICHARD WILLIAMS: Well, you know, that isn't my
11 job, but they actually do a pretty good job. We try
12 and let them know upfront, we don't want them showing
13 them crushing any brush. Any filming that's done
14 cannot depict anything that we wouldn't expect the
15 general users, the general recreationists to do out
16 there. So to answer your question, yes, we do have
17 some control. We don't allow them to show something
18 that is unacceptable to the rest of the public.

19 COMMISSIONER BRISSENDEN: You're doing better
20 than the rest of this room, I think, in terms of
21 influencing the impressions they make, so please
22 continue.

23 CHAIR SPITLER: Motion and a second. Is there
24 more discussion?

25 COMMISSIONER ANDERSON: Just a brief question,

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1 does this include any -- you mentioned the Alabama
2 Hills several times, does this include anything around
3 Fish Slough?

4 RICHARD WILLIAMS: No, that's the --

5 COMMISSIONER ANDERSON: The next resource area.

6 RICHARD WILLIAMS: That's a different grant, and
7 actually you asked about a report. I did send in an
8 interim report on the Fish Slough area, the restoration
9 and the Table Land, and when that grant will be
10 complete later this winter, and we will send in a full
11 report with photos and the actions that were taken, and
12 I'll make sure that all of you get that report.

13 COMMISSIONER ANDERSON: Thank you.

14 CHAIR SPITLER: Who was the second on the
15 motion? Motion by Brissenden, second by Waldheim.

16 More discussion? All those in favor?

17 (Commissioners simultaneously voted.)

18 CHAIR SPITLER: Opposed? Motion carries.

19 BLM Desert District Office, OR-1-CD-329.

20 STAFF HOM: OR-1-CD-329, California Desert
21 District Office, Restoration scored 32 points with the
22 Division funding determination of zero dollars.

23 RON Bartland: Good afternoon Commission. My
24 name is Ron Bartland with the California Desert
25 District, Bureau of Land Management. I am here --

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1 JIM WEIGAND: I'm Jim Weigand, California State
2 ecologist in Sacramento.

3 RON Bartland: And I would like to ask for
4 consideration that reevaluation of the score for the
5 BLM CDD restoration grant, which includes wilderness
6 restoration and non-wilderness coordination for
7 projects throughout the CDD.

8 With respect to the law enforcement, we work --
9 each law enforcement, each field office is notified of
10 restoration projects. LE rangers patrol boundaries
11 wilderness areas with high OHV incursions and
12 experimental techniques and efficient enforcement such
13 as Chief Mark Hart's enforcement sting up in Ridgecrest
14 where they worked with staff and volunteers to do
15 enforcement in wilderness areas. We would like to
16 export that throughout the CDD because that's a good
17 use of law enforcement and cooperation between field
18 offices.

19 With respect to partnerships, the SCA is a very
20 large partner where they support and they fund half of
21 the restoration throughout the Desert District. BLM
22 also spends 325,000 a year in federal funds on
23 wilderness restoration through our Challenge Kosh
24 initiative. With respect to quality and quantity, this
25 grant will allow quality control and training for BLM

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1 staff and seven crews working in eight ACCs in more
2 than 30 wilderness areas and will provide for
3 effectiveness monitoring for successive past
4 restoration and different OHV use areas. Up to 1200
5 non-wilderness closed trails could be effectively
6 removed from the de facto open route network that
7 exists out there without good restoration. Up to 700
8 wilderness sites will be evaluated for effectiveness,
9 and then an estimated 100 wilderness sites could be
10 retreated due to noncompliance.

11 With respect to risk of large enclosures, this
12 plan will help planned implementation of the designated
13 route system of the five CDD land use plans to continue
14 sustainable OHV use in the CDD and will help prevent
15 potential closures of OHV areas adjacent to wilderness
16 and critical habitat, and it will combat public for
17 additional restrictions on public lands with respect --
18 with risk of more extensive damage, assuming an 89, 95
19 percent effectiveness rate, which is what we've seen
20 preliminary evidence has shown. Approximately 1500
21 miles of closed incursions will be protected in the
22 wilderness throughout the CDD and over 1,000 miles of
23 closed trails will be protected in non-wilderness
24 limited use areas.

25 With respect to restoring, conserving and

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1 protecting, restoration does all of that and more.
2 600,000 acres of critical habitat and wilderness
3 including desert tortoise and big horn --

4 (Reporter interrupted for clarification.)

5 RON Bartland: I'm going to go past my three
6 minutes. Can I just wrap it up or can you guys ask me
7 questions?

8 CHAIR SPITLER: Just speed up a little bit if
9 you could.

10 RON Bartland: I've got nine seconds left.

11 COMMISSIONER THOMAS: I will move additional
12 minutes for the young man to finish.

13 CHAIR SPITLER: Okay.

14 RON Bartland: Thank you.

15 CHAIR SPITLER: Do you want to take another
16 minute?

17 (Simultaneously speaking.)

18 COMMISSIONER THOMAS: Quickly summarize.

19 CHAIR SPITLER: Why don't you just quickly
20 summarize? I think you convinced us.

21 RON Bartland: Well then, I can stop there. I
22 don't want to blow it.

23 CHAIR SPITLER: Let's do some public comments
24 and stick around. I know we will have questions for
25 you.

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1 Public comments on the -- public comments on the
2 Desert District Office Restoration grant?

3 State your name for the record, sir.

4 GEORGE BARNES: I really am here. George
5 Barnes, Sierra Club, California. I'm on the technical
6 review team that the Commission directed be established
7 at the first of the wilderness restoration projects
8 five years ago. They've completed the five years, and
9 now they're asking for what I think is a very
10 reasonable smaller amount to monitor what has been
11 done, repair things that do need to be repaired, and
12 identify further problems that may need addressing.

13 I think we've heard many times about the
14 excellent work the SCA crews have been doing, many of
15 their procedures have been pioneered in the first two,
16 three years of this sequence. So I think they have a
17 well-deserved grant application here.

18 CHAIR SPITLER: Thank you.

19 JOHN STEWART: John Stewart, California
20 Association 4-Wheel Drive Clubs. And, again, this goes
21 back to planning and execution of a recreation
22 management plan. The Desert District has been very
23 proactive in working to ensure that we have adequate
24 recreation routes in the area. From that respect,
25 their work with getting these wilderness intrusions and

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1 some of these other problems restored, you know, has
2 been exemplary. It has been a benefit to recreation
3 all around. And all Cal 4-Wheel supports this grant.
4 Thank you.

5 BRETT SCHORADT: My name is Brett Schoradt. I'm
6 here representing the California Wilderness Coalition.
7 And the California Wilderness Coalition is also a
8 member of Alliance for Responsible Recreation, and I'd
9 like to express our support for both of these
10 organizations, support for this grant. In particular
11 because of the work that's been done in the California
12 Desert District with regard to wilderness incursions.
13 As we heard earlier today, that damage invites more
14 damage, and without restoration of the incursions into
15 the wilderness areas, we really will be inviting more
16 damage. So therefore we support this grant, and we
17 urge full funding. Thank you.

18 CHAIR SPITLER: Other comments on the BLM Desert
19 restoration grant?

20 If you could step back up, we have some
21 questions for you. Commissioner Prizmich.

22 COMMISSIONER PRIZMICH: Yes, you mentioned -- I
23 don't know if I heard you correctly -- but if I did, I
24 wanted to find out more about it -- in your law
25 enforcement portion of your grant, that you engaged or

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1 your law enforcement people engaged in some form of a
2 sting. Can you describe why you did that and what it
3 was about?

4 RON Bartland: This is the acting chief in the
5 Ridgecrest Field Office, and he ran the sting operation
6 in the Kibold Wilderness this past Thanksgiving.

7 MIKE MARQUART: The reason why we did that,
8 Commissioner, was we were having an increase in
9 incursions due to high visitor-use areas, especially in
10 the Kibold Wilderness area, as well as other wilderness
11 areas. And so we decided to put an operation together
12 to prevent, as well as catch some of the violators that
13 were going into the wilderness areas.

14 And what we decided to do is create some
15 observation points with some volunteers, including Ron,
16 and basically station them out at observation points
17 with binoculars overlooking the wilderness areas as
18 well as some of these illegal routes in the wilderness
19 areas to report to law enforcement teams that were on
20 the ground waiting in patrol vehicles, as well as quad
21 teams, to intercept the illegal incursions.

22 COMMISSIONER PRIZMICH: That was just law
23 enforcement. I have a vision of a sting as something
24 different than that, and that's just good law
25 enforcement work. That's all I wanted. Thank you.

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1 COMMISSIONER WALDHEIM: Okay. Mr. Chairman, Ron
2 and I, we've been going around and around on the rocks
3 of Jawbone, Dove Springs area bashing each other out.
4 I've learned more on restoration than I care to ever
5 think I was going learn, and we finally came to an
6 agreement that he's going to do part of the restoration
7 my way and part his way and --

8 RON Bartland: Compromise, we need more
9 compromise.

10 COMMISSIONER WALDHEIM: Compromise, we're
11 compromising. But the beauty about the restoration
12 program, I think he's realizing it, it does work. And
13 the folks out in the field are getting the message.
14 And we need to get more rice bales on there. The key
15 is if you're going to close the route, you got to close
16 it. You can't play games with it. You just close it.

17 RON Bartland: I'm going to do effectiveness
18 monitoring to find out what works.

19 COMMISSIONER WALDHEIM: The folks are, what do
20 you mean you're closing my route. It wasn't your route
21 anyway. You have designated trails, what are you doing
22 on it. It never clicked with them, but now with Ron
23 doing the restoration with the folks, so we need to get
24 some more rice bales to continue this work.

25 Ron also was upset about the low score on the

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1 32, so we had some good soul searching out in the field
2 to figure out how we're going to increase that next
3 year, so he's going to be working on his writing skills
4 and technical skills. I know Ms. Greene is shaking her
5 head there, so he's going to work on that.

6 But in the meantime, we are going to give to the
7 first category, 20; second category, 10; next one, 10;
8 next one, 30, because they're making a tremendous
9 difference; next one, 15, innovative, we are
10 innovative; 10 for the last one for a total of 97. And
11 that would bring us to 339,000, if my computer is
12 correct. That is it; that's my motion.

13 COMMISSIONER BRISSENDEN: I'll second.

14 CHAIR SPITLER: Discussion.

15 COMMISSIONER ANDERSON: I can't resist. I'm
16 sorry, but, Mr. Waldheim, are you sure you meant rice
17 bales?

18 COMMISSIONER WALDHEIM: Yes, ma'am. Rice bales
19 have no weeds in them; therefore, we don't bring any
20 foreign species into the ground. It's only rice bales
21 that we like.

22 COMMISSIONER ANDERSON: Thank you.

23 (Simultaneously speaking.)

24 COMMISSIONER WALDHEIM: And if you get mad at
25 me, you want to withhold sending us rice bales, then

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1 we're going to find another source.

2 COMMISSIONER THOMAS: We will just do the water.

3 COMMISSIONER ANDERSON: Weed free was my
4 concern. Thank you.

5 COMMISSIONER WALDHEIM: That's why they're doing
6 the rice bales.

7 CHAIR SPITLER: Okay. Is there more discussion
8 of rice bales or anything else related to this grant?
9 Okay. All those in favor?

10 (Commissioners simultaneously voted.)

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

13 Okay. El Centro, we've got a slough here,
14 OR-1-CD-324, 325, 326, 327 and 328.

15 STAFF HOM: OR-1-CD-324, El Centro Field Office,
16 Law Enforcement scored 62 points with a Division
17 funding determination of 661,100. OR-1-CD-325,
18 El Centro Field Office, Restoration scored 62 points
19 with a Division funding determination of 263,450.

20 OR-1-CD-326 El Centro Field Office, Facility Operations
21 and Maintenance scored 74 points with a funding
22 determination of 266,500. OR-1-CD-327, El Centro Field
23 Office, Planning scored 22 points with a funding
24 determination of zero dollars. OR-1-CD-328, El Centro
25 Field Office, Resource Management scored 61 points at a

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1 funding determination of 717,750. Those are it.

2 CHAIR SPITLER: Thank you.

3 VICKI WOOD: Vicki Wood, Bureau of Land
4 Management, El Centro Field Manager. Mr. Chairman,
5 Commissioners, I would like to thank you for this
6 opportunity to speak before you this afternoon. We
7 have -- we are asking that the staff funding
8 determination for our law enforcement grant and our
9 facilities and maintenance grant be accepted as the
10 staff funded it. I have specialists available if you
11 would like to ask questions about that.

12 I also have -- on the other three proposals, I
13 have two specialists who would like to address you on
14 those issues.

15 DALLAS MEEKS: Dallas Meeks, Recreation Planner,
16 El Centro. Mr. Chairman, Commissioners, I'm here
17 representing the restoration grant. I feel that this
18 grant could be scored higher. And general reasons are
19 we were very innovative in our techniques down in
20 El Centro taking techniques that were used elsewhere
21 and modified them immensely to deal with areas that had
22 not otherwise been restored and have done very well
23 with great results.

24 We have the timetable for completing restoration
25 in El Centro in the Weko planning area by 2008,

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1 biological pending from the Fish and Wildlife Service,
2 and we're well on track on completing that. We should
3 be completed with the Uha ACDC area by the end of this
4 restoration period. We have contract archeologists
5 that are funded by previous grants doing archeological
6 survey within the West Mesa so we can continue on in
7 that area. And with continued funding at full level,
8 which we need to move forward with this work, we would
9 move on into the East Mesa with the archeological
10 surveys, and then hence the restoration work
11 afterwards.

12 We have found that if we're forced to use closed
13 route markers like red carsonite to sign closed routes,
14 which BLM says we would have to do if we are unable to
15 restore them all by 2008, would increase impacts to the
16 area because they're more like red flags than anything
17 else. People tend to see them. They'll drive over
18 them, and we found that to be very true, especially in
19 the Uha.

20 We also have the issue of the border issue that
21 we've been working closely with the border patrol to
22 keep them on routes whenever possible which helps to
23 minimize the impacts to the flat tail habitat, which
24 I'm sure the Commission is aware has now been sent back
25 for the Fish and Wildlife Service for review for

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1 listing. If we stopped the restoration or reduce it,
2 it increases the likelihood that the Service may find
3 it is threatened and possibly list it. So I would
4 encourage the Commission to please review the
5 application for increased funding. I will answer
6 questions.

7 CHAIR SPITLER: Thank you.

8 DANIEL STEWART: My name is Daniel Stewart. I'm
9 the wildlife biologist with the El Centro Field Office.
10 I want to discuss our planning grant and our resource
11 management grant. I would like to ask that these grant
12 applications be given a higher score. The planning
13 project is going to be revisiting the Eastern San Diego
14 County Resource Management Plan. This is a plan that
15 was written over 20 years ago, and it no longer
16 addresses the threats and the things that are going on
17 in Eastern San Diego County.

18 We do have a series of OHV routes up there. We
19 have the Lark Canyon Riding Area, and some other trail
20 systems. And these areas need to be designated and
21 signed and monitored. We also need to make sure that
22 we have the appropriate Endangered Species Act
23 consultations and compliance under the Act. Because as
24 we've see in the past, if we don't do our environmental
25 documentation correctly, we can risk losing more areas.

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1 And on our resource management grant, of course,
2 the Imperial Sand Dunes is always a very contentious
3 area, and we're trying to implement the resource
4 management plan for Eastern San Diego for the Imperial
5 Sand Dunes Recreation Area. And for us to be able to
6 implement this plan and open up the interim closures,
7 we do have to comply with Fish and Wildlife Services
8 biological opinion. This biological opinion for the
9 Pearson's milk vetch states that we're going to monitor
10 the population of Pearson's milk vetch with a pretty
11 narrow confidence interval of knowing what the actual
12 population is. This is an extremely expensive
13 monitoring. We have to monitor the entire dune area,
14 and it's a phenomenal size of a project to be able to
15 acquire the data that we need. The project costs are
16 nearly 900,000 just to do this one portion of
17 monitoring.

18 In order for us to be able to use our adaptive
19 management approach, we must be able to monitor this
20 species. So what we've been doing for monitoring this
21 in the past has been congressionally directed funding
22 because we can no longer use our fee demo dollars for
23 funding the monitoring out there. So what we run into
24 is that these -- the directed funding takes money away
25 from other programs we have. So as money is being

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1 shifted over to the Dunes, we lose money in other areas
2 of our resource area.

3 So it's important that we get, complete this
4 funding. I do have suggestions for areas that our
5 scores could be improved in. We feel that we do have
6 an efficient use of funds in doing the resource
7 management. I have a suggested score of 12 because we
8 have hired with contractors who have experience with
9 the Dunes, who are able to take our crews out there in
10 an efficient manner to reduce the amount of time that
11 crews have to spend walking in and out, in and out to
12 get to their transects. We have a combined transect
13 distance of well over a 1,000 miles with 511 transects.
14 So it's important that we're efficient on the ground.

15 The implications of not funding the grant, of
16 course, are that a lot of the interim closures that are
17 out there will remain in effect without us being able
18 to activate adaptive management and monitor the
19 species. We feel that this is an innovative approach
20 for monitoring because we are using real signs with
21 statistically valid results and showing, you know,
22 actual mathematical, objective ways of showing how the
23 health of the species is. And we believe it adequately
24 addresses the resource issues because we are directly
25 looking at the impacts of what off-highway recreation

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1 is having on endangered species.

2 And the application, we don't use that much
3 volunteer help with most of our resource management
4 work because the work -- we have to be able to do it
5 within the right time frame of the plant biology,
6 meaning we have to be able to do the entire project
7 within about nine weeks, and it involves an intense
8 level of work. And it's hard for us to be able to get
9 volunteers who can dedicate themselves for the full
10 amount of time with the level of expertise we need. So
11 thank you very much for listening.

12 CHAIR SPITLER: Thank you. Public comment on
13 BLM El Centro.

14 JOHN STEWART: John Stewart, California
15 Association of 4-Wheel Drive Clubs, trying to touch on
16 maybe not every grant but a couple of the key ones that
17 I find extremely -- of extreme importance to the
18 recreation program down there.

19 The Desert District, has been noted before,
20 receives the largest visitation of any recreation areas
21 within the State of California, probably within the
22 nation. It is -- the Imperial Sand Dunes is one of the
23 top ten recreation destination spots listed by BLM. In
24 fact, I think it ranks up there at number two or number
25 three, as far as visitors. This is a nationwide deal,

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1 which means they get a significant, significant number
2 of visitors per year. It is -- and to have a reduction
3 in law enforcement in this high population area is
4 negligence. You cut the El Centro Sheriff's and
5 Imperial County Sheriff's this morning with the fact
6 noting that -- oh, this afternoon, we'll take care of
7 it on the BLM grants. Well, now is the time. Let's
8 see it in the BLM grants. This law enforcement issue
9 is very, very important. It is a public health and
10 safety issue.

11 The facilities and maintenance, again, that is
12 something that the technical review team that sat down
13 and hammered out a management plan has met the
14 environmental criteria review, as defined within the
15 National Environmental Protection Act, and this is all
16 under lands that are managed by the federal agency, the
17 Bureau of Land Management. So it has met all of the
18 requirements. They have gone through the Fish and
19 Wildlife Biological Opinion. It has been approved and
20 they need the money to implement it now. This funding,
21 this grant here is very important to implementing.

22 And the resource, that again, it's -- the
23 monitoring is an important issue to have a well-managed
24 recreation program in this high-use area. The staff
25 scoring recommendation comes in at 717,750, and I would

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1 say that we support that as a minimum requirement that
2 they would need to get this program going and get this
3 section opened up for recreation within the resource
4 management plan that has gone through the courts. It
5 has gone through the entire legal review process. So
6 it's there. It's ready to be used. It's ready to be
7 put to recreation use. So thank you.

8 CHAIR SPITLER: Thank you.

9 MR. KLUSMAN: Don Klusman, California 4-Wheel
10 Drive Association. Hate to disagree with my colleague
11 on a couple of issues, but one of them I'm going to, is
12 the monitoring.

13 I sat in the courtroom when the judge made the
14 ruling on the lawsuit. BLM at that time said, no
15 problem, we can do the monitoring. We have the money.
16 We will do it. Now all of a sudden, they want to come
17 to us and ask us to do the monitoring on the milk
18 vetch. I have a real problem with that. The court
19 found that BLM was not doing their job; told them that
20 they have to do their job. Now they're coming to us
21 wanting \$90,000, roughly is what the gentleman said, to
22 do that monitoring? After they were using -- yes, they
23 were using money that was on the fees. There wasn't
24 fee demoed at that time. It started out as being
25 demoed, but then it turned into fees. Then the TRT

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1 says, no, we're not going to let you do that anymore,
2 so now they're coming to us for that \$90,000. I have a
3 real problem with that. And that they made the
4 agreement with the court, that the federal government
5 was going to do this monitoring. They didn't say that
6 OHV was going to do this monitoring. They said BLM.
7 Washington, D.C. agreed to this. Thank you.

8 COMMISSIONER THOMAS: Don, is that grant number
9 326 or?

10 CHAIR SPITLER: 328.

11 DON KLUSMAN: 328.

12 BRETT SCHORADT: My name is Brett Schoradt. I'm
13 here with California Wilderness Coalition and the
14 Alliance for Responsible Development. I just want to
15 express support for grant number 325, the restoration
16 grant. And I'll be short and simple. Thanks.

17 CHAIR SPITLER: Thank you. Any other public
18 comments on El Centro?

19 Okay. Start with OR-1-CD-324.

20 COMMISSIONER WALDHEIM: Okay. Mr. Chairman,
21 this one here, because of the ranking system, really,
22 really had me in a spin to try to figure out how to do
23 what we need to do and stay within our means, within
24 our pocketbook.

25 And so I have rescored this grant. Number five,
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1 first category; number 10, the second category; five;
2 fifteen; twelve; ten; for \$540,900. Now, this is the
3 minimum that you can do under the rules. You can't do
4 less. To do less, you have to go to zero. That would
5 not be an option. So what we've done in here is that
6 we're in the hopes, and we talked this morning with
7 Sheriff Carter and we've talked to Rob and talked to
8 Vicki Wood, that they work in concert in an agreement
9 with the Imperial County Sheriffs together, in concert
10 together, to work -- to join forces with Sheriff
11 Carter's funds, with Vicki Wood's funds, to make this
12 happen. So both should be happy with this solution.
13 And so they have to work together on resolving the
14 issues. And so between the two of them, I feel this
15 Commission is putting almost a million dollars into law
16 enforcement in that area. That's a big issue. Last
17 year we gave them \$200,000, is what we did last year.

18 COMMISSIONER THOMAS: And I'd like to address
19 that.

20 CHAIR SPITLER: Excuse me, Commissioner Thomas.
21 We have a motion. Is there a second so we can have
22 discussion?

23 COMMISSIONER BRISSENDEN: Second.

24 CHAIR SPITLER: Commissioner Thomas.

25 COMMISSIONER THOMAS: The way the rules are

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1 structured, the Division cannot recommend less than
2 \$545,000. It doesn't mean that you can't vote for 500
3 or 400 or 300.

4 COMMISSIONER WALDHEIM: No, we can't do that.

5 COMMISSIONER THOMAS: No, we make decisions
6 based upon the recommendations. There's nothing in the
7 regulations declining the Commission from ultimate
8 allocation. You may not wish to risk a conflict with
9 the Division over this matter.

10 COMMISSIONER WALDHEIM: I wish not to risk to
11 have a conflict with Mrs. Greene.

12 COMMISSIONER THOMAS: That's your choice, but I
13 don't believe that the record should reflect an
14 understanding that we are bound by those rules. But
15 that's only one commissioner's opinion.

16 COMMISSIONER WALDHEIM: Point well taken.

17 CHAIR SPITLER: Okay. Motion and a second. Is
18 there more discussion? All those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIR SPITLER: Opposed?

21 COMMISSIONER THOMAS: No.

22 CHAIR SPITLER: Motion carries.

23 OR-1-CD-325, Restoration.

24 COMMISSIONER WALDHEIM: Okay. Mr. Chairman,
25 this one here again, as we've been talking all along

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1 with Mr. Weigand's supervision, and I keep praising the
2 man, and I hope you guys all -- we would be lost in
3 this whole restoration issue and the education that
4 he's given us out in the field without him, so I still
5 continually want to -- did he leave? He's gone. I
6 want to thank him. He's always with a smile. If I
7 find him at Ridgecrest Home Depot or if I find him down
8 in El Centro, he is always all over the place. So I'd
9 like to go --

10 CHAIR SPITLER: He must be doing something
11 right, you finally got his name right.

12 COMMISSIONER WALDHEIM: Did I? I didn't even
13 realize it. Okay. Number 17 -- the first one is 17
14 Aaron; second one, ten; ten; 30; 20; ten; for 97. That
15 should be 479, bingo, that's my motion.

16 COMMISSIONER BRISSENDEN: Second.

17 CHAIR SPITLER: Discussion? All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR SPITLER: Opposed? Motion carries.

20 OR-1-CD-326.

21 COMMISSIONER WALDHEIM: Okay. Mr. Chairman.

22 COMMISSIONER ANDERSON: I'll move the staff
23 recommendations.

24 COMMISSIONER PRIZMICH: Second.

25 COMMISSIONER WALDHEIM: I would like to make an

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1 amendment to that motion.

2 CHAIR SPITLER: 326.

3 COMMISSIONER WALDHEIM: Okay. This one, again,
4 we've invested an awful lot of money in that area. I
5 was on the Commission in the '80s when the whole entire
6 infrastructure of that area was done by this
7 Commission, not once, but twice in many areas. This
8 particular case, I am not satisfied that we can afford
9 to do it or it's a time to do it right now. There's
10 other funds that can be solicited to do some of these
11 things. And so if we're going to finish the day and
12 take into consideration the project itself, I'm
13 changing the recommendation to ten, the first section;
14 five, the second section; 15, the next one; three;
15 eleven; and 44 for zero funding.

16 COMMISSIONER BRISSENDEN: Second.

17 CHAIR SPITLER: Discussion? Okay.

18 COMMISSIONER ANDERSON: My understanding is that
19 a lot of this ends up supporting facilities in the
20 Dunes area; am I correct?

21 CHAIR SPITLER: That's correct.

22 JIM KEELER: That's correct. Jim Keeler, BLM
23 California State Office. And Neil Hamada was sick
24 today and unable to come. So they asked me to stand in
25 on this issue if it comes up.

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1 COMMISSIONER ANDERSON: I can't imagine not
2 having any money for facilities operations and
3 maintenance with the number of people that come there
4 during the weekend.

5 COMMISSIONER WALDHEIM: That is quite correct.
6 There are fees that do cover that; however, I might add
7 that all of those vehicles come with California green
8 stickers on them.

9 CHAIR SPITLER: Thank you.

10 COMMISSIONER WALDHEIM: Mr. Chairman,
11 Ms. Anderson, I recognized that -- and it's not that we
12 don't like it, but again, reality of life, the
13 pocketbook is getting very, very, very thin. And so
14 they have a source. They've got \$3 million, close to
15 \$2.33 million of fees coming in, so they're one of the
16 fortunate ones who have some source of income where
17 others do not have that luxury, so they do have it.

18 It pains me to do it, but if we're going to
19 finish the day, we have no choice but to do this. It's
20 not like it's going to disappear. We have made an
21 investment. We have paid for the improvements in the
22 area. The users, now they're paying \$90 a year and \$30
23 a weekend to come there. So they're paying their share
24 to maintain the facilities that we paid for in the
25 first place.

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1 COMMISSIONER THOMAS: And we have over invested
2 in this unit. Yesterday we cut wilderness patrols in
3 the El Dorado as part of the pro rata share. And in
4 this group we just gave them \$500,000 for law
5 enforcement. You guys are way over weighting this
6 particular item.

7 COMMISSIONER WALDHEIM: That's why we need to do
8 some cuts.

9 COMMISSIONER ANDERSON: That's why some of us
10 are from Southern California and others are from
11 Northern California.

12 CHAIR SPITLER: More discussion?

13 COMMISSIONER THOMAS: Look at the equity.

14 CHAIR SPITLER: We'll vote on the amendment
15 first. The amendment is to reduce the score to 44 for
16 a funding level of zero.

17 Sandy, can we do a roll call on the amendment,
18 please?

19 MS. ELDER: Anderson.

20 COMMISSIONER ANDERSON: Aye, given Mr.
21 Waldheim's assurance that there will be money for O&M,
22 I'll vote aye.

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: Aye.

6 MS. ELDER: Waldheim.

7 COMMISSIONER WALDHEIM: Aye.

8 CHAIR SPITLER: Okay. We will vote on the

9 original motion as amended for a funding determination

10 of 44 and funding level of zero. All those in favor?

11 (Commissioners simultaneously voted.)

12 CHAIR SPITLER: Opposed? Motion carries.

13 OR-1-CD-327.

14 COMMISSIONER WALDHEIM: Okay. Mr. Chairman,

15 this is a project that they do not have the sources of

16 funds to go and get the job done, and so we need to

17 make sure that the planning process does take place.

18 So we ended up with a score of 17 on the first column,

19 Aaron; five on the second; 15 on the third; 15 on the

20 fourth; bringing it to 52. That should be 280,800.

21 That's my motion.

22 CHAIR SPITLER: I'll second it. Discussion?

23 COMMISSIONER THOMAS: So we're going from zero

24 staff recommendation to \$280,000, and we're short money

25 for all kinds of critical things yet we've got

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1 \$280,000 --

2 COMMISSIONER WALDHEIM: Mr. Chairman,
3 Mr. Thomas, we're working within the budget. If we
4 keep going the way we are, we will make it.

5 COMMISSIONER THOMAS: We're going to bring back
6 the El Dorado and try to fund the two wilderness law
7 enforcement units that we took out yesterday
8 inadvertently, so you better -- I would encourage you
9 to find \$50,000 in one of these budgets, if you're in
10 charge of the budget.

11 COMMISSIONER WALDHEIM: I'm not in charge of the
12 budget. Mr. Chair, you want to answer that?

13 COMMISSIONER THOMAS: I know, but you're being
14 very good about -- a good steward of the budget, and
15 I'm asking you to find that \$50,000 to bring back that
16 wilderness patrol in the Pacific and Amador Districts
17 which affects the Northern California gentleman to my
18 right.

19 COMMISSIONER WALDHEIM: So you want the water
20 and you want the patrol?

21 COMMISSIONER THOMAS: You've got the water. We
22 just want the wilderness.

23 CHAIR SPITLER: Commissioner Anderson.

24 COMMISSIONER ANDERSON: Yes, could I speak to
25 the applicant, please, I have some questions or

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1 Mr. Keeler. Either --

2 On the planning grant, yes, could you enlighten
3 me further as to how this fits in with the district's
4 resource planning for -- or overall general planning
5 for Eastern San Diego County.

6 DANIEL STEWART: Okay. Eastern San Diego County
7 is actually outside of the California Desert District.

8 COMMISSIONER ANDERSON: I understand, but it's
9 managed from out of that office.

10 DANIEL STEWART: This management plan is going
11 to be a new plan so that we can manage it. It's to
12 address all of the new things going on in San Diego
13 County, to address things like population growth and
14 all of the other factors that are playing in the
15 San Diego County. The county has got a lot more use
16 and a lot more scrutiny now than what it had in 1982.

17 COMMISSIONER ANDERSON: How much BLM funding out
18 of Washington is coming out into preparing this plan?

19 DANIEL STEWART: I don't know how much we got
20 this year for it. What happens is we've had to
21 piecemeal it with what little bits of money we've
22 gotten thus far, and we haven't had enough money to
23 complete the plan yet. And what's happened in the last
24 couple of years is some of our money has been
25 redirected into paying for other projects, like the

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1 milk vetch and things like that. So we're still shy on
2 being able to complete what we've done on Eastern
3 San Diego.

4 COMMISSIONER ANDERSON: Is this planning
5 intended to be as comprehensive as the Northern
6 Colorado -- you know all of those general?

7 DANIEL STEWART: Yes, it's meant to be something
8 like Weco, where we're going to have route designation
9 and other land management things as well, but route
10 designation is a big part of this.

11 COMMISSIONER ANDERSON: Okay.

12 DANIEL STEWART: We're also looking at improving
13 other recreation areas. We're going to look at the
14 possibility of having areas for target shooting, areas
15 for horseback riding, for stuff like that, too.

16 COMMISSIONER ANDERSON: I understand that.
17 That's part of my concern that we're going to be
18 funding general planning, rather than OHV directed
19 planning, in spite of what I know you said was the
20 route designation is a big part of that.

21 CHAIR SPITLER: Mr. Keeler, do you have a
22 response to that?

23 JIM KEELER: I did have a response to her
24 question about Washington funding.

25 CHAIR SPITLER: No, thank you. The question is:

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1 Is this money going to be directed toward a general
2 planning exercise or will it be directed towards the
3 route designation?

4 JIM KEELER: As to the previous question, I was
5 available to answer that. I'm sorry.

6 DANIEL STEWART: One of the important things
7 we're going to have to resolve with this planning money
8 is with the Endangered Species consultation in the Lark
9 Canyon open area for the Keno checker spot butterfly.
10 This species has a very intensive monitoring protocol
11 under the Fish and Wildlife Service for
12 presence/absence monitoring before we can work on
13 trying to get biological opinions.

14 CHAIR SPITLER: Sir, can I just try that
15 question one more time. The question is:

16 Is the funding that you're asking for going to
17 be directed towards the route designation component of
18 your planning?

19 DANIEL STEWART: Yes.

20 CHAIR SPITLER: Thank you. More discussion?

21 We have a motion and a second. All those in
22 favor?

23 (Commissioners simultaneously voted.)

24 CHAIR SPITLER: Opposed?

25 COMMISSIONER THOMAS: No.

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1 CHAIR SPITLER: Commissioner Thomas votes no.

2 Motion carries.

3 OR-1-CD-328 El Centro, Resource Management.

4 COMMISSIONER WALDHEIM: Mr. Chairman, this is
5 the one that Mr. Klusman is having so much fun with.
6 And originally we had said, man, this is a good one, we
7 need to do it. But then on further consideration, we
8 felt that this is not really something that we can
9 afford at this point or even rank. So my ranking --

10 CHAIR SPITLER: It's 57.

11 COMMISSIONER WALDHEIM: What number?

12 CHAIR SPITLER: 328.

13 COMMISSIONER WALDHEIM: That's it, resource
14 management, okay?

15 This one here, the ranking is five for the first
16 point; eight; 13; 20; zero; for a 46 for zero funding.

17 CHAIR SPITLER: I'll second that.

18 COMMISSIONER BRISSENDEN: I support the
19 position, I just have an editorial comment. I believe
20 the gentleman presenting this said something to the
21 effect that they were supporting an innovative portion
22 of the criteria with real science. It's only under
23 this administration in Washington that we can come to
24 this place at this time.

25 COMMISSIONER THOMAS: Real science is now an

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1 innovation?

2 COMMISSIONER BRISSENDEN: Yes, bizarre.

3 CHAIR SPITLER: Unique. More discussion? We
4 have a motion and a second. All those in favor?

5 (Commissioners simultaneously voted.)

6 CHAIR SPITLER: Opposed? Motion carries.

7 Okay. Let's do one more, we will take a break.

8 Needles Field Office, OR-1-CD-311 and 315.

9 STAFF HOM: OR-1-CD-311 Needles Field Office,
10 Law Enforcement scored 56 points with a Division
11 funding determination of 80,100. OR-1-CD-315, Needles
12 Field Office, Safety scored 39 points with a funding
13 determination of zero dollars.

14 CHAIR SPITLER: Mr. Keeler.

15 JIM KEELER: Jim Keeler, BLM, California State
16 Office. Needles did have people here two weeks ago,
17 but wasn't able to afford to bring staff back for
18 another meeting. So they've asked me to represent them
19 today for what good that might do.

20 CHAIR SPITLER: They're practically coming from
21 another state.

22 JIM KEELER: It's a long trip and a fairly small
23 grant.

24 CHAIR SPITLER: Is it still in California?

25 COMMISSIONER WALDHEIM: Yeah, we're in

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1 California. I live there. I have a house there.

2 COMMISSIONER BRISSENDEN: Don't needle
3 Mr. Waldheim.

4 COMMISSIONER ANDERSON: Ed lives everywhere.

5 JIM KEELER: The law enforcement grant we would
6 ask for the Division level funding on. We would like
7 some extra consideration on the law -- rather the
8 safety education grant, which Commissioner Waldheim
9 supported this on previous years. We had a pretty good
10 education program going there. The primary user group
11 for that area is actually out of Lake Havasu, which has
12 become quite an urban area now. Folks come across the
13 river and bring their kids with them. So this
14 education program was largely directed at working in
15 the schools, both in the southeastern California area
16 and the Lake Havasu area. I'm not prepared to go line
17 by line through this thing, but it certainly probably
18 suffered from not the best grant writing, but it's
19 still a very worthy grant.

20 CHAIR SPITLER: Let's do public comment. Stick
21 around, Mr. Keeler. I have questions for you. Public
22 comment on BLM Needles Field Office.

23 JOHN STEWART: John Stewart, California
24 Association of 4-Wheel Drive Clubs. The Needles Field
25 Office sits in a very unique region of California in

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1 that it is right there on the Colorado River right next
2 to a very rapidly growing population center in Arizona.
3 A lot of visitors do cross the river for recreation in
4 the Needles Field Office region. This law enforcement
5 effort is extremely important in that area. The
6 Needles Resource Office has -- I don't know, Jim, if
7 I'm right -- 18 different wilderness areas within it.
8 They have a growing recreation population coming into
9 that area. Because of that, this law enforcement is
10 very important. It's a very important component of
11 their management process out in that area.

12 The Needles office is also -- has some desert
13 tortoise natural areas in that region, and their safety
14 and education program in the past has been geared at
15 introducing the children to the desert tortoise and the
16 issues with the desert tortoise in the hope of teaching
17 the young people of our country what they are and what
18 it's about, and the proper environmental ethics around
19 the tortoises. So, you know, again, this is another
20 one of those education programs that is not a lot of
21 money, it's very important in that we are teaching a
22 future generation about what's going on.

23 And, again, I'll reiterate that the law
24 enforcement, because of the growing recreation
25 population there, and the number of wilderness areas,

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1 in order to keep everything under control, in order to
2 keep everything as a managed recreation program in that
3 area, they need the law enforcement assistance. Thank
4 you. So, anyway, we would support the full funding on
5 these grants. Thank you.

6 CHAIR SPITLER: Thank you. Other public
7 comments on Needles? Okay.

8 COMMISSIONER WALDHEIM: Ready?

9 CHAIR SPITLER: Commissioner Waldheim.

10 COMMISSIONER WALDHEIM: Okay. Nobody can accuse
11 me of playing favoritism. These folks are good folks.
12 They have a large area to police. They do have staff
13 on their organizational chart, and they're doing a
14 pretty good job out there. However, as it relates to
15 OHV, at this point, I want to go to three on the top
16 point; four; eight; twenty; nine; two; zero funding is
17 my motion.

18 CHAIR SPITLER: Second.

19 Discussion? All those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIR SPITLER: Opposed? Motion carries.

22 OR-1-CD-315, Needles, Safety.

23 COMMISSIONER WALDHEIM: Mr. Chairman, this one
24 here is where -- I was not a commissioner at the time,
25 and I was absolutely embarrassed that we killed the

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1 only OHV education program that the Bureau of Land
2 Management had. They are so good that we modeled our
3 program in Friends of Jawbone after what Needles did,
4 and we're currently going to schools two days a week.
5 We go to schools in that whole area within the staffing
6 that we have at the BLM office station.

7 So in all of the grants, as you will see, the
8 portion of the education program, I'm going to --
9 really committed to helping the BLM dedicate staff.
10 When Linda Hanson was there, I asked her, please, make
11 sure you put an element of education in each one of
12 your field offices so we can start going to these
13 offices. We didn't need \$56,000, I felt that was
14 excessive because we're not using \$56,000. We're doing
15 it with 18 hours a month is what we're using at
16 Jawbone. So I felt at least we put something in there,
17 then we can get going.

18 So I am going to ask for the full funding and
19 should have had it open here. First line is 10; 20,
20 15, 15, 20, 19; for 99, which should be \$14,000 even,
21 and that would be my motion.

22 COMMISSIONER BRISSENDEN: Second.

23 CHAIR SPITLER: Discussion?

24 COMMISSIONER ANDERSON: Can somebody fill me in
25 on how many volunteers they have working with this

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1 program?

2 COMMISSIONER WALDHEIM: Right now, they have --
3 to my knowledge I don't think they have one yet because
4 we defunded it, so we've got to get back going again,
5 get them set back up again where they have to train the
6 people, reestablish to start going.

7 (Simultaneously speaking.)

8 COMMISSIONER WALDHEIM: They had some limited --
9 the law enforcement people had some limited success
10 going in, and we're talking about Havasu Landing, which
11 is south of Needles across from Havasu, that's where
12 the big education parts. Needles School District goes
13 in, the Mojave Valley School District can go in all
14 areas that are affected by the BLM, and these kids are
15 riding around.

16 This is something we get going around. It's a
17 minimal amount that we can get moving with them. And
18 hopefully with Ms. Greene's help and through the
19 stakeholders, if we can start supporting these
20 different groups we have throughout the state, then we
21 can really start making a difference.

22 CHAIR SPITLER: Commissioner Thomas.

23 COMMISSIONER THOMAS: Ed, just looking at the
24 rating from the staff. Staff has been always in my
25 experience an advocate for education programs, but yet

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1 they rated it zero, two, zero, zero, zero on the
2 anticipated services provided and number of volunteer
3 hours.

4 COMMISSIONER WALDHEIM: Mr. Chairman.

5 COMMISSIONER THOMAS: We really want to --

6 COMMISSIONER WALDHEIM: Mr. Thomas, I appreciate
7 what it is. Sometimes when these grants were written,
8 sometimes they -- some people didn't quite have the
9 ability to write it this good, so to make sure high
10 scoring. Also, one of my criticism of the panel who
11 has discussed that these things -- and that's why we
12 need to get back with that whole system -- is that the
13 people who did the actual ranking really don't have any
14 firsthand knowledge of the area at all.

15 And so, you know, there has to be an element
16 where the criteria of firsthand knowledge of what's out
17 there and what it is we're trying accomplish. So I
18 can't justify why they went so low, but all I can tell
19 you what it is that -- the program that we need to do
20 because we're doing -- we're already in our third year
21 at Jawbone doing them. I'm just trying to re-establish
22 what we lost when we cancelled them out. We just
23 cancelled them out, blackened. The employee was fired
24 or the employee left, and we lost it. So we need to
25 get back into it.

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1 CHIEF JENKINS: In this particular case there
2 was no mention of volunteer activity in the grant,
3 that's why we can't score any points on that.

4 CHAIR SPITLER: Thank you. Is there more
5 discussion? Okay. All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR SPITLER: Opposed? Motion carries.

8 Let's take ten minutes, come back at 4:30, and
9 we'll hopefully wrap up.

10 (Break taken in proceedings.)

11 CHAIR SPITLER: Okay. We are close to
12 conclusion here. We've got two more field offices
13 left, Palm Springs and Ridgecrest. We'll start with
14 Palm Springs, OR-1-CD-316, 318 to 319.

15 STAFF HOM: OR-1-CD-316, BLM Palm Springs Field
16 Office, Law Enforcement scored 41 points with a
17 Division funding determination of zero dollars.
18 OR-1-CD-318, BLM Palm Springs Field Office, Restoration
19 scored 80 points with a Division funding determination
20 of 394,500. And OR-1-CD-319, BLM Palm Springs Field
21 Office, Trails scored 24 points with the Division
22 funding determination of zero dollars.

23 CHAIR SPITLER: Okay.

24 JOHN KALISH: Chairman Spitler, and fellow
25 Commissioners, it's always a pleasure to be here. My

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1 name is John Kalish, and I'm the assistant field
2 manager for Palm Springs, South Coast Field Office.
3 And I'd like to introduce Mona Daniels, Recreation
4 Planner, behind me and also Jim Weigand, State Office
5 Ecologist.

6 At this point I always feel like really bragging
7 up our program. We're very committed to our
8 off-highway vehicle program, and we have a very
9 high-quality resource, but I don't really want to use
10 up a lot of time talking about how great the resource
11 is. I feel that we have some other issues that we
12 would like to talk about. But in the overall context,
13 with looking at the grant proposals we have submitted,
14 we do have the high-value OHV resource, but we also
15 have a lot of challenges within the areas that are --
16 that we have focused our management. And that consists
17 mainly of Coachella Valley in Riverside County all the
18 way east to the Colorado River. Much of that area is
19 really highly sensitive habitat for various species, to
20 name two, much of the desert portions of Riverside
21 County are desert tortoise habitat, and quite a bit of
22 it within the area that we manage, and is very high
23 valued land for OHV recreation, very critical habitat.
24 In addition, within the valley floor of Coachella
25 Valley, we have the Coachella Valley horned toad lizard

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1 habitat within the sand dunes area, which of course is
2 very attractive riding.

3 In addition to those complexities and
4 challenges, we also have a very rapidly increasing
5 level of use, really tied into overall population
6 growth. And in addition, the area that we manage
7 really fairly recently has been found by the OHV
8 community. We didn't have a lot of use over the years,
9 but for a variety of reasons, we like to think because
10 of the high-quality resource, we're getting a
11 tremendous influx of new use.

12 So given all of that, we would like to discuss
13 reconsideration of the three grants, the law
14 enforcement, restoration, and trails grant proposal.
15 And with that I'll turn it over to Mona Daniels to
16 discuss the law enforcement grant.

17 MONA DANIELS: First of all, a little background
18 on that, the Palm Springs law enforcement area extends
19 from the Colorado River all the way to the Pacific
20 Ocean. It also travels from the grapevine, the top of
21 I-5 north of L.A. all the way to the Mexican border.
22 We have approximately -- we have nine officers that
23 cover that entire area. We are a huge diverse area.
24 Our law enforcement officers work closely with other
25 agencies. They participate in the Coachella Valley

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1 Association of Governments Off-Highway Vehicle Group.
2 It has a working plan with the California Highway
3 Patrol, Riverside County, and San Diego County
4 Sheriff's, local police departments, Coachella Valley,
5 Palm Springs, Indio, Cathedral City and numerous others
6 I cannot even begin to touch upon.

7 Innovative items that the law enforcement has
8 come up with, we suffer from what's called an urban
9 ring impact, which is a high amount of garbage being
10 dropped on our designated routes and trails diminishing
11 the experiences that many of our OHV users are having.
12 Instead of a pleasant ride and trip out in the desert,
13 they are encountering more and more trash dumped from
14 our local communities. Because of this, an outdoor rec
15 planner and a certain law enforcement officer got
16 together and said what can we do about this, how can we
17 get some arrests. The IDE meeting, the Illegal Dumping
18 Enforcement Workshop, which brought together California
19 Highway Patrol, all those other local PDs, Riverside
20 County, Board of Governors from different units, we had
21 numerous public groups come together, and we discussed
22 how each unit could address illegal dumping in
23 off-highway vehicle areas. What it has done, it has
24 increased the number of illegal sites that are going
25 on, and it has improved our off-highway routes. We are

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1 now having a number of clean routes.

2 We also have a large volunteer group that was
3 not mentioned within our law enforcement grant because
4 of the fact that, unfortunately, I'm the volunteer
5 coordinator in our office and know that volunteers
6 cannot work directly under our law enforcement. We do
7 have volunteers that highly support law enforcement
8 under other Divisions inside our office. We have over
9 300 volunteers each year, approximately 75 to a hundred
10 of them are long-term volunteers. We have 33,000 hours
11 of labor time saved, which amounts to about \$560,000 of
12 labor. Thank you very much.

13 CHAIR SPITLER: Okay. Thank you.

14 JOHN KALISH: So to really summarize that, in
15 looking on the scoring sheet in the area of
16 demonstrates not funding the project that result in
17 negative outcomes from a public health and safety
18 standpoint. We feel that our law enforcement efforts
19 really benefit the overall off-highway vehicle program.
20 And Mona, in the other section dealing with volunteer
21 activities, BLM volunteers cannot perform purely law
22 enforcement activities; however, there are many related
23 activities that they do accomplish as Mona summarized
24 that relate specifically to the law enforcement grant.

25 The second grant is the restoration projects,

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1 and we would actually request full funding. We have
2 fully within that grant package identified the risks of
3 not completing restoration in very highly sensitive
4 areas that we manage that are high value for OHV
5 recreation. But specifically in the ranking, on the
6 innovative approaches, we have been using SCA crews
7 that are utilizing, and been brought up before,
8 vertical mulching and really it's a nonmechanical or
9 use of hand tools. The whole purpose being to
10 obliterate disturbances such that they cannot be seen.
11 And they're actually incredibly effective in doing
12 that. And that greatly reduces and in a lot of cases
13 eliminates the need for us having to place barriers and
14 do constant law enforcement oversight on those rehab
15 areas.

16 In addition, on the ranking sheet on the
17 volunteers, we do have the very active volunteer
18 program tied into restoration, not only the SCAs, but
19 Friends of Big Morongo Canyon, various scout groups,
20 and a couple of OHV groups in the Coachella Valley
21 area. The third grant is the overall trails grant. We
22 did -- the staff recommendation was zero funding. We
23 feel that us being able to go in and do trail
24 maintenance is very critical to our programs, just in
25 terms of eliminating route proliferation, as well as

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1 improving the overall recreation experience of the OHV
2 user by having well-maintained trails. Nearly all of
3 our program involves a very well-defined route trail
4 network. And with that, I sure appreciate it, and we
5 will stand by for questions.

6 CHAIR SPITLER: Thank you. Public comment on
7 Palm Springs.

8 JOHN STEWART: Good afternoon, Commissioners,
9 John Stewart, California Association of 4-Wheel Drive
10 Clubs. In the Palm Springs Field Office, to set the
11 stage of what their impacts are and what their
12 importance is, we heard earlier from the Barstow Field
13 Office, which is a northern part of high desert, also
14 heard from the El Centro, which is down to the low
15 desert. Palm Springs sits right in the middle.
16 They're the corridor to either go up towards Barstow
17 and on out to Needles and the river, or they are the
18 corridor for a high volume of traffic down into the
19 Glamis-Imperial County area. With the increased law
20 enforcement and increased pressure on recreation in the
21 sand dunes in the Imperial County, a lot of people have
22 been choosing to stop off a little bit short of their
23 final destination. This results in a significant
24 increase into the OHV recreation activity within the
25 Palm Springs Field Office area and mainly over in the

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1 Bradshaw Trail area. And as they do stretch for a
2 rather lengthy distance, they are understaffed as far
3 as the people. They need the law enforcement grant in
4 order to cover the salaries for the patrols in the
5 area.

6 The trail issues, the trail grant is also
7 something that's very important. They do have a lot of
8 volunteers. We have several Cal 4-Wheel clubs. Our
9 members have adopted trails in that area. They do a
10 lot of volunteer work to keep the trails clean and to
11 keep the trails in good maintenance condition. But
12 there's a certain -- you know, just a limitation of
13 what they can do as volunteers. They need this other
14 money in order to fund the actual trails. So I
15 would -- you know, from Cal 4's perspective with the
16 funding constraints imposed on Palm Springs and with
17 the increased pressure that has come there within the
18 last year, I would encourage the Commission to go for a
19 full funding on the trails of \$61,000. And looking at
20 the law enforcement grant, also go with a full funding
21 on that to the tune of \$135,000. Thank you.

22 CHAIR SPITLER: Any more public comment on Palm
23 Springs?

24 COMMISSIONER WALDHEIM: Okay. Mr. Chairman,
25 ready? OR-1-CD-316, Barbara? Aaron, Jr., I didn't

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1 realize that Barbara is the one that's been doing the
2 numbers. I've been calling on Aaron. I don't know if
3 you guys all knew.

4 That just go to the last one zero, zero, just
5 add a ten to that, please. That's 51, so we should
6 have 60,750. Bingo, that's it. So is the motion.

7 COMMISSIONER THOMAS: Second.

8 CHAIR SPITLER: Discussion? All those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIR SPITLER: Opposed? Motion carries.

11 COMMISSIONER WALDHEIM: Next one is the
12 restoration, OR-1-CD-318. Ready, Barbara? Fifteen,
13 10, 10, 30, 20, 10; 95 should be 526, bingo. That
14 should be it. That's my motion.

15 COMMISSIONER BRISSENDEN: Second.

16 CHAIR SPITLER: Discussion? All those in favor?

17 (Commissioners simultaneously voted.)

18 CHAIR SPITLER: Opposed? Motion carries.

19 COMMISSIONER WALDHEIM: Next one -- by the way,
20 John Kalish is lucky he's got Mona Daniels. She is a
21 lady in motion. She's always out there in the field.
22 She's spent four hours with Mike Ahrens and myself
23 working off our map. And if you go to the San
24 Bernardino map that CTUC put out -- in fact, we put
25 down -- what did we put in the back, mea culpa in the

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1 back of the map so she gets it. Otherwise, who knows
2 when we can get a map going. So make sure you do the
3 corrections because we're going to go for a reprint or
4 anything you want to change. But thank you for doing
5 all of the work you do, Mona.

6 The trail maintenance, she's doing a great job.
7 These are areas that are getting more and more folks
8 coming to the area, and so we have to take care of it
9 because it's very scarce what we have in that Palm
10 Springs area. So change the recording up in the top to
11 10, 25, 15, 25, 20; 95. It should give us 61,000,
12 thanks to Mr. John Stewart. You got it? You got it.
13 That's my motion.

14 COMMISSIONER THOMAS: Second.

15 CHAIR SPITLER: Discussion? All those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR SPITLER: Opposed? Motion carries. Thank
18 you. Okay.

19 The last field office of the day is Ridgecrest
20 OR-1-CD-334, 335, 338, and 339.

21 STAFF HOM: OR-1-CD-334, Ridgecrest Field
22 Office, Law Enforcement scored 48 points with a funding
23 determination of zero dollars. OR-1-CD-335, Ridgecrest
24 Field Office, Restoration scored 39 points with a
25 Division funding determination of zero dollars.

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1 OR-1-CD-338, BLM Ridgecrest Field Office, Development
2 scored 23 points with a Division funding determination
3 of zero dollars. And I do want for the record to let
4 you know that the Division is preparing an initial
5 statement negative declaration that will come out or be
6 completed by April 2006 on this one.

7 OR-1-CD-339, BLM Ridgecrest Field Office,
8 Equipment scored 62 points with a Division funding
9 determination of 16,500.

10 CHAIR SPITLER: Mr. Villalobos.

11 HECTOR VILLALOBOS: Hector Villalobos, Field
12 Manager for the Ridgecrest Field Office. I guess we've
13 come to the bottom of the barrel, and I'm going to jump
14 in and try to come up with some scraps.

15 CHAIR SPITLER: You've got more than scraps on
16 the table.

17 HECTOR VILLALOBOS: We'll see. I'd like to
18 revisit some of those, and I have staff here that's
19 going to help me with that. Craig Beck, our Wilderness
20 Recreation and Maintenance Branch Chief, is here to
21 help me. Ron Bartland, who is speaking for the
22 restoration from the district is here to help me. And
23 law enforcement, of course, I have our chief, our
24 Acting Chief Ranger Mike Marquart.

25 I wanted to just summarize a few things here

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1 about Ridgecrest. And one thing I wanted to do is
2 thank you for the support that we've had for a long
3 time, and I know that we're going to continue to have
4 for the Ridgecrest Field Office. It's helped us to
5 accomplish a lot of things. And one of the things I'm
6 proud of is it has helped us provide recreation
7 opportunities for a lot of people. These recreation
8 opportunities cover our areas in the Jawbone, Dove
9 Springs area, in the Rands, in the Spanglers, in the
10 El Pasos and a few other areas, too, where some
11 dispersed recreation occurs.

12 Our areas are being used, and we estimate
13 between the southern part of our area, which is around
14 Cal City, to the northern part of our area, which is
15 Ridgecrest, we probably get around, I estimate, around
16 700,000 to a million visitors every year. Many of them
17 are enjoying the OHV opportunities in our area.

18 Our program is a balanced program. We try to
19 provide for the operations of the Jawbone station, for
20 maintenance of our trail, for restoration of our areas,
21 for law enforcement, and we incorporate education into
22 every one of those components. I note that -- we're
23 prepared to agree to some of the findings of the staff
24 here today. They've had a hard job trying to figure
25 out how to spread as much of the funding that is

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1 generated by the OHV in gas tax funding, and I really
2 appreciate the efforts that they have put to this.

3 CHAIR SPITLER: Do you have specific comments on
4 your grants?

5 HECTOR VILLALOBOS: Yes, let me get to that.
6 And one thing that I wanted to revisit with you is the
7 law enforcement. The law enforcement concern here is
8 that, of course, Kern County Sheriff's has not been
9 funded in our area. San Bernardino is concentrating --
10 the sheriff is concentrating their efforts in the
11 Barstow area. Cal City PD received reduced funding.
12 At this point BLM has got no funding for law
13 enforcement. I'd like for us to consider revisiting
14 the scores for our area. That leaves only the BLM to
15 be able to look -- to continue to provide law
16 enforcement efforts out there.

17 Restoration, I'd like to say one thing about
18 restoration is that we started restoration in our OHV
19 areas when Jim Keeler was the park ranger. That was a
20 long time ago. We started restoration in our
21 wilderness area with the SCA crews. That was a long
22 time ago. And we're continuing to do restoration in
23 our areas, and we've also did another start, I feel.
24 We started restoration efforts in abandoned land mine
25 areas, making those areas safer. And now I'd like to

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1 give the opportunity to Craig here to talk about some
2 of the things that we're all agreeable on.

3 CRAIG BECK: Craig Beck, Ridgecrest Field
4 Office, just real quickly just want to thank the
5 Commission for their actions yesterday on the Consent
6 agenda. Ridgecrest received funding in the facility
7 operation and maintenance, which helps cover the
8 Jawbone station, staffing the outreach efforts down
9 there, park rangers out in the field, and the ability
10 to upkeep the information kiosks, also the trail
11 maintenance, trail maintenance team, equipment
12 operators, and biologists, archeologists, and natural
13 resource specialists.

14 And we also agreed with staff on the zeros for
15 our resource and our planning grants we submitted.
16 We're going to work on those, make those better for
17 next year. So we'll be back to talk about those, but
18 I'll turn it over to our resource and our law
19 enforcement staff to give you some particulars. Thank
20 you.

21 MIKE MARQUART: Mike Marquart, Ridgecrest. Also
22 accompanying me is Senior Deputy Ron Maynard from Kern
23 County Sheriff's Office. I just would like to
24 elaborate a little bit further to have the Commission
25 consider our grant and to provide some additional

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1 evidence, so to speak.

2 Under the cooperation with other agencies
3 category, we do a great deal of work with not only Kern
4 County Sheriff, San Bernardino Sheriff, CHP, Ridgecrest
5 Police Department, China Lake Police Department,
6 California City PD, Inyo County, as well as California
7 State Parks. Some of our educational efforts have been
8 in the dunes of doing some gatekeepers projects where
9 we're out there stopping people for green sticker
10 violations, like a checkpoint, so to speak, where we
11 disseminate information about the recreational
12 opportunities, as well as we take enforcement action
13 when needed.

14 We also have a great deal of law enforcement
15 outreach efforts in the local schools, and we do that
16 in coordination with the Friends of Jawbone. We have a
17 ride-along program, as well as an explorer's post, and
18 then we also provide ATV training courses, as well.

19 On the innovative approaches to law enforcement
20 category, we utilize the Kern County Sheriff's Office
21 helicopter for law enforcement patrols over the
22 wilderness areas, as well as nondesignated route areas
23 over in northeastern Kern County. We've also
24 instituted the first of its kind in the California
25 desert region, the wilderness sting operation that I

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1 mentioned earlier. We also do plainclothes OHV
2 patrols. Some of these innovative approaches have been
3 quite productive in capturing violators and reducing
4 incursions into some of these areas.

5 Implications of not funding the category, the
6 harm to public health and safety, as first responders
7 and EMTs, as well as law enforcement responses and
8 ability to ensure public health and safety would be
9 significantly diminished in the areas of EMS support,
10 as well as the ability to assist in search and rescue
11 calls, the inability to detail law enforcement rangers
12 into the area, and BLM management would not be able to
13 fund local law enforcement activities on holiday
14 weekends. There would be a decreased law enforcement
15 presence, not only from the BLM, but also from the Kern
16 County Sheriff's Office on public lands. It would also
17 prohibit us to create a law enforcement agreement with
18 Kern County Sheriff's Office. And then overall there
19 would be a longer response time to calls just due to
20 the low presence of law enforcement.

21 Harm to natural and cultural resources, I would
22 suspect significant incursions of the Desert Tortoise
23 Natural Area, as well as damage to that desert tortoise
24 habitat.

25 CHAIR SPITLER: I hate to do this to you because
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1 I know you've been waiting an awful long time. If I
2 could ask you to speed up just a little bit.

3 MIKE MARQUART: Okay. I'll just touch briefly
4 on some of the unique enforcement issues.

5 The Ridgecrest law enforcement project addresses
6 unique law enforcement issues due to the fact that we
7 possess the third largest OHV area in the State of
8 California at 676,000 acres. The Ridgecrest Field
9 Office is an area that encompasses 1.8 million acres
10 that lie in the heart of OHV downtown. The Ridgecrest
11 Field Office provides one of the best OHV recreation
12 opportunities in the State of California and beyond.
13 Due to these -- due to the centralized location of our
14 resource area, it offers one of the best back door OHV
15 experiences to Los Angeles County, San Bernardino
16 County, Kern County, Inyo County, and other willing
17 participants that are willing to commute. We have
18 nearly one million OHV users to our area providing
19 6,000 miles of trails and roads, as well as I mentioned
20 earlier, 76,000 acres of open area. Of that resource
21 area, we have 800,000 designated acres of wilderness,
22 which consists of 16 individually congressionally named
23 units. The land mass of this magnitude presents unique
24 enforcement issues by just the sheer fact of not having
25 the numbers to cover it, as well as the fact that Kern

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1 County Sheriff's Office will not have a grant this
2 year, so they're not going to be on the ground with us.

3 COMMISSIONER PRIZMICH: Could I just make a
4 brief comment?

5 CHAIR SPITLER: Yes.

6 COMMISSIONER PRIZMICH: I just want the
7 Commission -- I know Ed is going to be suggesting
8 something here, but I want to make the Commission here
9 understand one fact that you pointed out, and that is
10 the Kern County Sheriff's Office should be applauded
11 for the use of the helicopter, which is very costly per
12 hour for overflights for wilderness intrusion. I just
13 want to make that specific point, that as I understand
14 it, is a benevolent gift on their part.

15 MIKE MARQUART: Yes, sir.

16 CHAIR SPITLER: Okay. We're going to go ahead
17 and move to public comment. And then we will come
18 back. Stick around, we might have questions for you.
19 Mr. Stewart.

20 JOHN STEWART: Good afternoon, Commissioners,
21 John Stewart, California Association of 4-Wheel Drive
22 Clubs. Ridgecrest grant for law enforcement, they've
23 requested 168,000, and the deputy has indicated
24 virtually every significant reason why this grant
25 should be funded at its fullest. They do need law

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1 enforcement. Law enforcement is a key component of any
2 well-managed OHV program. So I'd like to encourage
3 that somehow they find -- if there are any funds left,
4 they find enough money to at least come up with 50
5 percent funding, but surely approaching the full
6 funding for the importance of law enforcement would be
7 an important issue, important step.

8 Another one, number 338, which is a development
9 grant. Although it wasn't mentioned, I notice on here
10 it is up for consideration, and note that it did
11 receive a score of 23. And from looking at that grant,
12 it's a development grant, nobody else has received a
13 development grant. That is probably appropriate, and
14 Cal 4 would recommend essentially funding on that
15 particular grant.

16 Another one that really was not mentioned was
17 equipment. Any time equipment is involved and law
18 enforcement is involved, again, you know, stated this
19 yesterday, is having the proper equipment for law
20 enforcement, supportive law enforcement is essential
21 from a public safety point of view, it is also from a
22 personal safety point of view for the deputies. So I
23 believe that this equipment grant should be funded in
24 full. It's only a \$16,500 grant. It should be
25 equipment that is provided to the deputies and to the

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1 law enforcement effort in order to help them carry out
2 their mission in a safe manner for both the deputies
3 and in protection for the public.

4 So from that respect, to reiterate, I say the
5 law enforcement grant, number 334, funded as close to
6 full as possible. The development grant number 338, I
7 recommend no funding, zero funding on that. And the
8 equipment grant, recommend a full funding that of
9 16,500. Thank you.

10 CHAIR SPITLER: Thank you.

11 GEORGE BARNES: George Barnes, Sierra Club
12 California. I have firsthand information on the law
13 enforcement grant on their wilderness enforcement using
14 volunteers. My impression is that it is very
15 effective, have watched it closely for two years now.
16 An area last year that had significant motorcycle
17 tracking inside wilderness, this year had no visible
18 tracks at all. So I would urge you to find some
19 significant funding for their law enforcement grant.

20 BILL DART: Bill Dart, representing the Off-Road
21 Business Association. And specifically on the
22 development grant, you know, as we are tight with funds
23 and we can't afford to put a \$20,000 rest room in a
24 forest, I don't think it's appropriate to spend dollars
25 to add on to a BLM office building with our development

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1 funds.

2 But coming down from Idaho, where I live now, I
3 just have to say I found this state just fascinating,
4 and I feel kind of like an Alice in Wonderland here.

5 CHAIR SPITLER: Mr. Dart, are these comments on
6 the Ridgecrest grants?

7 BILL DART: Yes, it is. Yes, they are.

8 I had an agency representative tell me that his
9 description of the process we used today on these
10 grants, and I'm not sure about this grant, but he
11 called "madiculous", a blend of the words madness,
12 ridiculous and ludicrous. Grants are supposed to be
13 scored on the merits of the grants, the merits of the
14 grant itself and the public testimony. Yet on one
15 grant, the public -- everyone said yes, Paul Spitler
16 said no.

17 CHAIR SPITLER: Thank you. Mr. Dart, these
18 comments are actually on Ridgecrest. Thank you.

19 BILL DART: I have an opportunity to speak here,
20 Paul.

21 CHAIR SPITLER: Your comments are to be
22 addressed on the Ridgecrest grants. That's the item
23 that's on the agenda before us. So if you have
24 comments on the Ridgecrest grant, you can address the
25 Commission. If you don't, you're free to come back

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1 tomorrow at 11:00 to address items not on today's
2 agenda.

3 BILL DART: I understand why you wouldn't want
4 the truth on testimony here, but we'll do that
5 tomorrow.

6 CHAIR SPITLER: Thanks. Are there any more
7 comments on the Ridgecrest Field Office grants?

8 COMMISSIONER WALDHEIM: Okay. Mr. Chairman --

9 COMMISSIONER ANDERSON: Wait a minute, I thought
10 he wasn't finished with the public. Is the public
11 hearing closed?

12 CHAIR SPITLER: Yes.

13 COMMISSIONER ANDERSON: Before you start, I have
14 a --

15 CHAIR SPITLER: Commissioner Anderson.

16 COMMISSIONER ANDERSON: Just in general, the
17 past year, I've spent a lot of time trying to wiggle
18 around in looking at some of these areas, not always
19 identifying myself as I went to visit them. And I was
20 appreciative of the numbers and some of the extreme
21 needs. And I would be sorry if they were not
22 articulated well in the applications, but I certainly
23 did see evidence of cooperation. In at least three
24 areas where I was, I saw a sequence of law enforcement
25 officers, both the BLM and the sheriff, not at the same

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1 time but they were certainly cooperating in terms of
2 monitoring the areas. And I also saw evidence of great
3 needs, I'm sorry, development, but a different kind of
4 development because some of the rest rooms were
5 abysmal. Many of the areas are frequented by people
6 who end up bringing their own toilets with them because
7 to have to put up with the public facilities that are
8 available there is stomach churning. So I hope that in
9 the future there can be some attention to that kind of
10 detail. So I have high praise for what's been
11 happening on the law enforcement, and I think some of
12 the areas are desperately in need of restoration, and
13 I'll stop there.

14 CHAIR SPITLER: Okay.

15 COMMISSIONER WALDHEIM: OR-1-CD-344, law
16 enforcement, based on the testimony that we've heard
17 over here, I am going to change the scoring to 15 on
18 the first one, Barbara; 20 on the next one; 10 on the
19 next one, based on Mr. Prizmich's questions as far as
20 the contribution that the county does, which is an
21 incredible resource; 20 on the next one; 14; 14; 98.
22 That should come out to 168. 98, I should have 98.
23 Did I add up wrong? I did add up wrong. Sorry about
24 that.

25 CHAIR SPITLER: 25 on the fourth box?

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1 COMMISSIONER WALDHEIM: 25 on the fourth one,
2 right, there you go. 168, that's my motion.

3 COMMISSIONER ANDERSON: I'll second that.

4 CHAIR SPITLER: Discussion? All those in favor?
5 (Commissioners simultaneously voted.)

6 CHAIR SPITLER: Opposed? Motion carries.

7 COMMISSIONER WALDHEIM: Mr. Chairman, the next
8 one, resource protection, this once again, I mentioned
9 before, that they're doing an incredible job there.
10 And I personally have taken my trailer and truck and
11 put out rice bales and signs in the restoration
12 project. So I've been there, done that. I know what
13 I'm doing, and these guys are doing a great job. I
14 mean if you ever want to join us out in the field, you
15 can share next Monday and Tuesday, we're out there
16 pounding signs again. You hear that, Beck, Monday and
17 Tuesday, eight o'clock down in the Randsburg.

18 Okay. This one, 20 for the first point; 10 for
19 the next one; 10 for the next one; 30 for the next one;
20 19; 10; for a total 99. That should bring it to 824,
21 so is my motion.

22 COMMISSIONER ANDERSON: I'll second that one.

23 CHAIR SPITLER: Discussion? All those in favor?
24 (Commissioners simultaneously voted.)

25 CHAIR SPITLER: Opposed? Motion carries.

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1 COMMISSIONER WALDHEIM: The next one,
2 Mr. Chairman, the facility, I believe that's the next
3 one. Go with staff recommendation. That's my motion.
4 CHAIR SPITLER: OR-1-CD-338, the development?
5 COMMISSIONER WALDHEIM: That's correct.
6 CHAIR SPITLER: Staff recommendation 23 with
7 zero funding.
8 COMMISSIONER WALDHEIM: Yes, sir.
9 COMMISSIONER BRISSENDEN: Second.
10 CHAIR SPITLER: Discussion? All those in favor?
11 (Commissioners simultaneously voted.)
12 CHAIR SPITLER: Opposed? Motion carries.
13 COMMISSIONER WALDHEIM: And the last one, the
14 equipment. Okay, that one there, I'm changing the
15 scoring on this one here. 12, 10, -- no, 12, 20, and
16 20. So what does that come out 20, 20, 40 -- no,
17 wrong. What did I do? No, it's 12, 10 and 20; 42,
18 zero funding. That's my motion.
19 COMMISSIONER THOMAS: Second.
20 CHAIR SPITLER: Discussion? All those in favor?
21 Discussion. Commissioner Anderson.
22 COMMISSIONER ANDERSON: Yes, can you explain a
23 little bit more what -- can you refresh my memory about
24 what the equipment was that you were anticipating
25 purchasing?

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1 MIKE MARQUART: We were going to use that
2 funding to acquire some motorcycles for patrol. We
3 were going to equip one with lights and sirens to go
4 out and patrol.

5 COMMISSIONER WALDHEIM: My reasoning, Mr.
6 Chairman and Ms. Anderson, because of the funding
7 situation there, and there's other sources that the
8 Friends of Jawbone are going to have to help them with,
9 and we just ended up purchasing one quad for raking
10 with RTP money, and if this is what Mike wants, we'll
11 see if the Friends of Jawbone can just fund it. So
12 we'll try to take care of it in-house from the Friends
13 of Jawbone from our store operation there. So we
14 should be able to take care of that for Mike. Because
15 we can't get funding from RTP for law enforcement, they
16 won't give us for law enforcement. This is one issue
17 where Friends of Jawbone may be available to come
18 forward and help you with.

19 COMMISSIONER THOMAS: All right. Move the vote.

20 CHAIR SPITLER: Discussion? All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Opposed. Motion carries.

23 We have one last grant to finish up on, which we
24 deferred from yesterday, BLM, Redding OR-1-NO-64.

25 STAFF HOM: OR-1-NO-64, BLM Redding Field

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1 Office, Acquisition scored 82 points with a Division
2 funding determination of 295,500.

3 SKY ZAFFARANO: Sky Zaffarano, Redding BLM
4 Management Field Office. I appreciate the opportunity
5 to be heard on this one. The Chappie Shasta
6 Off-Highway Vehicle Area is a mixed land ownership
7 area. There's Forest Service, Bureau of Reclamation
8 and Bureau of Land Management lands. This project
9 would provide funding to acquire additional lands
10 within the Chappie Shasta Off-Highway Vehicle Area.
11 Many of these parcels that are identified in this
12 project currently have off-highway vehicle trail
13 opportunities on them.

14 The concern is we're not able to properly
15 maintain some of the trails that go through these
16 privately-owned parcels because they're not in federal
17 ownership. Also, if they were purchased by an outside
18 private individual, there's the concern that that trail
19 opportunity would be lost. Within the Chappie Shasta
20 Off-Highway Vehicle Area over the last fifteen years,
21 the BLM has acquired approximately 14,000 acres to
22 contribute to the 60,000-acre project area. We've had
23 a long history of successful acquisition, both through
24 exchange of lands, as well as purchase of lands within
25 that area, many of those purchases with off-highway

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1 vehicle funds.

2 Most recently in 2003, we were granted \$149,000
3 acquisition grant. We've expended that completely and
4 purchased approximately 260 acres of land within the
5 area, and those purchases did have critical trail
6 opportunities on them that we're now able to properly
7 manage those trails and provide for a long-term OHV use
8 within this area. And we've also completed eight
9 appraisals on parcels identified in this application.
10 And of those eight, six of those parcels have -- we've
11 received written letters of interest in selling those
12 parcels to the BLM by the landowners, so we are
13 currently in a position to move forward on more
14 acquisitions, all of which would be critical lands to
15 secure trail opportunities within this area.

16 I appreciate any support you can give us on this
17 project.

18 CHAIR SPITLER: Okay. Thank you. Mr. Klusman,
19 public comment.

20 DON KLUSMAN: Thank you, Commissioners. It's
21 been a long two days, and I hate to bring this up to
22 you now. This project was given to this Commission
23 basically five years ago. The Redding Field Office did
24 a Power Point presentation to the Commission showing
25 the checkerboard of lands and the reason that these

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1 acquisitions needed to be made. At that time there was
2 full Consent of the Commission that this needed to move
3 forward. The problem was, as usual, funds.

4 So it was asked of BLM to spread this out, do a
5 three-year project. BLM concurred. First two years,
6 no problem. You, as the Commission, deemed that this
7 was important and funded that money. Last year because
8 of shortfalls and so forth, again, the BLM was asked
9 could you defer it until next year. BLM said, yeah, we
10 have some people waiting in the wings, but we will be
11 better prepared to do it in 2005. This is 2005. I
12 cannot stress the importance of this. These are
13 illegal routes right now that the private property
14 owners are letting us use basically. But the problem
15 is not only environmental, but the problem is also if
16 those lands are sold -- these are willing sellers, they
17 want to sell their lands. If we keep putting them off,
18 somebody is going to buy them because the area is
19 growing up there. This Commission, along with the
20 Division and many others, this has been a partnership
21 from the very beginning in this area. This was a
22 dedicated OHV area and still is.

23 Again, I cannot stress -- BLM's hands are tied.
24 They can't maintain these trails because they're on
25 private property. And the first thing that's going to

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1 happen, as these trails degrade, is they're going to
2 become an environmental problem. We don't want that to
3 happen. So I encourage you to fund this grant. I
4 understand money is tight. But we've done everything
5 you've asked. We need this money. Thank you.

6 CHAIR SPITLER: Thank you.

7 GEORGE BARNES: George Barnes, Sierra Club
8 California. I understand that the current access
9 through there is over the private lands, and that
10 access is not legal. I further understand that there
11 is a legal access that winds a very long way around
12 through another community that does not want that type
13 of traffic. So I think there is merit to this
14 acquisition, if funds are available.

15 CHAIR SPITLER: Thank you.

16 JOHN STEWART: John Stewart, California
17 Association of 4-Wheel Drive Clubs. This project on
18 the surface is very worthwhile, and as you dig further
19 down in, it is still a very worthwhile project. It is
20 minimal funding for the acquisition of land, funding
21 that guarantees access into a state managed or into an
22 agency managed designated OHV area. This is one of
23 those purchase opportunities that comes up every so
24 often that this Commission needs to be able to act on
25 immediately. We may not have -- or you may not have

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1 the opportunity to get a purchase like this again.

2 I would urge the Commission to look at this
3 within the overall benefit to the program, benefit to
4 the recreation public of the State of California, the
5 benefit to the public out in that area where you move
6 the access route in there away from a population center
7 and put it to a point where you reduce conflict with
8 the public. It has all of the good benefits to it.
9 This purchase, this acquisition just makes sense. It
10 makes business sense. It makes recreation sense, and I
11 encourage the Division to go ahead and find the money
12 to do the entire \$394,000. Thank you.

13 CHAIR SPITLER: Thank you.

14 FRED WILEY: Good evening, Commissioners, Fred
15 Wiley with the California Nevada Snowmobile
16 Association. This is a land acquisition that we feel
17 is very important, and we would like to support it at
18 the full funding level. The votes by the Commissioners
19 on this project should be made on the merits of the
20 project, not on balancing its budget. It needs to make
21 the cuts where appropriate and based on the merits.
22 Thank you.

23 BRUCE BRAZIL: Bruce Brazil, California Enduro
24 Riders Association. And unlike many of the other
25 grants that you've have passed through here, this is

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1 just going to a one-time expenditure. It's going to an
2 acquisition. You'll be credited with increasing OHV
3 opportunity, which is something that the public has
4 been very critical about. I would expect and hope they
5 get adequate funding to procure these properties, that
6 there will not be future problems with trespass in that
7 area. Thank you.

8 CHAIR SPITLER: Anyone else to comment on
9 Redding? It's closed.

10 Commissioner Thomas.

11 COMMISSIONER THOMAS: Yes, I'm wondering why
12 this is not a capital acquisition in the budget in the
13 legislative budget. In other words, if this has been
14 out there for five years, why hasn't the Division put
15 this in the capital budget, like the last three capital
16 acquisitions that I was involved or aware of. It
17 seemed like a very good project for the January budget,
18 and I think we should support that. It doesn't seem
19 like the grant fund is really where this should be. So
20 that's a question of both -- of Don Klusman, why hasn't
21 it been put in there?

22 CHAIR SPITLER: Let's address that to staff. It
23 sounds like a staff question. Staff, can you address
24 that?

25 DEPUTY DIRECTOR GREENE: At this point -- excuse

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1 me, at this point in time, it has not been. It was not
2 put through the process in terms of capital outlay.
3 That does not preclude it from going that direction;
4 however, given the history of this project in that it
5 was -- originally started out as part of a grant
6 cooperative agreement, and then it was -- this
7 Commission advised the applicant to phase it in, for
8 that reason I would imagine that it has been done
9 through that process. At this point in time, you have
10 it in front of you as part of the competitive process.
11 It doesn't preclude it if at any point in time.

12 COMMISSIONER THOMAS: Was it ever submitted
13 through the internal budget process as a capital
14 outlay?

15 DEPUTY DIRECTOR GREENE: No, it was not.

16 COMMISSIONER THOMAS: And --

17 COMMISSIONER PRIZMICH: Told no.

18 DON KLUSMAN: If I may, when this was first
19 brought up five years ago, we were told, no, that it
20 should not go through that, it should go through the
21 Commission. That was what the Division told us, and
22 that's what the Commission told us at that time. The
23 Commission said this acquisition, fund this
24 acquisition. Since the Commission had blessed this
25 area in the first place and had been getting money for

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1 acquisition, that it should go through the grants. I
2 would have loved it if it went the other way. We would
3 have had the money three years ago.

4 COMMISSIONER THOMAS: Exactly.

5 DON KLUSMAN: But that's what we were told to
6 do, and that's what BLM did.

7 COMMISSIONER THOMAS: Would you be willing to
8 ask the Division today to put it in the January budget
9 or to accept it affirmatively through a legislative
10 amendment to the January budget and not oppose that
11 internally?

12 DON KLUSMAN: I would not oppose that. The
13 issue here is that the Legislature and the
14 administration does not find fond of doing that that
15 way through the budget when you're turning the land
16 back over to a federal agency. If it stays within the
17 state jurisdiction, yes, they do. But unless you're
18 doing a one-time huge purchase, you know, basically
19 millions, they don't want to nickel and dime it, is
20 what they...

21 COMMISSIONER THOMAS: Well, my request, though,
22 is would you support going to the local assemblyman or
23 senator and having it added into the budget that's
24 going to be -- hearings are going to be starting soon
25 for next year?

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1 DON KLUSMAN: I would support that, but I would
2 sure much rather see it come through the Commission
3 because I don't think it's got a chance going the other
4 way, to be honest.

5 COMMISSIONER THOMAS: Bird in hand, is always
6 worth more.

7 DON KLUSMAN: With the political climate right
8 now of getting -- you know, I just don't see it going
9 through the political process.

10 CHAIR SPITLER: More discussion?

11 COMMISSIONER WALDHEIM: Are they done,
12 Mr. Chairman?

13 CHAIR SPITLER: While they're speaking, you want
14 to go ahead and address the issue?

15 COMMISSIONER THOMAS: I would be prepared to
16 reconsider this issue on the grants side if in fact we
17 try through Legislature and fail. And this Commission
18 can schedule it, the next scheduled hearing, request of
19 Senator -- is it Aanestad, and actually Mr. Keene. And
20 we would be happy to do -- I would be happy to sponsor
21 that motion and do what we can to do that. In the
22 event that that fails, then we can be back here on
23 reconsideration.

24 DEPUTY DIRECTOR GREENE: Commissioner Thomas,
25 are you looking -- Commissioner Thomas, just so the

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1 Division knows in the future to let grant applicants
2 know the Commission, is that a policy perhaps for
3 tomorrow --

4 COMMISSIONER THOMAS: No, I'm suggesting in the
5 context of a specific action. If Senator Aanestad was
6 to add that into the budget, we would ask the Division
7 by resolution, if the Division would support the
8 addition of this acquisition to the budget that
9 Governor Schwarzenegger puts forward in January and is
10 adopted in April.

11 DEPUTY DIRECTOR GREENE: And that would be a
12 possibility. I'm just trying to understand at this
13 point in time is this something that you -- as this
14 grant applicant has applied for an acquisition project,
15 that this is not acquisition projects in the future,
16 perhaps not what you're considering.

17 CHAIR SPITLER: We're just discussing OR-1-NO-64
18 at this point. We're not talking about broad policies.
19 Okay. We still have no motion on OR-1-NO-64.

20 COMMISSIONER WALDHEIM: Mr. Chairman, before we
21 do a motion, I would like -- just for discussion, I
22 would like the Commission to consider a proposal that
23 I'm thinking about. We are at the point that we've
24 done -- we've bled an awful lot on a lot of grants.
25 And we're sitting at about \$70,000 that we have left

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1 over. No way can we handle this project. We can
2 handle some little stuff that we may want to do. We
3 did our job. We're very good.

4 I would like to propose that we open up for
5 reconsideration the route inventory grant, the
6 \$2 million grant, and utilize 250 or 286,000 or
7 something out of that, in other words, to reduce it
8 from \$2 million to 1.7 million or 1.85 million dollars,
9 even if we just did it as a place setting for that
10 grant. Approve that grant for a minor thing and let --
11 see if we can do it legislatively.

12 CHAIR SPITLER: Commissioner Waldheim, we're
13 actually not doing reconsiderations at this time.
14 We're still addressing the BLM Redding Field Office
15 grant.

16 COMMISSIONER WALDHEIM: Well, Mr. Chairman, I'm
17 trying to figure out before we kill -- before we kill
18 it, trying to figure out how we can do it.

19 Ms. Greene, you're jumping up and down.

20 DEPUTY DIRECTOR GREENE: No, no, I was just
21 looking here because this -- yes, this grant did score
22 15th out of the 82 in the non-CESA category.

23 COMMISSIONER ANDERSON: I have a question for
24 staff. In previous years, the analysis process was
25 different, but in many cases when we arrived at this

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1 point in the budget process, available to us were
2 unspent funds from previous years. I was wondering
3 what is the situation concerning that?

4 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
5 with the massive problems that we have as a result of
6 the audit, as we're trying to unravel many of the funds
7 that are still owed back to the Division, at this point
8 in time there are no other additional funds available
9 besides the \$18 million. There are no outstanding
10 funds. The rescopes are not available at this point in
11 time given the financial situation and the issues that
12 we have to resolve with the agencies, with the
13 counties, to make sure that all of the funds are given
14 back to the Division where appropriate. We don't have
15 any available funds at this point in time in addition
16 to the \$18 million.

17 COMMISSIONER ANDERSON: Do you have a projected
18 date in which you might be able to identify rescope
19 money -- money for rescoping.

20 DEPUTY DIRECTOR GREENE: Really at this point in
21 time --

22 COMMISSIONER ANDERSON: Three months, six
23 months?

24 DEPUTY DIRECTOR GREENE: Rescope funding is no
25 longer available through the grant process until we can

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1 make the determination that all of the books are
2 cleaned up.

3 COMMISSIONER PRIZMICH: Can I ask just a
4 follow-up question on that. Are there rescope monies
5 available but held essentially in abeyance until you
6 get your mess straightened out? So this would be the
7 first time in the grant cycle that there is no rescope
8 monies available?

9 STAFF HOM: No rescope monies at all. Rescopes
10 are not even addressed in the emergency regulations
11 which we're operating under.

12 COMMISSIONER THOMAS: We're not asking about
13 this grant process. We're asking you in general. Do
14 you have rescope funding, what we have historically
15 called rescope funding?

16 DEPUTY DIRECTOR GREENE: Commissioner Thomas, I
17 think I have said more than once, at this point in
18 time, until we can get everything cleaned up, and
19 whether or not we can identify the proper procedure for
20 rescope monies, that there are no monies available.

21 COMMISSIONER WALDHEIM: Mr. Chairman,
22 Ms. Greene, there's over \$1.5 million you expect to get
23 back to the Bureau of Land Management, what are you
24 going to do with those funds?

25 DEPUTY DIRECTOR GREENE: At this point in time,
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1 Commissioner Waldheim, I would not say that there's
2 \$1.5 million from BLM that's expected back. We are
3 working with BLM to identify how much the exact figure
4 is and to go back through all of those audits that were
5 done. So we actually don't know the exact figure at
6 this point in time. That's why I would be fiscally
7 irresponsible to say to this Commission that funds
8 would available. I can't just do it, as much as I
9 might of liked. Forest Service has a large amount, as
10 well. But we are working with both agencies, as well
11 as L.A. County and Sacramento County and numerous other
12 counties to try to clean it up.

13 COMMISSIONER WALDHEIM: Ms. Greene, is it safe
14 to say then that there should be some funds in the
15 account at a later date? I mean they're not going to
16 disappear. They're not going to be gobbled up. You
17 will get some funds back.

18 DEPUTY DIRECTOR GREENE: Commissioner, those
19 funds will go back to the program, yes, they will. And
20 at that point in time, you will look at them. But they
21 go back. Commissioner Waldheim, they go back to the
22 program. So they go back to the fund. They don't go
23 back to the specific grants and cooperative agreements.

24 COMMISSIONER WALDHEIM: Then if we follow that,
25 Mr. Chairman, if we follow that, and with

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1 Mr. Prizmich's comments that we can ask a legislator to
2 initiate a bill to go ask for specific funding for the
3 Redding projects out of the funds that are coming back
4 whenever they come back.

5 CHAIR SPITLER: Maybe they can spend some of the
6 21 million that was appropriated from Riverside, it
7 sounds like.

8 COMMISSIONER WALDHEIM: \$21 million that's owed
9 to us that the legislators still owe us.

10 COMMISSIONER THOMAS: Aside from that, we can
11 get money from these two returning sources, and three
12 if you take the now crashing Riverside project.

13 COMMISSIONER PRIZMICH: The only thing that
14 concerns me --

15 COMMISSIONER WALDHEIM: It's going through the
16 process.

17 COMMISSIONER PRIZMICH: -- if you have
18 landowners there that are willing to sell and they're
19 waiting around for the State of California, the OHV
20 Division to make up their minds what they're going to
21 do, I'm not sure this is a good gamble. If this is a
22 good project, and it seems to be a good project we're
23 willing to make, that's why I was hoping that we could
24 get something started, such as approach the Legislature
25 to sponsor this with a failsafe, somehow language in

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1 there that we could release these funds to purchase
2 this property. So we kind of got a guaranteed option
3 here. And Judith brought up the rescope monies, and I
4 thought that's a great idea. And obviously we're not
5 going anywhere with that. That's my only concern, we
6 got a good project here, and I'd hate to see it just go
7 by the wayside while landowners are waiting to sell.

8 COMMISSIONER WALDHEIM: Mr. Chairman, what
9 really bothers me is that we've done a good job today.
10 We're almost getting to the end. And here we have a
11 valid project and we have funds, there are funds
12 available, God only knows, we've got funds available.
13 It's just a question of we've got to figure out how to
14 get our hands on to those funds to make it happen,
15 either through the Legislature or through the
16 Commission. But there are funds available. You've got
17 \$50 million for projects outstanding. You've got some
18 rescope money coming back. They don't call it rescope,
19 there are monies there. Just a question of when are
20 those available and when are we able to even talk about
21 it. That's our Commission --

22 COMMISSIONER THOMAS: How about if we continue
23 the grants meeting until -- continue the grants meeting
24 until the rescope date?

25 COMMISSIONER WALDHEIM: This one particular

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1 grant, I'm willing to continue.

2 COMMISSIONER THOMAS: This grant.

3 COMMISSIONER WALDHEIM: This one grant, continue
4 to next meeting.

5 COMMISSIONER THOMAS: This noticed hearing
6 continues until such availability of the funds, and
7 that would keep it in the cycle.

8 COMMISSIONER WALDHEIM: That solves the
9 problems.

10 COMMISSIONER ANDERSON: I have a second possible
11 suggestion, which would be to keep it within the
12 category of -- this is --

13 COMMISSIONER WALDHEIM: Non-CESA.

14 COMMISSIONER ANDERSON: I'm sorry, it's BLM. So
15 if we were talking about possibly having BLM -- no, it
16 doesn't work there. Let me back up.

17 Mr. Waldheim suggested taking some money out of
18 the route inventory, which is program funds. And I
19 might go along with that, to the extent of maybe
20 \$200,000 with some kind of an assurance to
21 Mr. Farrington that his expenditures are somewhat
22 phased, and that when money was available for the
23 program again, that we might then apply -- put the
24 \$200,000 back.

25 COMMISSIONER WALDHEIM: \$2.2 million next year.

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1 I think that's a good solution.

2 Mr. Chairman may I ask a question of
3 Mr. Klusman? Mr. Klusman, when you gave me your sheet,
4 you told me 256,100. Where did that number come from?

5 DON KLUSMAN: That came with my discussion with
6 the BLM manager that they could get by with that.

7 COMMISSIONER WALDHEIM: So that is a number that
8 we could play with, we could handle that number?

9 DON KLUSMAN: Right. You know, the other thing
10 that -- you know you asked me about the Legislature.
11 First thing is his boss is sitting there waiting for a
12 phone call to say, yes, the Commission approved it or,
13 no, they didn't so that he can call these landowners
14 and say, yes, we've got a deal or, no, we don't. With
15 the budget, we're looking at July.

16 CHAIR SPITLER: Thank you. We're aware. I know
17 we are aware of that.

18 DON KLUSMAN: And the other question was asked
19 of me of running a bill, running a bill is at least a
20 year out.

21 CHAIR SPITLER: Okay. Thank you.

22 COMMISSIONER ANDERSON: Do you want me to move
23 that?

24 CHAIR SPITLER: No, no, we're still on
25 OR-21-NO-64. We're not hearing motions on

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1 reconsidering grants at this point.

2 COMMISSIONER ANDERSON: Okay.

3 CHAIR SPITLER: Still doing the granting
4 acquisition, and we have to deal with this one first.

5 COMMISSIONER THOMAS: Continue it.

6 CHAIR SPITLER: Do something with it.

7 COMMISSIONER WALDHEIM: Does it take a motion to
8 take it out of continuance so we can think about all of
9 the --

10 COUNSEL GETZ: It's in continuance now.

11 CHAIR SPITLER: Do we just table it until the
12 next meeting? Counsel, maybe you can provide guidance?

13 COUNSEL GETZ: To table, you've got to make a
14 motion at the next meeting to take it off the table.

15 CHAIR SPITLER: So we motion to table it to
16 January?

17 COMMISSIONER WALDHEIM: Mr. Chairman, motion to
18 table it until we have other discussions for possible
19 ways to fund it, so we can get out of talking about
20 this. Get back to it today, if we can resolve it.

21 COMMISSIONER ANDERSON: Or tomorrow.

22 COUNSEL GETZ: Pass, just basically continue it
23 until the next discussion point.

24 COMMISSIONER WALDHEIM: Next discussion point,
25 if we could do that.

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1 CHAIR SPITLER: Move to table it.

2 COMMISSIONER PRIZMICH: Does that qualify -- it
3 doesn't have to be -- it is agendaed by being tabled,
4 correct?

5 COUNSEL GETZ: Yes. Move to table. You then
6 have a motion to take it off the table.

7 COMMISSIONER WALDHEIM: That's fine.

8 COMMISSIONER THOMAS: We'll do that, and I'll
9 move to table.

10 CHAIR SPITLER: I need a motion to table.

11 COMMISSIONER WALDHEIM: You need a motion to
12 table? Okay. I'll table that.

13 COMMISSIONER ANDERSON: Second.

14 CHAIR SPITLER: All those in favor?
15 (Commissioners simultaneously voted.)

16 CHAIR SPITLER: Table this item.
17 Commissioner Thomas.

18 COMMISSIONER THOMAS: Are you going to start
19 with motions for reconsideration?

20 CHAIR SPITLER: We're going to start with
21 motions for reconsideration.

22 COMMISSIONER WALDHEIM: Mr. Thomas, remember
23 she's got one to do on this other one.

24 COMMISSIONER ANDERSON: There's time. You go
25 ahead.

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1 COMMISSIONER THOMAS: I didn't realize.

2 COMMISSIONER ANDERSON: No, go ahead.

3 COMMISSIONER THOMAS: Mr. Chairman, are you fine
4 with that?

5 CHAIR SPITLER: I'm waiting for you.

6 COMMISSIONER THOMAS: Very good. I didn't
7 realize it.

8 I would move to reconsider OR-2-368, which is
9 the El Dorado National Forest law enforcement grant,
10 and I believe I voted for the acquisition.

11 CHAIR SPITLER: Law enforcement.

12 COMMISSIONER THOMAS: Law enforcement. I'm
13 sorry, I voted for the funding of the law enforcement,
14 although my recollection at this stage is less than
15 perfect.

16 CHAIR SPITLER: That was a long time ago.

17 COMMISSIONER THOMAS: It was a long time ago,
18 and the rationale for that, I understand the motion for
19 reconsideration requires two-thirds of the Commission
20 for this motion or it fails. The grant calls for
21 funding four ranger districts, two of which have
22 wilderness boundary issues identified in the grant and
23 remedies and enforcement staff dedicated to wilderness
24 boundary enforcement. That's a specific district for
25 Isolation Wilderness, and Amador District for the

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1 Mokelumne Wilderness.

2 In the grant that we did not fully fund or that
3 we funded at the \$147,000 amount, I asked the district
4 ranger, the recreation officer how he intended to deal
5 with the cut. He said it would be a pro rata cut. The
6 overflights and wilderness enforcement and dedicated
7 hours of staff for wilderness enforcement would be lost
8 in the pro rata cut. So my motion is two part.

9 Part one is control language requiring the
10 forest to prioritize funding first to the Pacific and
11 Amador Districts for wilderness enforcement and
12 boundary patrol; secondly, to the Georgetown District
13 where I'm told there is a new cooperative attitude
14 toward law enforcement. And Ms. Schambach contacted me
15 indicating that it was important that the forest have
16 sufficient funding for enforcement in the Georgetown
17 District. So that's the second priority, is the
18 Georgetown District. And the last district would be
19 Placerville District for all other costs.
20 Additionally, because of the importance of wilderness
21 boundary enforcement, both winter and summer -- and
22 this Commission should remember that the El Dorado for
23 the first time in probably decades actually did
24 overflights last year in the winter and cited people
25 and issued press releases and tracked their defendants

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1 through the criminal justice system in the
2 U.S. Attorney's Office, we should not dissuade them
3 from following that route. And I would move an
4 additional \$40,000, \$20,000 per district, for the
5 additional FPO and LEO hours that are identified in
6 their grants application. Thank you.

7 COMMISSIONER WALDHEIM: I second that.

8 CHAIR SPITLER: Okay. So we'll start first --
9 we need a motion to reconsider, two-thirds vote.

10 COMMISSIONER PRIZMICH: I would move that.

11 COMMISSIONER BRISSENDEN: Second.

12 CHAIR SPITLER: Discussion?

13 COMMISSIONER WALDHEIM: Mr. Chairman,
14 Mr. Thomas, the 147,550 is what staff had recommended.

15 COMMISSIONER THOMAS: I understand that.

16 COMMISSIONER WALDHEIM: So this is -- I thought
17 you were talking about something that was -- that we
18 neglected to properly fund, but this one definitely got
19 the funding.

20 COMMISSIONER THOMAS: It got staff funding, but,
21 in fact, because of the two wilderness boundaries and
22 the increased effort on Georgetown, we are foregoing
23 those implicit promises by merely going with the staff
24 at what was the percentage of 65 percent. This is a
25 forest where we, as you all know, we've had a lot of

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1 trouble, and we're trying to encourage good proactive,
2 fair law enforcement. And this is the Commission's
3 attempt to encourage it.

4 CHAIR SPITLER: Okay. More discussion on the
5 motion to reconsider?

6 COMMISSIONER WALDHEIM: Mr. Chairman, I would
7 like to -- before I commit to that, may I ask my
8 question? So that leaves 30,000 -- that's 120. That
9 only leaves us 30,000. You had another one or that's
10 two?

11 COMMISSIONER THOMAS: No, that's it.

12 COMMISSIONER WALDHEIM: I'll be able to bring
13 the other one up.

14 COMMISSIONER THOMAS: Yes, that's why we went
15 from 50 to 40, because I understood you had some
16 additional needs.

17 COMMISSIONER WALDHEIM: I'm talking about the
18 Tahoe.

19 COMMISSIONER THOMAS: Yes, that's why I went
20 from 50 to 40.

21 CHAIR SPITLER: Can we vote on the motion to
22 reconsider?

23 Sandy, could we do a roll call, please?

24 MS. ELDER: Anderson.

25 COMMISSIONER ANDERSON: Aye.

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1 MS. ELDER: Brissenden.
2 COMMISSIONER BRISSENDEN: Aye.
3 MS. ELDER: Spitler.
4 CHAIR SPITLER: Aye.
5 MS. ELDER: Thomas.
6 COMMISSIONER THOMAS: Aye.
7 MS. ELDER: Prizmich.
8 COMMISSIONER PRIZMICH: Aye. Just a comment,
9 I'm not receiving any money as a result of this.
10 COMMISSIONER ANDERSON: Conflict of interest.
11 COMMISSIONER PRIZMICH: It is Amador, but I
12 don't get the money.
13 MS. ELDER: Waldheim.
14 COMMISSIONER WALDHEIM: Aye.
15 CHAIR SPITLER: Okay. Now, Commissioner Thomas,
16 could you state the motion again? Don't you think when
17 the record is available, that the staff can review
18 that?
19 COMMISSIONER WALDHEIM: You've got to rescore.
20 COMMISSIONER THOMAS: Got to rescore.
21 COMMISSIONER ANDERSON: I think you need about
22 maybe ten more points.
23 COMMISSIONER THOMAS: Let's go with 25 points at
24 16 through 19; let's try five more points at the
25 volunteer level. How many more do I need? Five more

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1 points at lines 19 through 14.

2 COMMISSIONER ANDERSON: It functions at
3 different percentages.

4 COMMISSIONER THOMAS: I know. I don't have
5 those in my head.

6 COMMISSIONER ANDERSON: Well, they don't fit
7 \$40,000 that's all we're saying.

8 COMMISSIONER THOMAS: Well, we're getting close.

9 COMMISSIONER WALDHEIM: Change that, too, and
10 see what happens.

11 COMMISSIONER ANDERSON: That's too much.

12 COMMISSIONER THOMAS: We will go up one on the
13 top, go 11 at the top when we jump to the next level.
14 No, it's too much.

15 COMMISSIONER ANDERSON: That's what I'm saying,
16 it chunks differently. You can't find a \$40,000 chunk
17 until you indicate a percentage.

18 COMMISSIONER THOMAS: Well, I'll tell you what,
19 how about if we go point --

20 COMMISSIONER WALDHEIM: A point.

21 COMMISSIONER PRIZMICH: Right. You have to go a
22 tenth. Ask the computer to please back off according
23 to tenths.

24 CHAIR SPITLER: It doesn't work that way. The
25 percentages are either 90 percent or the next one down

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1 is 75 percent.

2 COMMISSIONER THOMAS: You're either 204 or 170.

3 CHAIR SPITLER: Drop that top one back down to
4 ten.

5 COMMISSIONER THOMAS: Ten.

6 CHAIR SPITLER: Say the control language again.

7 COMMISSIONER THOMAS: That the El Dorado
8 National Forest will use the funding first to the
9 Pacific and Amador Districts for wilderness boundary
10 enforcement, including LEO and FPO salaries, that
11 second priority for full funding will be the Georgetown
12 District's enforcement, and that all other priorities
13 can be handled as the district sees fit pro rata or
14 otherwise.

15 CHAIR SPITLER: Okay. That's a motion. Is
16 there a second?

17 COMMISSIONER ANDERSON: I'll second that.

18 CHAIR SPITLER: Commission Anderson seconded.

19 Is there public comment on this? Seeing none,
20 is there discussion from the Commission?

21 Okay. All those in favor?

22 (Commissioners simultaneously voted.)

23 CHAIR SPITLER: Opposed? Motion carries.

24 COMMISSIONER WALDHEIM: Okay. Mr. Chairman, I
25 would like to put in a motion for reconsideration of

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1 OR-2-T-93 -- is that correct, Mr. Klusman, is that the
2 correct number? I'm listening for the public,
3 OR-2-T-93.

4 CHAIR SPITLER: I'll second that. Is there a
5 discussion?

6 COMMISSIONER ANDERSON: This is discussion on
7 the two-thirds?

8 COMMISSIONER WALDHEIM: No, for reconsideration.

9 COMMISSIONER ANDERSON: Do you want to explain
10 why you want to reconsider it?

11 COMMISSIONER WALDHEIM: Sorry about that. The
12 reason I'm asking for reconsideration, I think in the
13 haste of yesterday, it was a pretty rude -- very tough
14 day yesterday. I think we made a mistake -- I made a
15 mistake when we funded so little into the law
16 enforcement area. I'm finding now El Dorado is closing
17 the Rubicon area there for six months out of the year.
18 Where are these people going to go, they're going to go
19 to Lake Tahoe. There's other areas, so it's like
20 double jeopardy. We have to make sure we can fund them
21 as close to what staff had recommended. So my thought
22 was if we have 52,000, so that's 14, so that would
23 bring them up to 140,000, so we're only \$7,000 short
24 before staff was, at least that could help.

25 COMMISSIONER THOMAS: Tahoe National Forest.

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1 COMMISSIONER WALDHEIM: Do I have the right one?
2 Tahoe National Forest, that's correct.
3 COMMISSIONER THOMAS: I know you're in the
4 south, so we work with you.
5 COMMISSIONER ANDERSON: Do you have some
6 projected criteria?
7 CHAIR SPITLER: Before we get there, before we
8 start discussing this grant, we have to reopen it.
9 So is there more discussion on the motion to
10 reconsider? All those in favor?
11 (Commissioners simultaneously voted.)
12 CHAIR SPITLER: Opposed? Okay.
13 Commissioner Waldheim.
14 COMMISSIONER WALDHEIM: The criteria would -- if
15 you have it up there, Barbara.
16 COMMISSIONER ANDERSON: Yes, it's there.
17 COMMISSIONER WALDHEIM: So I would go with
18 the -- oh, 15, 18, nine, 24, 15, 15. What does that
19 bring?
20 COMMISSIONER ANDERSON: 96 percent.
21 COMMISSIONER WALDHEIM: No, that's too much.
22 That's not what was I looking for.
23 CHAIR SPITLER: Commission approved 88,000.
24 COMMISSIONER THOMAS: We got to go to 120.
25 COMMISSIONER WALDHEIM: Go to 12 there. Go back

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1 to 15 up on the next one up, 15. Nothing. Go up to
2 24, change it to 15. There you go, bingo. That's
3 7,000. I think.

4 CHAIR SPITLER: That's 70,000 over --

5 COMMISSIONER THOMAS: Too much.

6 CHAIR SPITLER: That's 60,000 over.

7 COMMISSIONER WALDHEIM: We have 52 left over.
8 So 52 and 88 is what? That's right, 140. So that's
9 147, it's only 7,000 over. I don't know it will go
10 down. Okay, go down. Please help me, Mr. Thomas.

11 COMMISSIONER THOMAS: What's the next break?

12 COMMISSIONER WALDHEIM: 18 go to 14.

13 COMMISSIONER THOMAS: What's the next break?

14 COMMISSIONER WALDHEIM: 18 go to 14. Nothing.
15 Go to 12. So it goes from there to that. It's either
16 that or the 147, right? That's where you're stuck.
17 Fine, do the 127,400.

18 CHAIR SPITLER: Is there a second?

19 COMMISSIONER THOMAS: Second.

20 CHAIR SPITLER: Discussion? All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR SPITLER: Opposed? Motion carries.

23 COMMISSIONER ANDERSON: Now, I have one.

24 CHAIR SPITLER: Commissioner Anderson.

25 COMMISSIONER ANDERSON: My motion is to

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1 reconsider the -- I don't have the grant number, but
2 it's the U.S. Forest Service State Program.

3 CHAIR SPITLER: OR-2-SW-31, Pacific Southwest
4 Region, Planning Route Designation.

5 COMMISSIONER ANDERSON: Yes, right.

6 CHAIR SPITLER: Is there a second?

7 COMMISSIONER WALDHEIM: Yes, second it,
8 OR-SW-31.

9 COMMISSIONER ANDERSON: And my motion to
10 reconsider would be to -- for the purpose of releasing
11 some funds that might be used for the acquisition
12 project, at least place a marker in the budget for
13 them, expecting that once the evaluations following the
14 audit are concluded, that there will be money in this
15 route designation process that we can bump it up to
16 2.2 million for next year or rescope this year, if
17 that's feasible. I've not willing to go below 200,000.

18 COMMISSIONER THOMAS: I can't support that
19 motion if we're dipping into the \$2 million. Are you
20 saying you want to reopen the \$2 million that we have
21 the MOU on?

22 COMMISSIONER ANDERSON: That is what I said,
23 yes.

24 COMMISSIONER PRIZMICH: I think that's
25 reasonable. My own personal opinion, that's a

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1 reasonable approach given the circumstances. It's a
2 good project. I think that's a reasonable approach to
3 it.

4 COMMISSIONER WALDHEIM: The only question is we
5 need 250. If you can change it to 250, because 257
6 they need. We don't have the money.

7 CHAIR SPITLER: Once you reopen the item, you
8 have no idea where it will end up.

9 COMMISSIONER WALDHEIM: I mean I think -- we're
10 pretty much in agreement.

11 CHAIR SPITLER: I have two -- I think is well
12 intentioned, and I think it's -- you know, I appreciate
13 the interest in trying to find some funds for BLM. My
14 experience in the past six years of this grants program
15 is that funds magically reappear throughout the
16 process, and I think, as we've all discussed, through
17 the capital outlay and other program pots, there's
18 likely to be funds available soon. Maybe not on a time
19 line that everyone would like, but soon.

20 So I can't -- I can't support this for two
21 reasons. One, because I think procedurally it's a
22 really bad process to approve a grant, wait until
23 everyone who has worked on that grant has gone home,
24 the public that's commented has left, and then to come
25 back at the end of the day, on the next day and reduce

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1 funding for that grant. I just think procedurally
2 that's really not a good process and not fair to the
3 applicants who spent their time and investment in this.

4 And second and, you know, equally important, if
5 not more important, I think that this route designation
6 funding is amongst the most important grants that we've
7 considered in the past two days. And I can't
8 support -- you know, we have a commitment to honor
9 those funds. And I think in terms of the future of ORV
10 management on Forest Service land, this funding is of
11 absolute paramount importance. So I can't support
12 reducing it with the hope that we might pay it back in
13 some future year. The Forest Service is already
14 planning on it. They've gone home knowing that it's
15 been approved. And, you know, their budget is
16 depending on it. So I think it's absolutely critical
17 that we maintain our commitment and continue that route
18 designation process, and I'm sure that we can find
19 another way to make sure that the acquisition happens
20 without threatening the Forest Service route
21 designation effort.

22 COMMISSIONER THOMAS: Call the question.

23 CHAIR SPITLER: More discussion? Okay. We have
24 motion to reconsider the OR-2-SW-31, the Pacific
25 Southwest Region, Route Designation grant.

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1 Sandy, can we do a roll call, please?
2 MS. ELDER: Anderson.
3 COMMISSIONER ANDERSON: Aye.
4 MS. ELDER: Brissenden.
5 COMMISSIONER BRISSENDEN: No.
6 MS. ELDER: Spitler.
7 CHAIR SPITLER: No.
8 MS. ELDER: Thomas.
9 COMMISSIONER THOMAS: No.
10 MS. ELDER: Prizmich.
11 COMMISSIONER PRIZMICH: Aye.
12 MS. ELDER: Waldheim.
13 COMMISSIONER WALDHEIM: Aye.
14 CHAIR SPITLER: Okay. The motion fails.
15 Is there any other business that we have here
16 today?
17 COMMISSIONER THOMAS: It's tabled so it stays
18 alive until such time --
19 COMMISSIONER WALDHEIM: So what happens? Does
20 the whole grant process gets stopped until we finish
21 it?
22 CHAIR SPITLER: No, the single action item is
23 tabled for future action.
24 COMMISSIONER THOMAS: Tomorrow or the next
25 meeting?

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1 COMMISSIONER WALDHEIM: So what does Barbara or
2 Aaron do on the charts, so you guys can see it, or
3 you're not allowed to see it. For you to see --

4 CHAIR SPITLER: It's not an approved grant, so
5 it would show up as not approved, not rejected.

6 COMMISSIONER WALDHEIM: So can you show them
7 where we are, please?

8 COMMISSIONER THOMAS: It's a zero score for now.

9 COMMISSIONER WALDHEIM: I think this Commission
10 deserves to see in public what we did. And thank you
11 to Aaron and Barbara, the entire staff of
12 Mrs. Greene's. We want -- I personally want to thank
13 you for all of the work you've done Deputy Director
14 Greene.

15 DEPUTY DIRECTOR GREENE: Thank you. I
16 appreciate that, Commissioner Waldheim. We still have
17 a procedural question when it comes to this particular
18 application because, Commissioner Waldheim, to your
19 question just now, if, in fact, the project comes back
20 for reconsideration and you were to score it, that is
21 going to make a big difference in that non-CESA
22 category as to what happens to the other projects.

23 COMMISSIONER WALDHEIM: Ms. Greene, trust me, I
24 am not going to budge on anything anymore. I have done
25 enough. If this fund is going to come, it's got to be

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1 coming someplace, either out of restoration or God has
2 to give us money to use so He can tell us where to
3 distribute it. But we are not going to change these
4 numbers up there.

5 DEPUTY DIRECTOR GREENE: No, I understand that.
6 To that end, is it more realistic to bring that back
7 realistically now and make a decision on it so that
8 we're not faced with the possibility of still all the
9 non-CESA categories waiting until a decision is made by
10 this Commission?

11 COMMISSIONER WALDHEIM: I'm personally willing
12 to make a motion to that effect, as long as this
13 Commission -- if we get a commitment from this
14 Commission that we are dedicated to find the funds to
15 make sure we make this happen. In other words, if we
16 were to say, no, and cancel it, by no means would I
17 want that to be construed as this is a dead project.
18 By no means is this a dead project. We want to keep it
19 alive, and we want to be able to find ways to fund it.
20 In other words, I don't want to lose the place in line
21 for this project. I don't want to have to come back
22 next year. Whatever mechanism you want to use, that's
23 fine with me. But as long as we don't lose the place.
24 The grant has its right to be in the place where it's
25 at.

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1 CHAIR SPITLER: That's actually a really bad
2 time to do that.

3 COMMISSIONER WALDHEIM: I don't know what the
4 mechanism legally is, which way we can do it,
5 Mr. Chairman?

6 COMMISSIONER THOMAS: You can ask counsel, but
7 if we leave it on the table, it's a zero on the chart.
8 It's not an approved grant. That's good for the status
9 quo.

10 COMMISSIONER WALDHEIM: So it's not dead.

11 COMMISSIONER THOMAS: It's not dead because it's
12 merely tabled.

13 CHAIR SPITLER: What does that mean --
14 Ms. Greene?

15 DEPUTY DIRECTOR GREENE: It would have to -- I
16 believe really -- maybe I have to check with counsel --
17 but it would seem to me that you would have to make a
18 decision on it one way or the other because if you
19 bring it back for reconsideration within the grants
20 program here, and it receives funding, then it will
21 affect one of those other grants that it either goes
22 above or below on the cut line.

23 CHIEF JENKINS: In other words, we would have to
24 hold off on those contracts until we had resolution on
25 where the money was.

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1 COMMISSIONER THOMAS: No, that's a contingency
2 that is completely contingent, meaning it's a future
3 act that may or may not happen. You've got final
4 action on the entire list.

5 COMMISSIONER WALDHEIM: And, Mr. Chairman and
6 Mr. Thomas, I think we have an agreement between
7 yourselves, if you want to make it a motion. We're not
8 changing what we did all day for the next two days to
9 accommodate that grant, we're not going to do that.

10 COMMISSIONER THOMAS: Right, these are final
11 acts.

12 DEPUTY DIRECTOR GREENE: So then I would
13 encourage the Commission to vote that project down so
14 that BLM knows and so that the Division can execute the
15 contracts and move on and close it out.

16 COMMISSIONER WALDHEIM: Ms. Greene, we don't
17 want to send a message that this is voted down or that
18 it's dead. It's not dead. It's not going to be dead.
19 We will figure out a way to fund that project. That's
20 our commitment to Mr. Klusman, it's our commitment to
21 the BLM. We will figure out how to do it. We just
22 haven't figured out how to do it today.

23 CHAIR SPITLER: I think the point the Deputy
24 Director is making is a fair one, is that we're -- by
25 tabling it, we're in effect holding up the rest of the

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1 non-CESA grants. And, you know, your comments
2 suggested earlier that while we'll do our best to find
3 funding for this project, it's not going to come out of
4 this year's grant cycle.

5 COMMISSIONER WALDHEIM: Not out of this existing
6 money.

7 CHAIR SPITLER: If that's the case then, I think
8 we need to just go ahead and take action on this grant
9 and give resolution to it and continue our other
10 efforts to find funding to support it. We can close
11 this year's grant cycle.

12 COMMISSIONER WALDHEIM: Ms. Greene, what message
13 would you give to the Bureau of Land Management? I
14 mean if you tell them we didn't fund it here, but. Can
15 we give them some assurance on that, because
16 Mr. Klusman cannot call them up and tell them, you're
17 dead, and that's the end of the discussion. That is
18 not the issue.

19 DEPUTY DIRECTOR GREENE: With all due respect to
20 Commissioner Waldheim, I think really that's a message
21 that the Commission is sending. If you've identified
22 that these are your priorities and this is what you're
23 identifying for funding this year, that's the message
24 to BLM. Close out the grant cycle. We can try and
25 work with BLM. There are certainly no guarantees, but

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1 the message really is right now the Commission
2 identified this is not going to move forward this year.

3 COMMISSIONER WALDHEIM: Aaron, Barbara, do you
4 have the numbers up yet?

5 STAFF: Yes.

6 COMMISSIONER WALDHEIM: What's the bottom line?

7 CHAIR SPITLER: We've already gone through this,
8 Commissioner. We're within about 10,000 overall.

9 COMMISSIONER WALDHEIM: I don't where he's
10 reading.

11 STAFF: Bottom line right now, non-CESA is
12 \$48,000 left on the table.

13 COMMISSIONER WALDHEIM: On the enforcement?

14 CHAIR SPITLER: Bottom line on CESA 408,000 left
15 on the table. And enforcement is overspent by 399,000,
16 so we're about dead even, about \$9,000 off.

17 COMMISSIONER WALDHEIM: Mr. Chairman, do we have
18 to make a Commission motion that we've agreed to move
19 non-CESA to the enforcement, because our thing was to
20 be at \$3 million, now we're over.

21 CHAIR SPITLER: No, we don't. We're done with
22 the grants. The final item we have to consider on
23 grants is Redding.

24 COMMISSIONER WALDHEIM: Okay. If this
25 somehow -- before I make a motion, Mr. Chairman, this

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1 Commission needs to make some type of a motion very
2 clearly that we are committed to funding that project,
3 trying to find the money wherever we can to make it
4 happen, either through the rescope money, something.

5 CHAIR SPITLER: I think everyone sitting in this
6 room has sensed that commitment over the discussion of
7 the last hour.

8 COMMISSIONER WALDHEIM: But does it have to be
9 in writing?

10 COMMISSIONER PRIZMICH: It is on the record.

11 CHAIR SPITLER: It's pretty clear. From the
12 discussion here and the effort that we've put in, I
13 think it's pretty clear, our interest, in supporting
14 this project.

15 COMMISSIONER WALDHEIM: Mr. Klusman, is this
16 going to work? It's not a dead issue as far as I'm
17 concerned, period.

18 CHAIR SPITLER: We're not -- public comment is
19 closed. We have an item that's been tabled. We can
20 either decide to take it off the table and move it, or
21 we can decide to leave it on the table, but we need to
22 make some decision.

23 COMMISSIONER WALDHEIM: But if we leave it on
24 the table, Mr. Chairman, then the whole grant cycle is
25 still open.

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1 COMMISSIONER PRIZMICH: I don't necessarily
2 agree that the whole grant cycle is -- with all
3 deference to the Chair's opinion, I do not see and --
4 perhaps counsel, I do not see that placing this on --
5 tabling this holds up all the rest of the grants. I
6 simply don't see that.

7 COMMISSIONER BRISSENDEN: Can counsel weigh in
8 on that?

9 DEPUTY DIRECTOR GREENE: I think we can
10 illustrate it for you here. For instance -- there you
11 go, Aaron. If you could maybe scroll down to -- I
12 don't know, put in a number. What you'll see,
13 Commissioner Prizmich, is if you were to put in --

14 COMMISSIONER PRIZMICH: I understand what you're
15 saying.

16 DEPUTY DIRECTOR GREENE: So that would then
17 affect all of those subsequent projects below that
18 because you're allocating an additional amount of
19 money.

20 COMMISSIONER BRISSENDEN: Can counsel weigh in
21 on this? That doesn't make any sense. You can table
22 one item.

23 COUNSEL LaFRANCHI: Can I speak to that because
24 it goes to the rules that were established that the
25 Commission is bound to follow, and the rules

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1 established --

2 COMMISSIONER THOMAS: Sir, we would like our
3 counsel to address the issue.

4 COUNSEL LaFRANCHI: Well, I'm not sure Mr. Getz
5 will understand the regulations. He's not been
6 involved in the regulations.

7 COMMISSIONER THOMAS: He can take time and deal
8 with it and advise us tomorrow.

9 CHAIR SPITLER: Counsel Getz, could you address
10 this?

11 COMMISSIONER THOMAS: If he wants to deal with
12 this tomorrow, that's fine.

13 COUNSEL GETZ: Well, a couple of things I think
14 that we've done: First of all, Mr. LaFranchi is
15 absolutely correct. I'm here, as you know, as interim
16 covering because of an emergency that your regular
17 counsel couldn't cover. And I do not have the breadth
18 of knowledge of the regulations, I'm sorry to admit,
19 that I would have liked to have had.

20 If the purpose is -- and what I hear staff
21 saying is that for -- let's keep going ahead and call
22 it bookkeeping purposes. They cannot do what the
23 Commission wants done because of their regulations and
24 the way the regulations are written. Now, you may
25 dispute that, and that may be an issue you have to

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1 reserve and look at tomorrow. Unfortunately, it will
2 be a different counsel tomorrow, but one that is more
3 familiar, I believe, with your procedures. That's Ken
4 Pogue, I believe, is coming tomorrow. So you might
5 just want to reserve the issue, table it. Keep it on
6 the table until tomorrow morning because you're
7 obviously not going to do anything between tonight and
8 tomorrow morning on closing the list, quote/unquote.
9 They are not cutting checks tomorrow.

10 Another thing you might look at overnight and
11 think about whether you can go ahead and take action on
12 this item, today or tomorrow, with a zero funding
13 level, recommending however that it be brought back
14 without prejudice -- denial without prejudice and
15 brought back at such a time as funding may exist from
16 some other source. And that would give it some kind of
17 priority. It wouldn't be on this cycle of this grant,
18 but you would make a policy statement that this is a
19 high priority and would you instruct or ask as a matter
20 of policy that staff bring this back at such time
21 funding could be identified from some source for a
22 future agenda. I make that as a possibility. And that
23 way you're not just killing it and saying this is not a
24 priority, which is kind of what staff is saying without
25 saying it that way.

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1 COMMISSIONER THOMAS: Go ahead.

2 COMMISSIONER WALDHEIM: You're counsel, I'm no
3 lawyer.

4 CHAIR SPITLER: First, we need to make a motion
5 to bring it off the table if we're going to do this.

6 COMMISSIONER WALDHEIM: I move we bring it off
7 the table.

8 CHAIR SPITLER: Is there a second?

9 COMMISSIONER ANDERSON: Second.

10 CHAIR SPITLER: Discussion? All those in favor?

11 (Commissioners simultaneously voted.)

12 CHAIR SPITLER: Opposed?

13 COMMISSIONER PRIZMICH: No.

14 COMMISSIONER WALDHEIM: The motion that you
15 recommended, counsel --

16 COUNSEL GETZ: Well, the motion you have made,
17 you have no money to fund it, so unless you want to
18 fund it and then cut everybody else down.

19 COMMISSIONER WALDHEIM: No.

20 COUNSEL GETZ: What you want to do is you want
21 to recommend a zero funding, whatever that number is
22 you have to play with. However with the direction that
23 this is a -- continues to be a priority for the -- this
24 is a priority for this body, and you would ask staff
25 that this be denied without prejudice due to funding

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1 restrictions and bring it back at such time as staff
2 can identify a source of funding to allow it to go
3 forward. That's my motion.

4 COMMISSIONER BRISSENDEN: Second.

5 COMMISSIONER WALDHEIM: Thank you, Mr. Prizmich.

6 CHAIR SPITLER: You're going to need to adjust
7 the score.

8 COMMISSIONER WALDHEIM: Five, five, five, five,
9 five; bingo.

10 Mr. Chairman and counsel, that is legally on our
11 minutes, and so it's very clear that the agencies and
12 everybody, all of the parties involved, know that is
13 what the wish of this Commission is; is that correct?

14 COMMISSIONER THOMAS: That's correct.

15 DEPUTY DIRECTOR GREENE: Commissioner Waldheim,
16 you brought up a point which, Chair Spitler, I'm trying
17 to determine whether or not your legal counsel may need
18 to weigh in on, is if you identify the target and now
19 you need more money to go over there to move those
20 monies from non-CESA over to law enforcement, that that
21 may, in fact, need a motion and a second.

22 COMMISSIONER WALDHEIM: That's what I thought,
23 but I'll do that afterwards.

24 CHAIR SPITLER: Okay. So there is a motion. I
25 didn't hear a second.

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1 COMMISSIONER WALDHEIM: Yes, my snowmobile
2 friend.
3 CHAIR SPITLER: Okay. More discussion? All
4 those in favor?
5 (Commissioners simultaneously voted.)
6 CHAIR SPITLER: Opposed?
7 COMMISSIONER WALDHEIM: Mr. Chairman, I would
8 like to make a motion that we move the funds from the
9 non-CESA to the enforcement category, unallocated funds
10 to balance our program. Thank you.
11 CHAIR SPITLER: Second that.
12 Discussion? All those in favor?
13 (Commissioners simultaneously voted.)
14 CHAIR SPITLER: Opposed? Motion carries.
15 Any other business to take care of today?
16 COMMISSIONER WALDHEIM: Mr. Chairman, I want
17 to --
18 CHAIR SPITLER: Excuse me. Deputy Director?
19 DEPUTY DIRECTOR GREENE: Just a quick note, on
20 your way out we do have a number of documents for you
21 to review for tomorrow, in particular, review and
22 comment on the Chairman's proposed policies, as well as
23 just documentation for those of you in the audience
24 that may have not have received it on the minor cap
25 outlay. Thank you, Commissioners.

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1 CHAIR SPITLER: Any other discussion?

2 COMMISSIONER WALDHEIM: Mr. Chairman, I
3 personally want to thank everybody in this audience
4 that's been here. I want to thank the Commissioners, I
5 want to thank the Deputy Director, and Phil, and the
6 whole staff for great work.

7 COMMISSIONER PRIZMICH: Court reporter, great
8 job.

9 COMMISSIONER WALDHEIM: And the court reporter.
10 Do not leave the court reporter out.

11 (Meeting recessed at 6:14 p.m.)

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