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STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

REGULAR MEETING

Friday, May 19th, 2006

9:00 a.m. to 4:44 p.m.

held at

LINCOLN PLAZA AUDITORIUM
400 P Street, Room 1190
Sacramento, California

Reported by CHERYL L. KYLE, CSR No. 7014

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3 VICE-CHAIR ANDERSON: Good morning and welcome.
4 This is the call to order for the May 19th meeting of
5 the California Off-Highway Motor Vehicle Recreation
6 Commission. We'll start with the Pledge of Allegiance,
7 and then I'll do introductions and then roll call.

8 (Pledged the flag.)

9 VICE-CHAIR ANDERSON: Okay. I'd like to welcome
10 the new commissioners and Mr. Prizmich who has been
11 reappointed. My first is Michael Prizmich, who has
12 gotten a re-appointment from the Governor, and our new
13 Commissioners Mark McMillin and Gary Willard. I don't
14 know if either of you at some point want to tell us a
15 little bit more about yourselves, but maybe we can do
16 that a little later.

17 We will do roll call.

18 MS. ELDER: Judith Anderson.

19 VICE-CHAIR ANDERSON: Present.

20 MS. ELDER: John Brissenden.

21 CHAIR BRISSENDEN: I can barely hear you. I'm
22 present in New York.

23 MS. ELDER: Mark McMillin.

24 COMMISSIONER McMILLIN: Here.

25 MS. ELDER: Michael Prizmich.

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1 COMMISSIONER PRIZMICH: Actually, I was on my
2 way to Bakersfield and got distracted here, so I'm
3 here.

4 MS. ELDER: Paul Spittler.

5 COMMISSIONER PRIZMICH: Present.

6 MS. ELDER: Harold Thomas.

7 COMMISSIONER THOMAS: Here.

8 MS. ELDER: Gary Willard.

9 COMMISSIONER WILLARD: Glad to be here.

10 VICE-CHAIR ANDERSON: Our next action has to do

11 with approval of the agenda.

12 Any comments, changes, anything.

13 COMMISSIONER THOMAS: Madam Chairman, would that

14 be appropriate?

15 VICE-CHAIR ANDERSON: Yes.

16 COMMISSIONER THOMAS: Madam Chairman, I would

17 add a report on the JLAG Committee appearance I did on

18 behalf of the chairman to the report section, if you

19 would entertain that.

20 VICE-CHAIR ANDERSON: Okay.

21 COMMISSIONER THOMAS: The Joint Legislative

22 Audit Committee at which I appeared on behalf of

23 Chairman Brissenden.

24 VICE-CHAIR ANDERSON: And I was wondering if

25 that might go under the response letter to the State

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1 Auditor under unfinished business.

2 COMMISSIONER THOMAS: Either way, whatever you

3 choose.

4 VICE-CHAIR ANDERSON: All right.

5 COMMISSIONER PRIZMICH: Judith, I have a comment

6 under Roman numeral V (B), there is a report that's got

7 my name on it. I just got this agenda about ten days

8 ago, eleven days ago. I'm not prepared to give that
9 report.

10 VICE-CHAIR ANDERSON: Okay. Would you like to
11 discuss what we think might go into that report?

12 COMMISSIONER PRIZMICH: That would be great.

13 VICE-CHAIR ANDERSON: Okay. So we will leave it
14 there, but change the nature of the item.

15 Okay. Anyone else?

16 We'll do an approval of the agenda, then I'm
17 going to exercise my prerogative to make a little
18 personal report. So I'll entertain a motion.

19 COMMISSIONER PRIZMICH: Move approval with those
20 changes.

21 COMMISSIONER THOMAS: Second.

22 VICE-CHAIR ANDERSON: Thank you. I've got a
23 motion and second. Those in favor?

24 (Commissioners simultaneously voted.)

25 VICE-CHAIR ANDERSON: Opposed? Thank you.

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1 This is a reminder to the public that if you
2 wish to speak either at the open public section at
3 11:00 p.m. or if you wish to speak on any agenda items,
4 there are forms in the back. I haven't seen any yet,
5 so if the staff could circulate to me any that you
6 have.

7 Okay. I was reminded, John, that I didn't give
8 you a chance to vote on our approval of the agenda.

9 CHAIR BRISSENDEN: I voted aye.

10 VICE-CHAIR ANDERSON: Thank you.

11 CHAIR BRISSENDEN: And I hope that you meant to
12 say 11:00 a.m. for public forum.

13 VICE-CHAIR ANDERSON: Did I say 11:00 p.m.?

14 CHAIR BRISSENDEN: Yes.

15 VICE-CHAIR ANDERSON: I'm sorry, yes. Thank
16 you. I want to express to the public and to the family
17 and friends of Harold Soens our condolences and best
18 wishes for all of the work that he did. He passed away
19 in March, and you know him as a fixture at many of
20 these meetings, particularly having to do with things
21 down in the southern desert and especially in Borrego,
22 Ocotillo Wells, Imperial Valley, all of those areas.
23 And we're sorry about his untimely departure from these
24 earthly realms.

25 Okay. With that we'll go to minutes. Do I hear 5

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1 a motion?

2 COMMISSIONER PRIZMICH: Move approval.

3 VICE-CHAIR ANDERSON: Is there a second?

4 CHAIR BRISSENDEN: I'll second, but a couple of
5 minor corrections, if I may.

6 COMMISSIONER SPITLER: Excuse me, Madam Chair,
7 which minutes are we approving here?

8 VICE-CHAIR ANDERSON: That's a good question. I
9 was about to ask that.

10 Are you moving the entire package?

11 COMMISSIONER PRIZMICH: No, I'm moving the
12 minutes of the last meeting, the March 10th meeting.

13 VICE-CHAIR ANDERSON: Okay. The minutes of the

14 last meeting, the March 10th meeting?

15 COMMISSIONER PRIZMICH: Yes.

16 VICE-CHAIR ANDERSON: Okay. And now can I have
17 a second for that, John?

18 CHAIR BRISSENDEN: I'll second, but no
19 corrections.

20 VICE-CHAIR ANDERSON: Okay. Anyone else have
21 any comments on the minutes for the March 10th meeting?

22 There was note here in front of us indicating
23 that there were to be corrections to the minutes. I'm
24 not sure which meetings these applied to.

25 CHAIR BRISSENDEN: My two minor corrections were
6

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1 to the December 8th meeting.

2 VICE-CHAIR ANDERSON: Okay. We'll come back to
3 that. This note, staff, can you tell me.

4 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
5 it's simply a reminder that if do you have suggestions
6 for changes, that you actually do them in a format that
7 has been requested by the stenographer.

8 VICE-CHAIR ANDERSON: No, these were actually --
9 this is corrections. It says, "State the page and line
10 number --" oh, I see.

11 DEPUTY DIRECTOR GREENE: It's a format by
12 which --

13 VICE-CHAIR ANDERSON: These are examples.

14 DEPUTY DIRECTOR GREENE: Exactly.

15 VICE-CHAIR ANDERSON: I thought these were
16 actual corrections that needed to be made.

17 DEPUTY DIRECTOR GREENE: Just a format.
18 VICE-CHAIR ANDERSON: My error. All right.
19 Anyone else? Okay. Can we vote on the
20 March 10th minutes then? Roll call, please.
21 MS. ELDER: Anderson.
22 VICE-CHAIR ANDERSON: Aye.
23 MS. ELDER: Brissenden.
24 CHAIR BRISSENDEN: Aye.
25 MS. ELDER: McMillin.

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1 CHAIR McMILLIN: I'm going to abstain.
2 MS. ELDER: Pri zmi ch.
3 COMMISSIONER PRI ZMI CH: Aye.
4 MS. ELDER: Spi tler.
5 COMMISSIONER SPITLER: Aye.
6 MS. ELDER: Thomas.
7 COMMISSIONER THOMAS: Abstain.
8 MS. ELDER: Willard.
9 COMMISSIONER WILLARD: Abstain.
10 VICE-CHAIR ANDERSON: Okay. Carried.
11 Moving to another set of minutes here, someone
12 want to move one of the other sets? If necessary, I'll
13 move the November 18th one with an inquiry because I
14 posted -- at the last meeting I handed over to the
15 staff some spelling corrections that were needed, and I
16 had them circled. I don't have a copy of those, and in
17 our packet, it says please insert your minutes here.
18 Can you elaborate on how we can get those corrections
19 into this transcript?

20 DEPUTY DIRECTOR GREENE: Those corrections have
21 been shared with the stenographer, and we will make
22 sure that those corrections are then indicated. We
23 were just hesitant to have 15 -- to run off 1500 extra
24 changes. But your corrections have been noted. They
25 will be in the final document.

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1 VICE-CHAIR ANDERSON: Okay. My corrections were
2 an occasional grammar correction or spelling, that sort
3 of thing.

4 DEPUTY DIRECTOR GREENE: Yes. And we actually
5 had a couple of those as well. So those will be
6 indicated in the final document that once it is
7 approved here today, then we'll go ahead and release
8 that if that's appropriate.

9 VICE-CHAIR ANDERSON: Okay. And how are you
10 intending to release that? Do you put it on the
11 website?

12 DEPUTY DIRECTOR GREENE: We'll go ahead and put
13 it on the website. Once it's approved and all of those
14 small changes are made.

15 VICE-CHAIR ANDERSON: I'll move these. Is there
16 a second?

17 CHAIR BRISSENDEN: Second.

18 VICE-CHAIR ANDERSON: Thank you, John.

19 COMMISSIONER THOMAS: Madam Chairman, just for
20 the record, I haven't had a chance to carefully look
21 through each one of these. I'm going to abstain for --
22 just because I haven't been able to satisfy myself that

23 they're accurate. So there is nothing intended except
24 being -- my own caution.

25 VICE-CHAIR ANDERSON: Okay. Other comments.

9

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1 CHAIR BRISSENDEN: Madam Chairman, just two
2 minor corrections.

3 VICE-CHAIR ANDERSON: Yes.

4 CHAIR BRISSENDEN: Chair Spitler, I led the
5 meeting. Attendees in the Pledge of Allegiance. There
6 is no verb in a sentence. I'm not certain what he did
7 to the attendees.

8 And page nine, I intended to say manical. We
9 probably needed monocle on the posting date of that
10 particular meeting, but.

11 DEPUTY DIRECTOR GREENE: Chairman Brissenden,
12 can you just for clarification purposes on the
13 reference you made a minute ago to Chairman Spitler,
14 just for the stenographer's sake.

15 CHAIR BRISSENDEN: Oh, page four.

16 DEPUTY DIRECTOR GREENE: Page four of the
17 meeting minutes from the November meeting minutes?

18 CHAIR BRISSENDEN: Correct.

19 VICE-CHAIR ANDERSON: And do you have a line
20 number?

21 CHAIR BRISSENDEN: There is no line number.
22 Just a minor amount of humor in this setting.

23 VICE-CHAIR ANDERSON: Okay. They are a little
24 dry reading, okay.

25 All those in favor of approving the minutes as

10

1 amended? Okay. I heard John, I heard Mike. I'm
2 voting aye --
3 MS. ELDER: Roll call.
4 VICE-CHAIR ANDERSON: We will take a roll call.
5 MS. ELDER: Anderson.
6 VICE-CHAIR ANDERSON: Aye.
7 MS. ELDER: Brissenden.
8 CHAIR BRISSENDEN: Aye.
9 MS. ELDER: McMillin.
10 CHAIR McMILLIN: I'm abstaining because I was
11 not present at any of these meetings. I'm not trying
12 to be difficult. I just was not present at any of the
13 meetings.
14 MS. ELDER: Pri zmi ch.
15 COMMI SSIONER PRI ZMI CH: Aye.
16 MS. ELDER: Spi tler.
17 COMMI SSIONER SPI TLER: Aye.
18 MS. ELDER: Thomas.
19 COMMI SSIONER THOMAS: Abstain.
20 MS. ELDER: Willard.
21 COMMI SSIONER WILLARD: Abstaining for the same
22 reason as Mr. Willard.
23 VICE-CHAIR ANDERSON: Okay. Thank you. Those
24 are approved.
25 December 8, 9, 10. I'll make the motion to

11

1 approve, with the same provisos about corrections that
2 the staff indicated earlier. Is there a second?
3 CHAIR BRISSENDEN: Second, Judith.
4 VICE-CHAIR ANDERSON: Thank you, John Brissenden
5 second. Anyone with -- you indicated you had another
6 correction, John?
7 CHAIR BRISSENDEN: No, no; just that first
8 second -- or second set.
9 VICE-CHAIR ANDERSON: Okay. Anyone else with
10 corrections? All right. Roll call, please.
11 MS. ELDER: Anderson.
12 VICE-CHAIR ANDERSON: Aye.
13 MS. ELDER: Brissenden.
14 CHAIR BRISSENDEN: Aye.
15 MS. ELDER: McMillin.
16 CHAIR McMILLIN: Abstain.
17 MS. ELDER: Prizmich.
18 COMMISSIONER PRIZMICH: Aye.
19 MS. ELDER: Spittler.
20 COMMISSIONER SPITLER: Aye.
21 MS. ELDER: Thomas.
22 COMMISSIONER THOMAS: Abstain.
23 MS. ELDER: Willard.
24 COMMISSIONER WILLARD: Abstain.
25 VICE-CHAIR ANDERSON: Okay. The December 8, 9,
12

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1 10 are approved.
2 January 28th, I'll move. Is there a second?
3 COMMISSIONER McMILLIN: Come on, New York. Can

4 I second if I'm going to abstain?
5 VICE-CHAIR ANDERSON: Yes.
6 COMMISSIONER McMILLIN: I'll second it.
7 VICE-CHAIR ANDERSON: Thank you. Comments or
8 corrections? Okay. Hearing none, roll call, please.
9 MS. ELDER: Anderson.
10 VICE-CHAIR ANDERSON: Aye.
11 MS. ELDER: Brisenden.
12 CHAIR BRISSENDEN: Abstain.
13 MS. ELDER: McMillin.
14 CHAIR McMILLIN: Abstain.
15 MS. ELDER: Priznich.
16 COMMISSIONER PRIZNICH: Aye.
17 MS. ELDER: Spittler.
18 COMMISSIONER SPITLER: Aye.
19 MS. ELDER: Thomas.
20 COMMISSIONER THOMAS: Abstain.
21 MS. ELDER: Willard.
22 COMMISSIONER WILLARD: Abstain.
23 VICE-CHAIR ANDERSON: Is this not a problem?
24 None that we know of, okay.
25 Yes, Mr. LaFranchi, he thinks it's okay.

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1 All right. Hearing no opposition, I'm declaring
2 those approved.
3 We now are up to February 27th, I'll move them.
4 Is there a second?
5 CHAIR BRISSENDEN: Second.
6 VICE-CHAIR ANDERSON: Second from Brisenden.

7 Corrections? Okay. Hearing none, roll call.
8 MS. ELDER: Anderson.
9 VICE-CHAIR ANDERSON: Aye.
10 MS. ELDER: Brissenden.
11 CHAIR BRISSENDEN: Aye.
12 MS. ELDER: McMillin.
13 CHAIR McMILLIN: Abstain.
14 MS. ELDER: Prizmich.
15 COMMISSIONER PRIZMICH: Aye.
16 MS. ELDER: Spittler.
17 COMMISSIONER SPITLER: Aye.
18 MS. ELDER: Thomas.
19 COMMISSIONER THOMAS: Abstain.
20 MS. ELDER: Willard.
21 COMMISSIONER WILLARD: Abstain.
22 VICE-CHAIR ANDERSON: Okay. And the
23 February 27th minutes are approved. Thank you all.
24 Agenda Item 4, I'm going to talk about this and
25 establish a time at which we want to do this, and I'm

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1 willing to hear a limited amount of comment from the
2 public about your preference in terms of when we might
3 hold this closed session. We can move this around on
4 the agenda. Would you prefer to take a break now and
5 have us hold our closed session now and then come back?
6 And I see a couple of nodding heads and mostly no one
7 indicates any preference. What's going to be required
8 is that you'll have to clear the room for our closed
9 session.

10 COMMISSIONER THOMAS: Madam Chair, could we
11 propose to just push this to the end so that we don't
12 inconvenience --

13 VICE-CHAIR ANDERSON: That's my --

14 COUNSEL TORGEN: If I may, Commission,
15 unfortunately I have a one o'clock flight to catch.

16 VICE-CHAIR ANDERSON: Okay.

17 DEPUTY DIRECTOR GREENE: Just for the record,
18 can you state your name, please?

19 COUNSEL TORGEN: Oh, I'm sorry. I'm Brad
20 Torgen. I'm general counsel for the department.

21 COMMISSIONER SPITLER: Madam Chairman, I'm
22 sorry, we just approved the agenda, and we didn't move
23 that item around. So I think we should just stick to
24 the agenda that we just approved and go on with our
25 business.

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1 VICE-CHAIR ANDERSON: Okay. So I invite the
2 public to enjoy some time out in the hall and get a
3 rest room break, and the Commission will hold its
4 closed session now. Thank you.

5 (Meeting adjourned to closed session.)

6 VICE-CHAIR ANDERSON: Okay. We're reconvening
7 the regular session, and I'd like Mr. Thomas to report
8 on what he can from our closed session.

9 COMMISSIONER THOMAS: The Commission held a
10 closed session concerning the litigation involving
11 Ecologic Partners versus the California Parks and Rec
12 and the Commission. The matters we discussed, a

13 litigation subcommittee has been appointed for the
14 limited purpose of facilitating appointment of counsel
15 in defense of the lawsuit.

16 VICE-CHAIR ANDERSON: The subcommittee consists
17 of Mr. Thomas and Mr. Prizmi ch.

18 Okay. Moving on to reports starting with the
19 Deputy Director's report.

20 DEPUTY DIR. GREENE: Good morning,
21 Commissioners; good morning, members of the public.
22 Commissioner Anderson, as you alluded to earlier, I
23 would just like to say a personal welcome to the
24 Commissioners now. It's nice to see that we have a
25 full Commission, hello John. And then also in

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1 particular I would like to thank for the years of
2 service that Commissioner Waldheim and Commissioner
3 Chavez gave to this Commission. In particular
4 Commissioner Waldheim, we appreciate all of your
5 dedication, and thank you for the time that you did
6 serve on behalf of the public.

7 (Applause.)

8 DEPUTY DIR. GREENE: Also, would like to second
9 the Vice-Chair's comment today about Harold Soens. It
10 was a tragic loss for all of us I believe in California
11 that have an interest in OHV recreation. He will be
12 sorely missed within the SVRA. He was the president of
13 San Diego Off-Road Coalition, the president of
14 California League of Off-Road Voters. But Harold was
15 always found in shorts and flip-flops and truly

16 believed it was all about the kids, and that's what he
17 always said. We have actually at Ocotillo Wells State
18 Recreation Area dedicated the children's training track
19 in his honor and will continue to miss him on a daily
20 basis, very definitely.

21 I want to follow up on a number of issues we
22 brought forth to you in January, an item with regard to
23 the reappropriations of the \$22 million as well as the
24 \$27 million to let you know that we had requested those
25 reappropriations and in fact they were approved on

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1 Thursday. So I wanted to -- I'm sorry, on Wednesday.
2 I just wanted to give you an update on that.

3 COMMISSIONER SPITLER: Could I have a follow-up
4 question. Sorry to interrupt. Who were they approved
5 by?

6 DEPUTY DIR. GREENE: Both the Senate and the
7 Assembly. I'm sorry, Commissioner Anderson, you had a
8 question?

9 VICE-CHAIR ANDERSON: Would you describe those a
10 little bit more?

11 COMMISSIONER THOMAS: Do you have something in
12 writing?

13 VICE-CHAIR ANDERSON: Do you have something for
14 the public?

15 DEPUTY DIR. GREENE: Not a problem at all.

16 The \$27 million reappropriations, in this case
17 it really would have been at 24 million at this point
18 in time, but the monies that were appropriated on

19 behal f of the Ri verside project of whi ch moni es have
20 been spent already on part of that project. At thi s
21 point in time, we continue to work wi th the County of
22 Ri verside and Lockheed, on the Lockheed-Martin, as
23 well. And the 22 milli on was appropriated for buffer
24 lands and development of a park, that park being down
25 in Bakersfi eld. So those moni es at thi s point in time

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1 have also been reappropriated.

2 VICE-CHAIR ANDERSON: Thank you.

3 DEPUTY DIR. GREENE: In regards to the fuel tax,
4 which everybody has an interest in, as we indicated at
5 the last meeting, we expect the final report at the end
6 of August. We have seen partial data. We are in
7 progress on that. It continues to be tabulated,
8 compiled, analyzed, and tested. Again, we have
9 information with regard to some people have inquired
10 about the original contract. That's -- certainly
11 anybody who wants to look at that as we continue to get
12 the progress reports from the fuel tax contractor, and
13 at the end of the August we will have the entire report
14 that will be ready for everybody's viewing.

15 Insofar as the strategic plan as an update, I'm
16 going to turn it to the Chief of the Division, Phil
17 Jenkins.

18 CHIEF JENKINS: We have been looking at the
19 strategic plan. Of course, that has highlighted in the
20 audit that we needed to update and approve our
21 strategic plan, that draft strategic plan that had been

22 done. We were looking at the resources we had in-house
23 and in the department, and it became apparent to me
24 that we really needed to bring on board some additional
25 staff support that had more expertise in the processes

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1 that we needed to engage in and how we would achieve
2 the ultimate results that were needed. So I'm going to
3 be having Ed Navarro give you a little bit more
4 detailed information on what activities he's been
5 engaging in related to this. But Ed Navarro is
6 somebody that I had worked with in the past. Actually,
7 he mentored me in many ways early in my career on how
8 to do planning processes and many things down in
9 San Diego. He has wide experience with our department
10 working in planning, working with support of the Park
11 and Rec Commission, was the district superintendent for
12 many years in Southern California, and brings a wealth
13 of experience and background to this task.

14 So, Ed, why don't you give us a little update on
15 what you have been working on?

16 COMMISSIONER THOMAS: I have a question before
17 we get there. Will we have -- will the Commission
18 receive a schedule of the strategic plan development,
19 as I think I asked in the last meeting that we get a
20 schedule and the Division staff indicated that we would
21 have a schedule.

22 CHIEF JENKINS: I think Ed will be able to
23 address that as he presents the process that he's
24 moving through.

25 COMMISSIONER THOMAS: So I assume that's a yes. 20

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1 And then second question, can we get the
2 specific language of the legislative enactments for
3 both Riverside project and buffer lands
4 reappropriations? Can we get that in writing so either
5 by mail or -- hopefully by mail.

6 CHIEF JENKINS: I think we can just get that
7 forwarded to each of you. It should be a fairly simple
8 process.

9 COMMISSIONER THOMAS: Even e-mail would be fine,
10 just so that we have a written record. I'm reaching a
11 point where I have to see things in writing where I
12 don't retain the hard drive --

13 CHIEF JENKINS: Absolutely. Okay, Ed.

14 MR. NAVARRO: Good morning, Commissioners.
15 Again, my name is Ed Navarro. And just real briefly
16 for about the last month and a half I've been reviewing
17 the material that's been collected and put together
18 that resulted in the preliminary plan that was released
19 in November of last year. And I'll be spending a
20 little bit more time going through some current
21 information that's been developed by the Department and
22 other sources to bring that data and information a
23 little bit more up to date so we can finalize the
24 process.

25 In addition to that, I'm basically going to be 21

1 reformatting again the preliminary plan that was
2 presented so that it includes some of the elements from
3 the Department of Finance Guidelines that were
4 identified as being the deficiencies in the plan
5 itself. So that's about the point where I'm at right
6 now.

7 I will probably be ready within the next month
8 or so with a more detailed schedule of how the process
9 needs to go from this point on, but, you know, we've
10 got a lot of information in hand at this point in time
11 and are ready to move forward with the process.

12 VICE-CHAIR ANDERSON: Where does the work that
13 we put in in our previous discussion on the vision
14 statement, when does that get incorporated?

15 MR. NAVARRO: I received the information from
16 the facilitator from the March meeting, and I'm
17 basically trying to put that together in a format that
18 we can then bring back to the Commission that's a
19 little bit more useful. It's kind of in a matrix sort
20 of a format. It's not real usable at this point. So
21 I'm going to put together more of a usable vision and
22 we can present it at one of the --

23 VICE-CHAIR ANDERSON: That's more of a
24 narrative.

25 MR. NAVARRO: Right, exactly.

22

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1 (Proceedings interrupted by telephone.)

2 VICE-CHAIR ANDERSON: Are you still there, John?

3 CHAIR BRISSENDEN: Yes, I didn't know I was less
4 than three counting all of you. Sorry for the
5 interruption.

6 I do have a question, Madam Chair when you have
7 a moment.

8 VICE-CHAIR ANDERSON: Right, I would entertain
9 your question right now.

10 CHAIR BRISSENDEN: Ed, with regard to the
11 strategic plan, there is a format that the Department
12 of Finance suggested one uses within the state
13 agencies. Have you pulled that from their great
14 archive?

15 MR. NAVARRO: Yes, I have. As I mentioned
16 earlier, I'm basically reformatting the plan that was
17 originally prepared and including elements that might
18 have been missing based upon the Department of Finance
19 guidelines.

20 CHAIR BRISSENDEN: Thank you.

21 COMMISSIONER THOMAS: I've got a question, as
22 well.

23 VICE-CHAIR ANDERSON: Okay. My follow-up
24 question was kind of related to Mr. Thomas' question.

25 Do we have a projected date when this might be

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1 on our agenda?

2 MR. NAVARRO: As far as?

3 VICE-CHAIR ANDERSON: When.

4 MR. NAVARRO: The plan itself?

5 VICE-CHAIR ANDERSON: Whatever. If we need to
6 take any action or if you're going to bring back a
7 subsequent report, at what point will it be ready for
8 action?

9 CHIEF JENKINS: I believe, Ed, and correct me if
10 I'm wrong, it would be safe to say that we can put it
11 as an agenda item on the next meeting and certainly be
12 able to give you much more detailed information than we
13 have today because we should have some results, some
14 timelines to begin, and some future actions I would
15 expect. Correct me if I'm wrong.

16 MR. NAVARRO: I am basically tasked with getting
17 the substantial plan completed by January. So we will
18 basically backdate in order to give you sufficient time
19 to actually review the plan. So I haven't really
20 looked at the schedule of the Commission meetings to
21 see how that's actually going to work out.

22 VICE-CHAIR ANDERSON: Okay. So by the next
23 meeting you will have worked out a schedule.

24 COMMISSIONER THOMAS: How will your schedule
25 interface with the one-year report deadline in the JLAG
24

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1 committee?

2 DEPUTY DIR. GREENE: The one-year report
3 deadline, Commissioner Thomas, could you expand upon
4 that? I know that the Director of State Parks has
5 recently been approved through the Budget Committee, I
6 believe it was, for an extension until April of 2007 on
7 the strategic plan, for submission of that strategic

8 plan.

9 VICE-CHAIR ANDERSON: Does that answer your
10 question, Mr. Thomas?

11 COMMISSIONER THOMAS: No, it doesn't. Because
12 the JLAG Committee has asked us for a one-year report
13 detailing our progress and completion of the strategic
14 plan. So how would we -- how does what you're doing
15 fit into that timeline? A, when is the one year up,
16 and, two, will you meet that one year?

17 DEPUTY DIR. GREENE: That one year is up -- the
18 audit came out on August 17th, so the one year -- at
19 this point the one-year comment period that we would
20 have back to the JLAG Committee would reference the
21 work that is currently going on, and the deadline that
22 we have of April in 2007 for a final strategic plan has
23 been moved by the Commission and Division.

24 VICE-CHAIR ANDERSON: Who is taking the
25 responsibility for that report? Is that going to be

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1 the staff or --

2 DEPUTY DIR. GREENE: Staff will speak to that as
3 we have on our reports, both at the six month and the
4 60 days. Certainly would be happy as well to do that
5 on behalf of the Commission to make sure that that
6 information is shared with the JLAG on that particular
7 issue.

8 VICE-CHAIR ANDERSON: I can see the Commission
9 either preparing its own perspective or I can see the
10 Commission submitting to you some materials to

11 incorporate within the overall report.

12 DEPUTY DIR. GREENE: And I think that would be
13 great. I think that as we look at the audit, which
14 spoke about trying to have a shared vision, I think it
15 would probably behoove both of us to try and make sure
16 that we work together so that perhaps we can make sure
17 that what we do submit is speaking on behalf of both
18 the Division and the Commission.

19 VICE-CHAIR ANDERSON: From my perspective, and I
20 can't speak for the rest of the Commissioners at this
21 point, but I think that you're correct in your
22 interpretation that if we're still sending separate
23 documents at that point, that any assertions on our
24 part that we're trying to develop a unified vision
25 would be suspect if we still appear to be at odds in

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1 our submittals to them. So they may be separate, but
2 within the same umbrella document, and I would
3 certainly recommend that.

4 Chairman Brissenden, I don't know what your
5 feeling is about this, but that would be certainly be
6 my advice.

7 COMMISSIONER PRIZMICH: I would like to just
8 dwell on this point for a moment. It's been long
9 overdue that the Commission collectively has provided a
10 collective voice, or at least a unified voice with
11 regard to this Commission and this hearing. And I
12 think it's just laziness on our part. And we had a
13 recent situation that I think that Commissioner Thomas

14 will be reporting on for the Assembly committee that
15 overviewed this thing. And he was not -- did not have
16 the benefit of a collective comment on the part of the
17 Commission. And I think the more we talk about it, I
18 think that there has been several time frames that have
19 gone by. And the more we talk about it the further
20 this goes down the road. And the Commission as a whole
21 needs to agree upon something. And I think the best
22 course of action as you pointed out is provide that to
23 the Division and provide a joint commentary. But to
24 date I don't think that we have done that as a
25 collective body, and I think that's vital that we move

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1 forward with that. We've been talking about it --
2 VICE-CHAIR ANDERSON: It's been suggested to me
3 that maybe an efficient way to handle this kind of
4 collective input from the Commission would be to
5 announce a -- publicly announce a telephone conference
6 meeting where we could have this as basically the sole
7 item on the agenda. The public could listen in, and I
8 don't have any objection to their -- to the public
9 listening in. But since we're trying to establish the
10 Commission's perspective that we could take this up on
11 a conference call and schedule one so that all of the
12 Commissioners would have an opportunity for input into
13 what we would see as important elements to include and
14 language.
15 COMMISSIONER PRIZMICH: I would tend to agree
16 that is a real efficient way of handling this, but

17 whatever the method is, we need to go forward with it
18 instead of procrastinating.

19 VICE-CHAIR ANDERSON: Perhaps counsel can
20 provide otherwise, but I don't know of any other way
21 that we could avoid any problems at unnoticed meetings
22 without actually having this discussion under an
23 announced meeting. I would be willing to hear other
24 opinions, but.

25 COUNSEL LaFRANCHI: I don't know of any other

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1 alternative. May at some point when a preliminary
2 draft of the document, you know, responsive to that
3 one-year report has been prepared, and it could be
4 scheduled as a teleconference meeting which would work
5 just fine under the open meeting rules. So I think
6 you'd want probably something in front of you to start
7 from unless you just want to have, you know, an open
8 discussion and then have staff go back and pull those
9 comments together. Ultimately the discussion has to be
10 done in a public forum.

11 VICE-CHAIR ANDERSON: Yes, other Commissioners.

12 COMMISSIONER McMILLIN: This is McMillin,
13 New York. And I have a question for Phil and
14 Mr. Navarro. First, the counsel I guess, can a
15 subcommittee of three or less meet with Phil and
16 Mr. Navarro to help move this along without that being
17 in violation of our meeting illegally?

18 COUNSEL LaFRANCHI: A subcommittee of two or
19 less. Three or more would require public notice.

20 COMMISSIONER McMILLIN: Being the new guy on the
21 block and I read the hearing, this is priority number
22 one. And I would be available to do whatever we need
23 to do to have a joint response in August. I would hate
24 to see that drag on to January. But if the task is
25 that big, then it is that big. But I suggest we tackle
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1 it with a subcommittee or a phone conference as soon as
2 possible.

3 CHAIR BRISSENDEN: Madam Chair, if I may, I
4 would suggest that the subcommittee, as Mr. McMillin
5 has suggested, worked very well in terms of rolling out
6 the strategic plan for the conservancy I should say.
7 But it does take a fairly intense effort on the part of
8 those subcommittee members in the exchange with staff
9 and the public to come up with a draft plan that I
10 think we certainly started back in March, I believe,
11 towards that goal. And I think that we could further
12 it with subcommittee to keep in mind that it's going to
13 be fairly intense work.

14 VICE-CHAIR ANDERSON: Do you have suggestions,
15 Mr. Brissenden, on who you think might be on that
16 subcommittee?

17 CHAIR BRISSENDEN: I don't want to take Paul
18 away from his fly fishing. I think Commissioner Thomas
19 and I think Mr. McMillin suggested that he would be
20 willing to participate, although I know Commissioner
21 Thomas has quite a bit on his plate. Judy, would you
22 be willing to serve?

23 VICE-CHAIR ANDERSON: Yes, I would be willing to
24 work on that.

25 COMMISSIONER THOMAS: Let me interject some 30

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1 scheduling realities. None of this Commission had the
2 privilege of being cross-examined by Senator Morrow for
3 45 minutes in the Legislature.

4 CHAIR BRISSENDEN: What a privilege.

5 COMMISSIONER THOMAS: I was honored. I had
6 never in all of my legislative career had more than
7 five minutes in front of a legislative committee, but
8 45 minutes is quite an opportunity. Nevertheless, that
9 opportunity wouldn't be realized if we didn't comply
10 with their direction of creating a strategic plan by
11 the one-year period of August 17th.

12 And what I'm hearing is staff is just today
13 beginning to think about creating a process with a
14 schedule that they'll come back to us in a month or two
15 or more, and that means there is no way in God's earth
16 we are going to make an August 17th strategic plan
17 deadline. And I don't want to be the next bowling ball
18 for Senator Morrow, and I don't think anybody on this
19 Commission should be. And if the staff isn't able to
20 staff the production of this strategic plan, I would
21 like to write a letter today back to the JLAG
22 Commission, which is a joint legislative committee of
23 both the Senate and the Assembly, and tell them that
24 we're not responsible for our failure to meet the
25 one-year deadline. So I put that to the Commission, we

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1 either have a program or we write a letter today so
2 that we're not --

3 COMMISSIONER PRIZMICH: I think what we need to
4 do is just ask staff if they're willing to comply with
5 the --

6 COMMISSIONER THOMAS: Well, I have been asking
7 staff, and this issue was raised at the JLAG
8 Commission, and this Commission was roundly criticized
9 for not meeting those deadlines. So I asked staff
10 what's your schedule and how we will meet the
11 August 17th deadline.

12 VICE-CHAIR ANDERSON: All right. I'll let you
13 go first and then Tony.

14 COMMISSIONER McMILLIN: Hal, before we were to
15 fire off a letter saying we can't get it done, what we
16 might have done between now and August is just a joint
17 letter saying -- making them aware of our progress and
18 maybe have some draft concepts. And, again, I think
19 that's a step in the right direction instead of the
20 Commission and the Division jointly sending in stuff.
21 So maybe it's not a finished product, but I'm sure Phil
22 and Mr. Navarro -- if I got that correct.

23 MR. NAVARRO: Yes.

24 COMMISSIONER McMILLIN: I know they have been
25 thinking about this, and I would respectfully request

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1 that Judith and I give it a yeoman's effort to try to
2 get something done through the middle of summer here.
3 And we would certainly bring it back to the entire
4 Commission before we were to send anything off.

5 CHAIR BRISSENDEN: May I suggest parallel
6 processes where Hal's letter goes off to the
7 legislative body and that the subcommittee goes forward
8 with its work so that we are showing good intent.

9 VICE-CHAIR ANDERSON: On the other hand,
10 Mr. Thomas, I don't think that -- I don't think that
11 the Legislature or the Audit Committee would be happy
12 if they saw what would appear to be perhaps in their
13 eyes as just finger pointing. And I don't think that
14 helps our -- the perception of how well we operate. We
15 may have internal problems, but I don't think that
16 necessarily airing them in that kind of a letter is
17 particularly helpful in advancing our case.

18 COMMISSIONER THOMAS: I wouldn't characterize
19 failing to meet deadlines as finger pointing. A
20 failure to meet a deadline is a failure to meet a
21 deadline. You can't sugarcoat it.

22 VICE-CHAIR ANDERSON: That's true, but in the
23 process of doing it, you don't have to --

24 COMMISSIONER THOMAS: I would be considerably
25 more tactful in writing than I am today.

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1 VICE-CHAIR ANDERSON: I think Mr. McMillin and I
2 will attempt to be tactful also.

3 Yes, now Phil.

4 CHIEF JENKINS: The indications we've had
5 speaking with the auditors, I mean what they're really
6 looking for from us, as we've been led to understand,
7 is that we are moving forward towards a goal and we're
8 moving forward together. And so they've indicated -- I
9 mean they have been discussing many of our deadlines
10 with us because clearly, as pointed out in the audit,
11 there are deadlines that have been missed. They're
12 most concerned with progress.

13 And so I think that by being able to show them
14 some movement forward together, and this action that
15 you're contemplating now where you put together the
16 subcommittee, we work together with staff and
17 Commissioners and try to bring something forward, have
18 a schedule that can be presented to them, from the
19 indications we've had, that would make them very
20 pleased. I mean that's what they're looking for is
21 that moving together. So hopefully this would be
22 something that would take a lot of the heat out of the
23 next time that any of us have to address them.

24 COMMISSIONER THOMAS: If they're willing to give
25 us a waiver, I would be fine with that. Because these

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1 are not people that are being generous with their --
2 with our slippage behind the 60-day, the six-month, and
3 one-year notices. If you were to get the transcript of
4 that meeting, you would find that there was no feeling
5 of generosity or flexibility in allowing us to slip
6 past deadlines. And if the same -- these same set of

7 comments apply to the bi annual report, which is also
8 due and which is overdue by I think now a year -- we're
9 approaching six months and will be a year, is that
10 January '05, I think to do our annual reports, and now
11 we have two reports that are apparently deficient. And
12 if the JLAG Committee wants to waive their timelines, I
13 would be very happy to request that.

14 But this Commission was the subject of four
15 bills, most of which would eliminate this Commission.
16 And if we want to keep our reputation with those that
17 are writing bills that want to eliminate us, we better
18 comply with their requests.

19 CHIEF JENKINS: Perhaps we could develop a
20 letter together. There again, I think if we went
21 together and asked them for a waiver, for an extension,
22 I think the fact that we were coming together with them
23 would carry a lot of weight.

24 VICE-CHAIR ANDERSON: Other comments by other
25 Commissioners?

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1 CHAIR BRISSENDEN: Judy, let me -- I was
2 thinking about what Phil just suggested. Perhaps Phil
3 could draft a letter that you and I could review, and
4 then we could sign off together for that waiver that's
5 been suggested by Commissioner Thomas.

6 CHIEF JENKINS: I keep talking myself into more
7 work.

8 VICE-CHAIR ANDERSON: It happens that way.

9 CHAIR BRISSENDEN: I saw that hand go in the air

10 all the way from here.

11 VICE-CHAIR ANDERSON: From my perspective, the
12 appointment of the subcommittee does not replace a
13 joint -- or excuse me, a teleconference meeting where
14 all of the input from all of the Commissioners would be
15 there to review our draft materials.

16 CHIEF JENKINS: Yes, Judith, I would suggest
17 that that's an appropriate package for us to put forth.

18 CHAIR BRISSENDEN: Just a note to the
19 subcommittee, you might contact Lisa Buehler, who has
20 been guiding, with a cast of characters, the strategic
21 plan for the Sierra Nevada Conservancy. She's done a
22 very good job. You may remember her from the
23 stakeholders group. She may be helpful.

24 VICE-CHAIR ANDERSON: Thank you.

25 CHIEF JENKINS: Should I work directly with

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1 Commissioner Thomas or the subcommittee in drafting
2 that letter?

3 CHAIR BRISSENDEN: Given Harold's great
4 experience with the committee, I think he would be a
5 good one to start with.

6 CHIEF JENKINS: Thank you. I would be happy to
7 do that.

8 COMMISSIONER PRIZMICH: Just a point of
9 clarification. I thought --

10 VICE-CHAIR ANDERSON: The preparation of the
11 letter that Phil is talking about right now, I think is
12 separate from our work in moving on the actual content.

13 CHIEF JENKINS: Just to clarify, so as I
14 understand it, Commissioner Thomas and I will work
15 together on a letter to the Joint Legislative Audit
16 Committee requesting a time extension on the deadline
17 for the strategic plan and explain that we are, the
18 Commission and the Division, working together to work
19 on a final report.

20 VICE-CHAIR ANDERSON: And at the same time,
21 Mr. McMillin and I will work on preparing a draft of
22 what we might call an interim work that would meet the
23 one-year deadline but not be complete, and we would
24 collect input from all of the Commissioners on that.

25 COMMISSIONER WILLARD: Madam Chair, maybe to

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1 give the letter some more meat, you might discuss some
2 of the things that we're going to be doing like the
3 telephone conference call, the subcommittee work,
4 anything else that shows them that we're making
5 progress in the right direction.

6 CHIEF JENKINS: Thank you.

7 VICE-CHAIR ANDERSON: Okay. Anyone else?

8 COMMISSIONER PRIZMICH: Yes, if you could
9 articulate this in such a way that it would rhyme with
10 Kumbaya, it would probably be a...

11 VICE-CHAIR ANDERSON: All right. I don't know
12 if there are any members of the public there that we
13 need to open this up to public comment. But if there
14 are any members of the public who have input or
15 suggestions that they might want to make, you know who

16 the members are that you need to contact. We're
17 certainly open to comments and suggestions from the
18 public. You can contact us directly.

19 Is there a member of the public who wishes to
20 comment? Mr. Waldheim.

21 COMMISSIONER SPITLER: Timekeeper, please start
22 the clock.

23 ED WALDHEIM: Ed Waldheim, for CORVA,
24 District 37. I would like to urge Mr. McMillin to
25 please get on this issue now. Sending a letter, to me,
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1 is a travesty. We've been sitting on this. We've been
2 wasting our time. We have not been doing our job.
3 When the original report came out, there was the
4 impression that all of the Commissioners would pull
5 together. I was absolutely surprised that 25 pages of
6 my report ended up into a report to the whole public.
7 We were supposed to have the Commission work on this
8 together and the Commission together come up with one
9 report. We just never did that.

10 Mr. Spitzer took it upon himself to send out the
11 letter, which is okay, but we should have all worked on
12 it together. And there is absolutely no excuse to put
13 Mr. Phil Jenkins in a position right now to send an
14 excuse for an extension. It makes us look like -- it
15 makes you look like you don't know what the heck you're
16 doing up there.

17 Sit down and in 24 hours if you can't get this
18 report out, give me a bloody break. We should all

19 resign and forget about it. Please, just buckle down
20 within a week, get this job done for God's sake. This
21 is not scientific stuff, just report what the folks
22 need and get on with it.

23 And Mr. McMillin, I appreciate your willingness
24 to work on this. It's something that's not your doing,
25 it's past doing, and it just needs to be cleaned up and
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1 we need to move forward. Because what Mr. Thomas went
2 through with Senator Morrow, I sure definitely would
3 not have wanted to be in your shoes there. And there
4 is absolutely no excuse in the position that we are
5 right now.

6 So please buckle down, get the telephone calls,
7 and get this over with. It's not Mr. Jenkins'
8 responsibility for the Division. It's your
9 responsibility to get this job done.

10 FRED WILEY: Fred Wiley with the Off-Road
11 Business Association. I'm not sure that I need to say
12 much more than what Ed just said. But frankly, I think
13 that this Commission has a responsibility to the people
14 of California to meet the legislative timeline, not ask
15 for extensions, but do your job. It's taken you nine
16 months actually to recognize the fact that we are
17 serious when we ask for an audit. We are serious when
18 we want you to do the job that you've been asked to do
19 and you volunteered to do. So please just do your job,
20 get on a time frame, don't send any letters, get
21 together and do it. Thank you.

22 COMMISSIONER SPITLER: Mr. Wiley, would you feel
23 the same way about the Fuel Tax Study.

24 FRED WILEY: I certainly would.

25 ROY DENNER: I'm Roy Denner, President of the 40

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1 Off-Road Business Association, and I attended the
2 hearing, the JLAG hearing as well, and testified there.
3 And I need to say something in Senator Morrow's
4 defense. It sounds like here he took advantage of the
5 situation to make the Commission a whipping boy, and
6 that's not the case at all. When the hearing opened,
7 Senator Morrow had a letter in his hand from the
8 Commission explaining that they could not comply with
9 the 60-day requirement to report back to the auditors.
10 And that morning a four- or five-page document was
11 delivered to the hearing committee that was supposed to
12 be, as I understood it, their six-month report. And
13 Senator Morrow rightfully looked at that four- or
14 five-page document which nobody had even seen before
15 and said, I refuse to even read this right now. This
16 is not a six-month report on a 554-page document saying
17 what's wrong with the operation of our program. You
18 know, and it was clear to me that Senator Morrow was
19 accusing the Commission of laughing off this whole
20 audit, you know. And the reason it took 45 minutes for
21 Senator Morrow to finish his inquiry with Commissioner
22 Thomas was because he drove that point home very well,
23 I thought.

24 I think it behooves you folks to make it clear

25 to that Audit Committee that you're not blowing off the
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1 audit. You're taking it seriously because it is a
2 serious effort. Thank you.

3 TOM TAMMONE: Tom Tammone, CORVA. I echo all of
4 the concerns from the previous speakers. Everybody on
5 both sides of the Division and Commission, I'm tired of
6 hearing this. Everybody needs to start complying with
7 the request of the auditors and get on the ball. And
8 if you can't get it done by now, everybody needs to
9 start working with the process or resign. And if you
10 don't, then I ask the people that appoint you -- well,
11 the Governor did his part. I ask the speaker to
12 appoint somebody else to replace John Brissenden, and I
13 ask the Senate subcommittee to replace other people if
14 this doesn't start working like it's supposed to.
15 Thank you.

16 MEG GROSSGLASS: Meg Grossglass with the
17 San Diego Off-Road Coalition. I would just like for
18 you guys to meet the deadlines. It's a pretty simple
19 request. Thank you.

20 JOHN STEWART: Good morning, Commissioners, John
21 Stewart, California Association of 4-Wheel Drive Club,
22 United 4-Wheel Drive Associations. With respect to the
23 JLAG and the audit, we're really -- you know, as an
24 organization we're really concerned about the health
25 and the welfare of our funds. And we would like to see
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1 this audit brought to conclusion and see the
2 deficiencies addressed in a timely fashion. So we
3 encourage you to -- you know, if you can't show a
4 completion date, at least start displaying a progress
5 date. We need to show that progress is being made.
6 Thank you.

7 DAVE PICKETT: Good morning, Commissioners.
8 Welcome two new members, we're glad you are here. I
9 mirror most of the comments that you've heard before.
10 David Pickett, District 36, Motorcycle Sports
11 Committee, I apologize. I mirror most of the comments
12 made by the prior speakers, but if you'll remember the
13 Southern California meeting about 70 days after the
14 audit was released, I made specific requests for a copy
15 of the 60-day response. I'm still waiting for that
16 copy. I'm stressing the urgency on this audit.
17 Mr. Thomas did take quite a bit of heat at the JLAG
18 hearing. It wasn't pleasant, but I think this needs to
19 be move moved front and center. Thank you.

20 VICE-CHAIR ANDERSON: Okay. Thank you. I think
21 our schedule is laid out.

22 COMMISSIONER THOMAS: Madam Chairman, do you
23 still want to direct the waiver? You're asking me to
24 set up a request for a waiver, you've heard the
25 testimony of the public. Do the Commissioners, do the

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1 newly appointed Commissioners, Commissioner Pri zmi ch,

2 do you still want me to request a waiver?

3 COMMISSIONER PRIZMICH: You're asking me if I'm
4 requesting a waiver?

5 COMMISSIONER THOMAS: No, no, this Commission
6 has directed me to work with staff to request a waiver.
7 You've heard eight people just come up and tell us we
8 can't waive our deadline. Do you still want to proceed
9 with a request for a waiver?

10 COMMISSIONER PRIZMICH: If you're asking me,
11 yes, I think would behoove this Commission to move
12 forward with anything, even if it is a request to put
13 it off a bit. And that would be my position if that
14 was -- if that's what you are asking me?

15 COMMISSIONER THOMAS: Yes, I'm asking for the
16 sense of the Commission if you still want to proceed
17 with a waiver after all of this testimony.

18 CHAIR BRISSENDEN: Commissioner Thomas, if I
19 could weigh in since I had asked you and Phil to work
20 on the letter. I think it would behoove the Commission
21 to commit a letter of progress, but within that letter
22 you should indicate that there may be some slippage,
23 given the immensity of the task at hand, but certainly
24 point out the progress to date.

25 COMMISSIONER McMILLIN: Can we wait 30 days to

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1 submit that and see what progress we can make, to see
2 what substance we might have, even if it's a draft
3 within that letter?

4 COMMISSIONER SPITLER: I might just add that the

5 Commission Chair had sent a similar letter a month ago,
6 and it sounds like Senator Morrow never took the
7 opportunity to read that letter, which I think if he
8 had actually read the letter, his opinion of the
9 Commission actions would be dramatically different
10 because I think that letter, which is on today's
11 agenda, documents significant and substantial progress
12 in meeting every action that the audit suggested
13 that the Commission meet. So I think this conversation
14 is a little bit off base frankly, and I think that the
15 Commission has made outstanding progress working with
16 the Division. I think the Division has made
17 outstanding progress in meeting the items that the
18 audit had suggested that the Division do. And frankly
19 I think Senator Morrow missed his opportunity to note
20 that progress, had he not read the letter that was
21 provided to him a week before the hearing.

22 DEPUTY DIR. GREENE: Commissioner Anderson, if I
23 may.

24 VICE-CHAIR ANDERSON: Yes.

25 DEPUTY DIR. GREENE: I think for clarification

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1 purposes, it would help. The audit looks and requests
2 that a six-month -- I mean a 60-day, six-month and
3 one-year report be given to them. Those really are
4 progress reports on the progress which has been made on
5 the 18 recommendations that were proposed by the BSA
6 Audit. I don't believe that they expect the strategic
7 plan to be finished by August 17th. It's simply an

8 update on where the Commission and the Division are in
9 that process.

10 VICE-CHAIR ANDERSON: That's concurrent with my
11 understanding, also.

12 COMMISSIONER THOMAS: I would disagree, having
13 been asked about a schedule on repeated occasions.
14 They want a schedule. The staff wants a schedule, and
15 we need to give them a schedule. And the reason I
16 started this is I'm asking staff: Are we going to get
17 a schedule and when are we going to get a schedule.

18 COMMISSIONER SPITLER: Commission Thomas, I
19 think that we can provide a schedule to the Audit
20 Committee. I mean, I would concur entirely with Deputy
21 Director Greene, I think that this conversation on
22 whether we have a one-year deadline, the one-year
23 timeline in the audit is simply a progress report on
24 how the Commission and Division are doing implementing
25 the findings of the audit. There is no one-year

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1 deadline to complete a strategic plan. In fact, the
2 audit places no timeline on the completion of a
3 strategic plan, and it would be unrealistic to assume
4 that a plan could be done within a year. In fact, the
5 audit actually, if my memory serves correctly, says the
6 Commission and Division are to develop a shared vision.
7 After that vision is developed, then conduct a
8 strategic planning process. So I think we've really
9 done a remarkable job working on this shared vision. I
10 think we made a lot of progress at the last meeting,

11 and I think that we have plenty of information to
12 provide to the auditors and any legislative committees
13 that wish to hear the progress that we're making, we
14 can provide them a report that shows demonstrable
15 progress.

16 VICE-CHAIR ANDERSON: Okay. I'm going to call a
17 closure to this particular discussion. This was an
18 interruption of the Deputy's Director report, and we
19 kind of got a little bit sidetracked from that.

20 Is there anything else that you need to add in
21 your report?

22 DEPUTY DIR. GREENE: A couple of more items, if
23 I may. In the areas of legislation, I wanted to simply
24 give you an update that the Garcia bill, the Parra
25 bill, and the Neillo bill have been placed in suspense

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1 at this point in time. The Cox bill had failed passage
2 out of the Senate committee, and its reconsideration,
3 however, has been granted. In terms of AB 2755, which
4 is the Blakeslee bill, which would now make parents
5 responsible if the child is under 14 and not supervised
6 while riding an ATV, at this point in time it is going
7 before the Senate Transportation Committee on Housing.
8 So we should be able to provide you with continued
9 progress on those bills.

10 And then as a follow-up today, we will be having
11 a discussion, as identified later on the agenda, on the
12 Freeman acquisition. I would just like to take a
13 moment and introduce -- we actually have here today

14 Mike Wells, who is the superintendent of Anza Borrego,
15 if you would stand up. Thank you, Mike, for being
16 here. And Kathy Dolinar, Superintendent of Ocotillo
17 Wells. So we have those superintendents here
18 specifically to speak on that agenda item. And then we
19 have the other superintendents who will introduce, as
20 well, once we get to the minor capital outlay projects.

21 And then just two points of interest. One is an
22 FYI. In the year 2000, there were roughly 400,000
23 green sticker registrations in this state. And just to
24 let you know at this point in time, by the beginning of
25 June, we anticipate that number to hit one million. So

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1 I think that's just an interesting item.

2 And then finally this weekend is the beginning
3 of Hangtown out at Prairie City, state vehicle
4 recreation area. It's the largest outdoor sporting
5 event in Sacramento County. It begins the start of the
6 national championship of the Motocross series. I would
7 encourage everybody to come out. We expect about
8 30,000 fans there on Sunday. I'm not sure if any of
9 you have seen that in the Sacramento Business Journal
10 last week, it identified that this particular event
11 brings \$4 million of economic benefit to the area for
12 this particular weekend. So I just wanted to give you
13 that update and as always extend the invitation, as
14 we've done before, to any of you who would like to come
15 out.

16 And that's the conclusion of my report at this

17 time.

18 VICE-CHAIR ANDERSON: Thank you. Okay. Moving
19 on to Commission members.

20 COMMISSIONER SPITLER: Excuse me, Madam Chair, I
21 had a couple of questions.

22 VICE-CHAIR ANDERSON: For the Deputy Director,
23 okay.

24 COMMISSIONER SPITLER: Deputy Director, I
25 understand that you have been honored with some awards
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1 recently. Maybe you would like to share those with the
2 Commission and the public?

3 DEPUTY DIR. GREENE: Commissioner Spitzer?

4 VICE-CHAIR ANDERSON: You didn't know.

5 COMMISSIONER SPITLER: The award, several
6 awards, one regarding the BLM resource management
7 issues and another regarding restoration?

8 DEPUTY DIR. GREENE: Good. I think perhaps it
9 would be helpful -- I have not actually had the
10 conclusion of that conversation with the BLM. So it
11 would perhaps be helpful if BLM could share that.

12 And the second one you alluded to was simply a
13 joke in an e-mail that I sent you.

14 COMMISSIONER SPITLER: Excellent. Thank you.

15 VICE-CHAIR ANDERSON: That's sufficiently
16 obscure. None of us understand it.

17 COMMISSIONER SPITLER: I had another question.
18 I noticed that the AB -- is it 2784, the
19 administration's reauthorization bill?

20 DEPUTY DIR. GREENE: That is correct.

21 COMMISSIONER SPITLER: I noticed that that bill
22 was amended recently. Originally as it was
23 established, it would have eliminated the program
24 sunset and allow the Commission to expire. And it was
25 amended to extend the Commission and extend the program
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1 for a year. Perhaps you could enlighten the Commission
2 and the public on why those changes were made?

3 DEPUTY DIR. GREENE: Not a problem at all.
4 Keeping in mind that the Figueroa bill last year, I
5 think it was SB 1232, had been moved by the Legislature
6 and then approved by the Governor to have the Division
7 and the Commission on two different timelines, so that
8 the Division and the program would expire in 2007 and
9 the Commission would expire in 2008. Be that as it
10 may, that was what the situation was at that time.

11 I think, as all of us would, as we've been
12 talking about a shared vision here, that as we move
13 forward, it made no sense at that point in time. The
14 Parra bill did not want to step on the toes of the
15 Legislature; however, given the discussions that have
16 taken place more recently, it was at that point
17 identified that perhaps it made the most sense to try
18 and have the Commission and the Division, if there was
19 going to be a sunset, which I would hope in the future
20 we could perhaps eliminate, that it would make more
21 sense to look at a one-year expiration for both the
22 Division and Commission and have them on the same time

23 frame.

24 COMMISSIONER SPITLER: Can you talk about why
25 the effort to eliminate the sunset was eliminated and

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1 instead replaced with a one-year program extension?

2 DEPUTY DIR. GREENE: I'm afraid I would not be
3 the one to ask at this time. I think that would be the
4 decision at that point of the author and the
5 circumstances at this point in time. I think what I
6 will say is that I certainly hope that it will be
7 removed from the suspense calendar and that we could
8 perhaps move forward on seeing that we would in fact
9 have a Commission and Division that has a new sunset
10 date, and that we won't all be looking at the fact that
11 this program is set to expire January 1, 2007.

12 VICE-CHAIR ANDERSON: Okay. Any other questions
13 for Ms. Greene?

14 COMMISSIONER THOMAS: I don't fully understand.
15 Does that mean that the current situation is this
16 Commission expires on January of 2007?

17 DEPUTY DIR. GREENE: No, this Commission
18 actually expires January 1, 2008, but the program and
19 the Division expire '07. So that's somewhat
20 problematic for this Commission, as well.

21 CHAIR BRISSENDEN: We could go behind the
22 Division and clean up.

23 COMMISSIONER THOMAS: I was thinking of a polite
24 way of saying that. Thank you, Mr. Chairman.

25 CHAIR BRISSENDEN: Madam Vice-Chair, I do have a
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1 follow-up question to Commissioner Spittler's comments
2 with regard to the response to the audit.

3 I think given his articulation that perhaps I
4 can dispense with that interim letter from Chief
5 Jenkins and Commissioner Thomas and just go forward
6 with the subcommittee looking at a strategic plan
7 development with staff.

8 COMMISSIONER THOMAS: Thank you, Commissioner.

9 VICE-CHAIR ANDERSON: Can I have the sense of
10 the other Commissioners on Chairman Brissenden's
11 comments.

12 COMMISSIONER PRIZMICH: I stand by my comments
13 relative to that. I think any movement, even if it's
14 redundant, is positive for both the Commission and the
15 Division. But I don't think that it's -- I don't know
16 that we've made that much progress. But I mean it's a
17 minor issue at this point.

18 VICE-CHAIR ANDERSON: My perception is that the
19 letter may not be necessary, but might be useful as
20 another indicator of progress, if you'd like.

21 COMMISSIONER THOMAS: We have to make progress,
22 and I share with the Commissioner Prizmi ch's view,
23 we're not making enough progress on this subject. And
24 I'm willing to write a waiver letter, but I'm not
25 willing to be an apologist for lack of action. So I'm

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1 happy that the subcommittee is going to proceed and
2 work on the subject, and that's great, and I'm a
3 hundred percent behind you. But I'm not going to use
4 my personal credibility to go back before the JLAG and
5 say we're making progress unless the staff is showing
6 us that they're supporting us. Without staff, you
7 can't do strategic planning.

8 VICE-CHAIR ANDERSON: May I suggest,
9 Mr. Jenkins, that you prepare this draft and that the
10 Chair and Mr. Thomas look at it and decide when they'd
11 like to send it out?

12 CHIEF JENKINS: I can do that.

13 COMMISSIONER WILLARD: Madam Chair?

14 VICE-CHAIR ANDERSON: Yes.

15 COMMISSIONER WILLARD: I'm of the opinion that
16 we should move forward as quickly as we can, and there
17 has been some discussion of a telephone conference,
18 which I think is a way of expediting this. But we
19 haven't calendared one, and so I would recommend that
20 we do so today so that we can show that we are making
21 progress and that we will make some progress.

22 And then the other comment I have, more of a
23 question. It seems to me that the strategic plan is
24 going to be dependent upon the information that comes
25 out of fuel study; is that not correct? And so that we
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1 really can't make a lot of progress on the strategic
2 plan part of this until we get that back, and I
3 understand that's not coming until August?

4 DEPUTY DIR. GREENE: Commi ssi oner Willard, I
5 think there on one component, yes, the i nformation that
6 we will receive from the Fuel Tax Study will be
7 important to the strategic plan, but I don't think that
8 it is -- that it should preclude us from movi ng
9 forward. It is why we did create the interim strategi c
10 plan, and that we can use that -- as Mr. Navarro
11 indicated, that we can use that, and are currently, as
12 a launching point for the conti nued di scussi ons.
13 Because I think clearly as we saw in the March meeting,
14 the issues that were raised by the Commi ssi on -- there
15 are many of them -- and that those alone could be
16 filtered down to try and come up with the visi on, with
17 the goals, with the objectives. And once those are
18 identi fied, then those get created into the strategi c
19 plan. But I do feel that the i nformation that comes
20 from the Fuel Tax Study is only one component, but
21 granted, it has lots of elements to it. But I don't
22 think it should preclude the Commi ssi on and the
23 Di vi si on from movi ng forward.

24 I would like just to make one follow-up comment,
25 which is that I truly -- the staff has -- Commi ssi oner
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1 Thomas, I'm hesitant to send a letter that -- from what
2 I've heard from you this morning, that would somehow
3 say that this is the sole responsibility of the
4 Di vi si on and the staff to have not provided staff to
5 this Commi ssi on, and I would urge you to not do that.
6 We have tried in our responses to the audit to -- you

7 know, not do the finger pointing, which I believe is so
8 detrimental to both of us, and that as we move forward,
9 recognize that we will be there, as we were on
10 January 19th after the audit got released, to provide
11 the staff support, given if the Commission says that
12 they want it, we will be there to provide it.

13 VICE-CHAIR ANDERSON: My apologies to the
14 public, but I don't -- I think we're beginning to be
15 reiterating the same comments at this point, so I'm
16 going to call a closure to this item. And my apologies
17 to the public for missing the 11:00 a.m. public comment
18 period. And I'd like to --

19 COMMISSIONER WILLARD: Madam Chair, I'm sorry,
20 we still haven't scheduled a call. Is that something
21 we will do now?

22 VICE-CHAIR ANDERSON: We can do that later. I
23 have not forgotten that, and we do need to do that.

24 I'd like to now open the -- what's it called --
25 the public comment period -- the open public comment

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1 period for items which are not on the agenda. And I
2 have a number. I'll call these in order first, and
3 then if there are other people, you may come to the mic
4 at that point. This is two minutes, individuals. And
5 Mr. Waldheim.

6 ED WALDHEIM: Thank you, Madam Chairman,
7 Commissioners. Ed Waldheim, CORVA, District 37. I
8 want to bring up the fact that we have to get back to
9 the basics of what we are really doing here as an

10 off-highway commission, off-highway vehicle program.
11 On reflection after two years working with you folks on
12 the Commission, I felt that we've been in the garage
13 polishing up the car and polishing up the car. And
14 then when you open up the door, all of sudden you look
15 outside and you see the potholes, and say my goodness
16 gracious, I'm not going to be able to drive this car in
17 that. You close the door again and you go back and you
18 continue polishing the car.

19 Folks, as the American Indians say, you can't
20 talk -- you can't judge until you walk in their
21 moccasins. You folks have not a clue, the foggiest
22 idea of what it takes to manage off-highway vehicle in
23 the state of California. Because if you had a clue,
24 you wouldn't have been making the decisions that we've
25 been put through for the last two, three, four, five

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1 years going on, under the auspices of saying, well,
2 you've had your turn, now it's our turn.

3 It is our responsibility to manage the public
4 lands to make sure our resources are protected out
5 there. And it all starts with a well-defined trail
6 system, a well-maintained trail system, facilities, law
7 enforcement. If you don't have a good trail, they are
8 going to find a different trail, regardless of what you
9 do. You can close and give us no O&M, \$3.5 million is
10 all you're going to give us for O&M, it's a travesty,
11 it's criminal, totally criminal. I personally go out
12 there, rent the tractor from Hertz, go run the tractor,

13 and I groom trail, and I should be doing it every week.
14 And I do it now once a month because after a week or
15 two weeks' use, you don't even see where I ran the
16 tractor. It is totally gone. Why? Because they use
17 it, just like fixing the potholes. If you don't fix
18 our interstate, don't fix the potholes, you've got
19 chaos. And we are responsible for the stuff that is
20 happening out there. If you maintain the trail system,
21 you will never have a problem with resource damage
22 because it's all taken care of because they stay on the
23 trails.

24 And I bring this up to you because as you
25 deliberate on the monies that we have to come up with 58

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1 in the next year in the grant cycle, and especially
2 with what the federal government is doing with our big
3 issue of route inventory and route designation that
4 we're working on, you are cursing yourself for the rest
5 of your life to maintain those trails. If you think
6 for a moment, Mr. Spitler, that you've done your job
7 and now we're going to have a designated trail system
8 and you can walk away and pat yourself on the back and
9 think you did your job, you're totally, totally wrong.
10 You have just created the biggest nightmare that this
11 federal government is ever going to see in their life.
12 Because people are going to congregate on the trails
13 that we designate now, and they're going to use them.
14 It's not going to be dispersed, it's going to be on the
15 trail. That trail is going to be a freeway if we don't

16 maintain it.

17 So I just want to ask you guys to please help us
18 be part of the solution to manage our off-highway
19 vehicle program. Because no matter what I do, what you
20 do, those folks are going to continue to use our public
21 lands, period. You can do all of the rules, you can do
22 all of the banning, you can do all of the closures you
23 want to. It doesn't make a bean of difference that if
24 you don't maintain and manage it and you take away the
25 tools that I personally as an individual and as a CORVA

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1 and Friends of Jawbone and El Mirage have to maintain
2 our public lands, you take those tools away, then what
3 use am I? Absolutely no use, the same as you. What
4 good are you? You might as well go home and spend it
5 with your grandkids, you're wasting your time here. So
6 I need you to really refocus and get back to the basics
7 on what the purpose of us is. It is not for
8 non-motorized. It is more managing the off-highway
9 recreation opportunities and to maintain our resources
10 out there. That is the key that we have to work on.

11 VICE-CHAIR ANDERSON: Thank you, Mr. Waldheim.
12 Mr. Klusman, Cal 4-Wheel Drive.

13 DON KLUSMAN: Don Klusman, California 4-Wheel
14 Drive Association. I just came back from a nice little
15 trip. I was in three different states. I visited
16 several BLM areas. I was in Arizona, Utah and Nevada.
17 And I talked to several BLM offices. Guess what?
18 We're not unique. They're having the same issues that

19 we're having. Some of those states are having more so
20 because of the ATV explosion. I can tell you one
21 thing, and I hope this gets to the Governor, California
22 has got the worst damn roads of any state I've ever
23 been in, including their highways and their
24 interstates. And I met people -- I was amazed when I
25 stayed in RV parks, how many people from out of this

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1 country now are recreating in the United States. Every
2 night that I was in an RV park, there was at least two
3 RVs there that were rentals. They came from Germany,
4 England, the Netherlands. I talked to these people.
5 They say we come in here because we can go rent a jeep,
6 we can go rent a motorcycle, we can go rent an ATV.
7 They can't do that in their country. They come here to
8 recreate. And as Mr. Waldheim said, we are supplying
9 the recreation. We need to look at the recreation.
10 You hear about the boom of ATVs and everything else.
11 It's the same way with four-wheel drives. I was out
12 there with three dollar a gallon diesel and gas, I
13 don't see any less people. I don't know why. Maybe
14 everybody is just sucking it up and paying it. I don't
15 quite understand that, but it doesn't seem that
16 recreation is going to get hit as bad as some people
17 says it's going to. We need to manage it. We need to
18 provide it. And if we don't, then why are we here?
19 Thank you.

20 VICE-CHAIR ANDERSON: John Stewart from several
21 different organizations including Cal 4-Wheel Drive

22 UCDA, you're going to tell me what that is, and Tierra
23 del Sol.

24 JOHN STEWART: John Stewart, California
25 Associations of 4-Wheel Drive Clubs, and it's United

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1 4-Wheel Drive Associations. I'm director of
2 environmental affairs for that international
3 association.

4 One of the things that is really coming to light
5 is the explosion of recreation. Deputy Director Greene
6 indicated that 400,000 green stickers were registered
7 in 2000. That number is now rapidly approaching one
8 million for this year. The same can be pointed out
9 with the four-wheel drive vehicles. There is a rapid
10 growth in the sales, in the SUVs. The price of gas
11 isn't stopping them. People want recreation. People
12 want to go out outside the urban areas, out to the
13 rural areas for the recreational opportunity. They are
14 coming. They are going. We are not providing. Are
15 we, the state, the strategic -- lack of a strategic
16 plan, the lack of a vision to plan for recreation which
17 encompasses the state entities, the federal agencies in
18 order to accommodate a recreation within the intent of
19 a state managed OHV program that is responsible
20 recreation, that is environmental, in concert with the
21 environment. We know that the people are there. They
22 want the recreational opportunity. We need to provide
23 that recreation opportunity. As representative of the
24 user community, I urge the Commission to really

25 seriously consider upgrading the infrastructure of the 62

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1 trails and routes and planning for the maintenance of
2 those and for the expansion of those as the people, if
3 they do not have the opportunity, they will create
4 their own opportunity. You know, from the recreation
5 community, we want to make sure that that opportunity
6 is in a place where it is managed, can be managed, and
7 can be, you know, worked and operated in a safe and
8 sane manner. Thank you.

9 VICE-CHAIR ANDERSON: Thank you. Next is Bruce
10 Brazil. Okay. Yield your spot.

11 TOM TAMMONE: Tom Tammone. Anyway, I got a copy
12 of your --

13 VICE-CHAIR ANDERSON: Your name please and
14 organization.

15 TOM TAMMONE: Tom Tammone. Is this organization
16 or individual?

17 VICE-CHAIR ANDERSON: Your choice.

18 TOM TAMMONE: Okay, CORVA. Basically this
19 summary of the audit is five pages, and I really don't
20 see the issues with complying with this. And as far as
21 the target levels, as far as Mr. Ed Waldheim's
22 concerned about the imbalance of money getting put into
23 restoration, not to say it is not necessary, but there
24 is imbalance. I'm really having a hard time with this.
25 We have a fuel survey -- a fuel line tax study, excuse

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1 me, that is two years, at least, overdue. I'm sick and
2 tired of hearing everybody that saying, oh well, we are
3 just stuck with these numbers. Well, it doesn't make
4 any sense to me. As far as I'm concerned, we shouldn't
5 even be doing it. As far as I'm concerned, the federal
6 government is capable of deciding through its own
7 management actions how it should be applying for grants
8 and how it should be asking for money. I don't think
9 we need to do that for them. Since it's such a mess --
10 it's even mentioned in the audit that it's questionable
11 that we're even doing it the way we're doing it. I say
12 just one cycle, just let the agencies apply for what
13 they want. Just so we can really see through proper
14 management actions how much money is really needed for
15 each category. Thank you.

16 VICE-CHAIR ANDERSON: Okay. Thank you,
17 Mr. Tammone. Bruce Brazil.

18 BRUCE BRAZIL: Thank you, Bruce Brazil,
19 California Enduro Riders Association. I'd like to
20 start out by welcoming our two new Commissioners. You
21 got quite a job ahead of you. In the past I've been
22 kind of in advocacy for getting information out to the
23 public, and I'd like to compliment the Division for
24 being able to get the transcripts and meeting minutes
25 and such up on the internet for the public to access in
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1 a fairly timely manner. So my compliments there.

2 And along the same lines, I'd like to possibly
3 ask the Commission if something similar to what is
4 being done today with the teleconferencing could be
5 done, being that folks from like Southern California,
6 it's a hardship for them to come up here just for the
7 day. I'm sure there are those that would like to be
8 able to participate, not just listening or reading but
9 being able to actually participate like those of us in
10 the audience are vocally. Would it be possible to set
11 up some sort of teleconference where they could access
12 the meetings, I think that would be a great idea.
13 Thank you very much.

14 VICE-CHAIR ANDERSON: Okay, Mr. Brazil. Thank
15 you. Karen Schambach.

16 KAREN SCHAMBACH: Karen Schambach, Center for
17 Sierra Nevada Conservation and PEER. And actually I
18 just wanted to take the opportunity to thank Mr. Chavez
19 and especially Mr. Waldheim for their great service to
20 this. I don't think they -- well, anyway, I'm sure
21 they'll be missed, and I want to welcome the two new
22 Commissioners, Mr. Willard and Mr. McMillin, and wish
23 you well, and congratulate Mr. Priznich on his
24 reappointment. Thank you.

25 VICE-CHAIR ANDERSON: Thank you, Ms. Schambach.

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1 Pete Conaty.

2 PETE CONATY: Good morning, Commissioners. My
3 name is Pete Conaty. And I'm wanted to introduce
4 myself. I'm a lobbyist for five off-road groups at the

5 State Capitol, and I put on my form I wanted to talk
6 about stakeholders. The stakeholders' progress needs
7 to be totally reformed. And the reformed stakeholders
8 should be smaller and should not have any Commissioners
9 on it. Because what is happening is they're not
10 reaching any agreement because some of the people who
11 participate in the stakeholder turn around and go right
12 over to the Capitol and oppose responsible legislation,
13 which Mr. Spitler knows all about because he works for
14 the Water Parks and Wildlife Committee through which
15 the bills went through. And he is aware that the
16 environmental organizations are opposing the extension
17 of the program. And why are they doing that? They're
18 doing that because they claim that we can't do any
19 legislation for off-road until we get the Fuel Tax
20 Study. The Neillio bill has nothing to do with the Fuel
21 Tax Study, so some people have opined that they're
22 holding it hostage for the Fuel Tax Study. So you need
23 to do something and take some positions on some
24 legislation, or you may not have a program to direct.
25 It's my understanding that the Senate Budget Committee

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1 has not approved the money for grants in the coming
2 year. So that is something you need to look into. And
3 I'd also like to thank Mr. Ed Waldheim for his service,
4 and I'm glad to see he's still -- I knew Ed would never
5 give up. So he's going to be around for a long time.
6 So thank you very much.

7 VICE-CHAIR ANDERSON: Thank you, Mr. Conaty.

8 Dave Pickett.

9 DAVE PICKETT: Dave Pickett, District 36,
10 Motorcycle Sports Committee. I, too, would like to
11 thank Mr. Chavez and Mr. Waldheim for their years of
12 service.

13 District 36 is a 51-year-old organization that's
14 provided responsible recreation primarily in the
15 motorcycle arena. Deputy Director Greene had noted
16 400,000 green sticker registrations, and it's now a
17 million in a five-year period. I wish to place
18 emphasis on fast tracking acquisitions. It's pretty
19 clear that more opportunity is needed. And I hope we
20 can really move forward on these projects such as the
21 Bakersfield project.

22 District 36, for the new Commissioners, you may
23 not know, we have been spearheading efforts on the
24 noise and sound issues, not only on a regional
25 basis, but we have many certified sound testers within
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1 our club organization that work with our federal and
2 state partners to bring compliance. Our events are a
3 hundred percent compliance at those levels or you don't
4 ride. One of our clubs has made a very bold step, the
5 Redding Dirt Riders, work in a unique situation at the
6 Shasta Dam area where events take place concerning
7 Bureau of Reclamation, Forest Service, BLM, in a
8 cooperative agreement that's been highly successful.

9 I'm going to leave this thing, it's a trail
10 etiquette brochure. It's something new that the club

11 did on their own. It's just awesome, talks about
12 responsible recreation. I'm going to leave that. And
13 I'll finish up here with Hangtown Nationals. Deputy
14 Director Greene had indicated that door is open for all
15 of your participation. Just see me after the meeting
16 and arrangements can be made. Thank you.

17 VICE-CHAIR ANDERSON: Okay. If there are any
18 other members of the public who haven't submitted a
19 request to speak during this period of time, you can
20 come forward.

21 Okay. Seeing none, we will close the public
22 comment period and resume the regular agenda.

23 Commissioners, do you want a break? Five
24 minutes, ten minutes? Let's take five minutes.

25 (Break taken in proceedings.)

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1 VICE-CHAIR ANDERSON: All right. We are going
2 to resume the agenda. We are at Commission committee
3 reports, and we will start with the Law Enforcement
4 Committee.

5 COMMISSIONER PRIZMICH: Thank you, Madam Chair.
6 If I can make a suggestion, as I said earlier, I'm not
7 prepared to give a report. This was something that I
8 just recently read about. But the scope of this report
9 can take -- can be extraordinarily broad, and I don't
10 think we have the time today to go over that. And what
11 I'd like to do, with the Chair's concurrence, the
12 Vice-Chair's concurrence, is form a Law Enforcement
13 Committee that we've had in the past, but to go over

14 the specifics of what we could. This is as transparent
15 as we need to make it, but there's a lot of preliminary
16 talking I think we need to do that would be better done
17 in a committee setting, and then bring that information
18 forward to the Commission at the next Commission
19 meeting -- if you want a time frame, I'd be happy to
20 commit to that next Commission meeting -- and discuss
21 the subject matter here in a little bit more
22 comprehensive way. Whether I would have a report to
23 give is in question, but at least we can give the
24 specifics of what we would be reporting. I'd like to
25 make that suggestion.

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1 VICE-CHAIR ANDERSON: Do you have suggested
2 committee members?

3 COMMISSIONER PRIZMICH: I think since Hal Thomas
4 yacks his mouth so much, I think he would be a good one
5 to be on the committee, and he is related to law
6 enforcement. But I really -- anybody that would be
7 willing to sit on that, I'd be happy to.

8 VICE-CHAIR ANDERSON: Chairman Brissenden, do
9 you have any?

10 CHAIR BRISSENDEN: No, I'm just grateful that
11 Commissioner Priznich has followed through on his
12 commitment from the last meeting. Obviously, three
13 would be a crowd.

14 COMMISSIONER THOMAS: Well, I would --
15 Commissioner Brissenden, perhaps you'd like to continue
16 with your original arrangements we had several years

17 ago. You would continue in your role on the committee,
18 and I would appear ex-officio as I had time.

19 CHAIR BRISSENDEN: We would still need to notice
20 those as ex-officio, I believe, but I would defer to
21 counsel.

22 COUNSEL LaFRANCHI: Yes, that would result in
23 de facto a three-member participation, so I think it
24 would present a problem to have a third member.

25 COMMISSIONER THOMAS: Well, then you guys go

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1 ahead, and I'll monitor.

2 CHAIR BRISSENDEN: Commissioner Priznich, may
3 miss your yacking, though, Hal.

4 COMMISSIONER THOMAS: I don't want to subject
5 him to any more yacking.

6 CHAIR BRISSENDEN: I would like to expand, maybe
7 we can do this off-line, Commissioner Priznich, in
8 terms of the responsibilities and overview of the
9 committee.

10 COMMISSIONER PRIZNICH: Again, I'm not trying to
11 circumvent the public process, but I think there are a
12 lot of details in the question that's posed here on
13 this item that really need to be sorted out before we
14 can make sense of it for the public's and for our own
15 benefit. So, yes, I would think we could probably get
16 that done with some telephone calls back and forth.

17 CHAIR BRISSENDEN: Okay.

18 VICE-CHAIR ANDERSON: Okay. Thank you.

19 Item two, Regulation Committee,

20 Commi ssi oner Thomas.

21 COMMI SSI ONER THOMAS: Thank you, Madam Chair.

22 The regulati on action has been fast and furious.

23 I went on the notice websi te last night to update

24 mysel f, and the Di visi on staff has been very busy.

25 There are emergency regulati ons that were proposed and
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1 then adopted. There were permanent regulati ons. We
2 have a May 22nd deadli ne to comment on the permanent
3 regulati ons. There are two noti ced publi c hearings
4 June and --

5 DEPUTY DIR. GREENE: May 31st and June 2nd.

6 COMMI SSI ONER THOMAS: May 31st and June 2nd.

7 And a rather long and lengthy adopti on process that was
8 handed to us in an outli ne form in our last meeti ng.

9 I'd like to -- I've conducted a review of the
10 regulati ons and while one coul d make l ots of comments
11 because of the large number of pages that are i nvolved
12 in these regulati ons and the detai l of these
13 regulati ons -- and by the way, the staff who prepared
14 these regulati onsshoul d be compli mented and
15 acknowl edged. These are extraordi nari ly compl ete
16 regulati ons. I don't parti cularly agree wi th a lot of
17 the directi on that they follo w, and I'll detai l why,
18 but they are remarkably tightl y writt en and well done.
19 And so I compli ment the staff for thei r techni cal
20 ski ll.

21 The probl em for thi s Commi ssi on i s these
22 regulati ons at 4970.69 circumscri be the authori ty of

23 our Commission to make awards and to conduct the grant
24 program as the Legislature saw fit. Specifically
25 Subsections A and C bind this Commission to an

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1 evaluation system and an award system which is not
2 supported in law and would extend the Division's power
3 beyond what the Legislature intended and circumscribe
4 the power of this Commission beyond what the
5 Legislature intended.

6 The Division exercises control over the
7 Commission's discretion in two ways. One, they prevent
8 applications from coming to the Commission in sub (C),
9 4970.69 (c), by ensuring that all grants forwarded to
10 the Commission comply with the applicable instructions
11 as interpreted by the Division. So you're going to see
12 a liberal exercise of discretion by a Division staff,
13 would result in a number of applications never being --
14 never arriving at this Commission because they were
15 deemed to be noncompliant and that process occurred in
16 the last round.

17 Similarly at the back end of the process --
18 again, these are my views of the regulations, and this
19 is the subcommittee's view -- the subcommittee was
20 originally Mr. Waldheim and myself, but with
21 Mr. Waldheim having taken other duties that left me as
22 holding the candle. Similarly at the back of the
23 process, the Commission's discretion is circumvented or
24 restricted in that an award -- the award of the grant
25 funded amount must be on the, quote, competitive basis

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1 provided for in these regulations. So if in effect the
2 Commission decided to vary from the competitive
3 evaluations provided to it and approved something, the
4 Division might merely say, no, we're not going to allow
5 you to award because you didn't follow the competitive
6 grant process. And, in fact, 46 grants were held back
7 in the last session on that same theory.

8 So both the pipeline into the Commission and the
9 pipeline out of the Commission are controlled by the
10 Division and in a discretionary fashion in rules that
11 bind us. And, in fact, the Commission has a separate
12 legal and legislative existence, and the Division
13 cannot pass -- in my considered opinion, cannot pass
14 regulatory restrictions, cannot limit the authority of
15 this Commission without going back to the Legislature.
16 You cannot get by regulation what the Legislature does
17 not give you. That is the core of the argument that I
18 would propose this Commission consider.

19 As a matter of action, I would ask the
20 Commission to delegate authority to prepare a limited
21 comment in time for the May 22nd deadline and delegate
22 authority to myself as the subcommittee member to
23 continue my work and prepare a letter on these limited
24 issues, not the larger issues, which are many, and I
25 can go into, but I'll spare you and the public that

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1 analysis. Thank you.

2 VICE-CHAIR ANDERSON: Comments by Commissioners?

3 COMMISSIONER PRIZMICH: Well, the only comment I
4 would have, I don't mind the preparation. I'm not sure
5 I agree completely with what your comments are, but
6 again, I would want any correspondence going out from
7 this Commission to be approved by the Commissioners by
8 probably a vote so that it's not just going out from a
9 committee in response, but it's going out from the
10 entire Commission.

11 COMMISSIONER THOMAS: And how would you propose
12 to do that by May 22nd?

13 COMMISSIONER PRIZMICH: That's difficult, unless
14 we authorize some form of telephonic meeting, but it's
15 difficult.

16 COMMISSIONER THOMAS: As a practical matter you
17 would be really unable to get the distribution --

18 COMMISSIONER PRIZMICH: You're writing something
19 to a body on behalf of this Commission that has not had
20 the opportunity, nor necessarily agrees with the
21 position you've just taken.

22 COMMISSIONER THOMAS: I would expect that we
23 would put the matter to the Commission as a
24 ratification item; in other words, we would come back
25 to the Commission and ask them to ratify the comments.

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1 COMMISSIONER PRIZMICH: But it's already been
2 sent out; is that what you're suggesting?

3 COMMISSIONER THOMAS: Yes, I am suggesting, A,
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4 sending it out, acting first, and then bring it back
5 for ratification. And the reason I think that would
6 not harm alternative views on the writing or the
7 content of the subcommittee's report, the reason I
8 think you could live with this process, Commissioner,
9 is that the regulatory process isn't final. These are
10 merely deadlines. There is actually a response period,
11 and then a statement of reasons is prepared, and then
12 some modifications. So we will have a lot of time at
13 the back end to modify, but we don't have a lot of time
14 between now and the 22nd.

15 COMMISSIONER McMILLIN: I have a question. I
16 just want to make a comment. As a new Commissioner, in
17 my three-and-a-half weeks of studying, I have no idea
18 what you're talking about. And I received this -- it
19 is a line item on the agenda, but with no backup, and
20 I'm not aware of that 5/22 deadline. That sounds like
21 Sunday.

22 VICE-CHAIR ANDERSON: It is.

23 COMMISSIONER WILLARD: I'm in the same boat.

24 COMMISSIONER THOMAS: These are -- actually,
25 part of the problem that you're reacting to is part of

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1 the problem that I react to, which is that the staff
2 has not provided us with the opportunity in a formal
3 sense with sufficient deadlines. We have received
4 notice -- or I have received notice, I think others
5 have too, that, in fact, there was a regulatory process
6 and that rules were being adopted, and that deadlines

7 were as follows, and that the public hearings were set
8 at the dates we mentioned. But beyond that generalized
9 set of information, we're really on our own.

10 COMMISSIONER PRIZMICH: The only way I think to
11 appropriately handle this then, is if the
12 correspondence is something that you develop that you
13 clarify in that correspondence that it is you as a
14 committee of one that is making this, and that it may
15 not necessarily agree with or purport to be the
16 position of the entire Commission.

17 DEPUTY DIR. GREENE: Commissioner Thomas, if I
18 may.

19 VICE-CHAIR ANDERSON: Let me finish gathering
20 Commissioner comments.

21 My original intent was to comment not on all of
22 the regulations, and I don't think I'm prepared to
23 comment on the sections that Commissioner Thomas
24 referred to, but there were some other sections that I
25 was going to look at and prepare some comments over the

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1 weekend, and I wasn't going to try to speak for the
2 entire Commission but kind of give my own perspective
3 on it. And I don't know if we adopt what you're saying
4 whether that would preclude me from doing that.

5 So maybe we can proceed with all of the
6 Commissioners who choose to comment on them do so as
7 individuals. I don't know that that alleviates your
8 concern, Mr. Priznich.

9 COMMISSIONER PRIZMICH: Well, it gets closer to

10 it. Because I don't want somebody reading this at some
11 point that is -- you know, that is perhaps not making a
12 quantum leap, but making a leap that this is the
13 position of the Commission when it may, in fact, not
14 be.

15 So I would feel better about individuals
16 identifying themselves as individuals on the
17 Commission, just as long as it's clarified that it is
18 not the position of the entire Commission until there
19 is a vote.

20 COMMISSIONER THOMAS: Well, if you take that
21 point of view, you're going to miss the deadline. But
22 my suggestion of an act, plus ratification, allows you
23 to have a vote. If you're on the losing end of that
24 vote, which is possible, then you have had your vote.
25 There's always opportunity to --

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1 COMMISSIONER PRIZMICH: You're having a vote of
2 whether to send something out without the benefit of
3 discussing what the subject matter is.

4 COMMISSIONER THOMAS: The point is you will have
5 a discussion on the content at the ratification point,
6 and the regulatory process will be ongoing. There will
7 be no final decision at the time you meet in the
8 ratification vote, and it protects you. But ultimately
9 it's -- we can -- I would assume a number of us will
10 act as individuals, as well. I mean I may well
11 submit two letters. One as the subcommittee on the
12 narrow issue, and then the personal letter on the much

13 broader issue. In the interest of full disclosure, I
14 did comment as individual on the emergency regulations
15 in my own name and spoke on --

16 (Proceedings interrupted by telephone.)

17 CHAIR BRISSENDEN: Excuse me.

18 VICE-CHAIR ANDERSON: You need to do that, John.

19 CHAIR BRISSENDEN: I'm sorry for that
20 interruption.

21 COMMISSIONER THOMAS: So for the record, I
22 submitted individual regulations in the emergency
23 phase. I will do so -- likely do so, time permitting,
24 in the permanent regulatory phase, but I am suggesting
25 to the Commission that I'm prepared to write a limited
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1 subcommittee comment on Article IV, 4970.69, powers and
2 authority, as I indicated.

3 We can take a vote if you'd like to do that.
4 I'm happy to live with whatever the result is.

5 VICE-CHAIR ANDERSON: Could I hear from other
6 Commissioners, please?

7 COMMISSIONER WILLARD: Madam Chair, I'm a little
8 surprised that any official letter would come out
9 representing the Commission without having a vote on
10 it. So I think I would be in the same camp as
11 Commissioner Priznich in that I would rather not see
12 any correspondence go out that purports itself to be
13 from the Commission without at least having the benefit
14 of a supporting vote.

15 Other than that, I really am a little bit still
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16 in the dark as to exactly what we're talking about,
17 unfortunately.

18 Commissioner Thomas: I would indicate, if you
19 continue in the dark, sir, you will be always in the
20 dark, and your powers will be circumscribed after the
21 22nd.

22 COMMISSIONER WILLARD: I plan to get out of the
23 dark as soon as I can. I'm looking at the light switch
24 right now.

25 COMMISSIONER THOMAS: The point is if you miss 80

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1 the deadlines and permanent regulations are adopted,
2 that's the end of it.

3 VICE-CHAIR ANDERSON: Hang on, Mr. Thomas. I'd
4 like to hear from others, John.

5 CHAIR BRISSENDEN: I do want to thank
6 Commissioner Thomas for his time well spent on this.
7 We, because it is a report -- and correct me if I'm
8 wrong counsel, but we cannot vote on reports. So this
9 has to be continued to another meeting, and we can, per
10 your suggestion, Commissioner Thomas, send in a revised
11 comment. Given the length of time and investigation
12 that he's made, I would certainly hope that he would
13 personally comment.

14 And I guess I'm looking to counsel as to whether
15 he can go forward and do a subcommittee report on the
16 criteria without a vote of the Commission.

17 VICE-CHAIR ANDERSON: I think that may be within
18 your purview, but that's my read.

19 COUNSEL LaFRANCHI: Excuse me.

20 CHAIR BRISSENDEN: If that is the case, I would
21 direct that the subcommittee chair of one and committee
22 of one, Mr. Thomas, do both items, and then bring it
23 back for ratification by the full Commission at the
24 next meeting.

25 VICE-CHAIR ANDERSON: Mr. LaFranchi.

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1 COUNSEL LaFRANCHI: I think what you're getting
2 into is the ability of a public body to delegate
3 authority to an individual or a subcommittee, and that
4 is possible. It just needs -- the delegation of that
5 authority needs to be accompanied by adequate
6 guidelines as to what the Commission, as a whole,
7 believes should or should not be -- the rules that
8 should be followed in preparing that. I would also
9 like --

10 So basically if the Commission were to provide
11 some guidance as a whole and vote on it and authorize
12 delegating to Commissioner Thomas the drafting of this,
13 that's possible. But it would take some work for you
14 to work through how you want to provide the guidance to
15 him at this point.

16 I would also like to point out that comments
17 about the regulations at today's meeting are, of
18 course, I think as Commissioner Thomas pointed out, not
19 a substitute for comments to the administrative record,
20 comments to the Office of Administrative Law and of the
21 Division vis-a-vis the normal process.

22 And, third, I'd like to point out that each of
23 you individually has the ability individually to make
24 comments as you wish into the administrative record
25 through the process, the administrative law process.

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1 So, you know, Commissioner Thomas can make his comments
2 as an individual, and he can point out he's a
3 commissioner making comments as an individual
4 commissioner. And you could also participate as
5 individual commissioners in your individual capacity,
6 as far as that goes, at the public hearings that will
7 be held with regard to that.

8 So if you have any questions, I'd be happy to
9 try to respond to them.

10 VICE-CHAIR ANDERSON: I found it a little bit
11 unusual that the comment period would be closed before
12 the public hearings. That's not the usual sequence.

13 DEPUTY DIR. GREENE: And Commissioner Anderson,
14 that's what I was going to mention a minute ago, which
15 is that we will continue to take public comments. If
16 they are submitted in writing, we are able to take them
17 after that May 22nd date and until the close of the
18 hearings. So if, in fact, at the time of the June 2nd
19 hearing, there is written comment that's submitted at
20 that time, we can certainly accept it.

21 COMMISSIONER THOMAS: Yes, but there are two
22 legal statuses: Comments made before the 22nd have one
23 set of duties, and comments made afterwards, right,
24 responses to some aspects are discretionary; is that

25 correct?

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1 DEPUTY DIR. GREENE: No. In speaking with OAL,
2 simply because we wanted to make sure that in fact we
3 could take those public comments, it would be up to the
4 discretion of the rule-making authority, in this case
5 the Division, that they could accept those comments.
6 So we certainly accept those comments and will be
7 submitting them and responding to them as they are
8 submitted.

9 COMMISSIONER THOMAS: Why did you just not
10 extend the open period until after the public hearing?

11 DEPUTY DIR. GREENE: Commissioner Thomas, we
12 could have done that in light of not wanting to confuse
13 people in what has already been a very confusing
14 process. Any inquiries that we have received, we
15 certainly will take those public comments and at those
16 meetings, we will take them up until the June 2nd date.

17 VICE-CHAIR ANDERSON: So you are in effect --

18 DEPUTY DIR. GREENE: That is correct; we will
19 take them until June 2nd. So this Commission has, as
20 individuals or as a body, to be able to make their
21 comments until the June 2nd date.

22 COMMISSIONER THOMAS: Let me ask our counsel,
23 does that mean that there is no legal distinction
24 between comments made after the 22nd and before
25 June 2nd and comments made before the 22nd?

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1 COUNSEL LaFRANCHI: Yes. My understanding is as
2 while a legal distinction can be made, the agency can
3 waive that and agree to treat -- extend the comment
4 period and treat comments received before and after the
5 May 22nd date as having the same status.

6 COMMISSIONER THOMAS: And that discretion holds
7 from today, in other words, you can't decide -- read
8 the mail and decide you didn't like the comments and
9 decide you're not going to accept it because it came in
10 on June 1st?

11 DEPUTY DIR. GREENE: We will take any and all
12 comments until June 2nd at the close of business.

13 VICE-CHAIR ANDERSON: Okay. What is your desire
14 with regard to Commission official input into this?

15 COMMISSIONER SPITLER: I think -- thank you,
16 Madam Chair. I think in light of the fact that we
17 don't have a Commission letter here to look at and also
18 in light of the fact that Commissioner Thomas has done
19 such an extensive review of this, I think the most
20 appropriate course would be to have
21 Commissioner Thomas, as a subcommittee, send a response
22 on behalf of the subcommittee. And in that way he can
23 get his subcommittee's view onto the record, which I
24 think is important, and we don't have to bind certain
25 Commissioners who might not agree with that view to a

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1 view that hasn't been seen or expressed or told about

2 it yet.

3 VICE-CHAIR ANDERSON: Okay. So you could
4 suggest that Commissioner Thomas speak for the
5 subcommittee but not for the Commission as a whole?

6 COMMISSIONER SPITLER: That is correct.

7 COMMISSIONER PRIZMICH: That was the point I was
8 trying to make.

9 CHAIR BRISSENDEN: That was my direction, as
10 well.

11 VICE-CHAIR ANDERSON: Okay. That seems to be a
12 consensus.

13 COMMISSIONER THOMAS: As long as we have until
14 June 2nd, that gives me another week to work on this,
15 which is fine.

16 VICE-CHAIR ANDERSON: All right. And I will
17 reiterate to the public, these proposed regulations are
18 on the website -- is that correct -- for members of the
19 public who have not seen them; I'm sure the staff is
20 going to provide the new Commissioners with appropriate
21 materials so that you can look them over. I realize
22 that even looking at them without a context of what we
23 did in the past, it's very difficult to read the import
24 of what we see as changes.

25 CHAIR BRISSENDEN: And for the new

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1 Commissioners, mind you, we are all looking for the
2 light switch from time to time.

3 COMMISSIONER SPITLER: Madam Chair, I have one
4 other procedural question.

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VICE-CHAIR ANDERSON: Yes.

COMMISSIONER SPITLER: Perhaps the staff could and -- forgive me if I've missed this. Could you just walk through the process of what happens after the June 2nd public comment deadline?

COMMISSIONER THOMAS: That's a good point. That would be good to hear.

DEPUTY DIR. GREENE: After the June 2nd deadline, we will then have the opportunity to provide responses to those written comments. And then if they are substantive comments, which do come in, then we will put them out again for another 15-day public comment period. Depending on the volume and the content of those comments, we could extend it for another 15 days after that. So this process can go on for quite some time. I certainly hope that everybody would submit whatever comments they do have within this time frame. The expected time frame, if we have one 15-day extension, would be that the regulations would be finalized by September 22nd is the expected timeline.

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COMMISSIONER SPITLER: And one 15-day extension would mean that you've taken all of the comments, and you've made modification to the regulations based upon those comments, and then you go out for one more 15-day, and then that's the end of it.

DEPUTY DIR. GREENE: And that would be if necessary upon what the comments are that are received

8 to the Division at that point in time. If there are
9 minor changes, let's say, grammatical or don't have any
10 substantive impact, then certainly we can make those.
11 But if they do have substantive impact, then we would
12 certainly go out for another 15-day public comment
13 period, correct.

14 COMMISSIONER SPITLER: And I realize this is not
15 a fair question because you don't know what the
16 comments are going to be. But do you anticipate making
17 substantive changes to the regulations in response to
18 the public comments?

19 DEPUTY DIR. GREENE: I think that depends on
20 what the public comments, what they are. So I think
21 that we would have to -- that we would need to examine
22 that, but certainly this is a public process, and so
23 looking for and expecting to have some of those
24 comments.

25 VICE-CHAIR ANDERSON: Thank you. Okay. Is

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1 there any public comment on this item? I can sort
2 through this, but maybe you can sort yourselves out
3 faster. If there is anyone from the public who wants
4 to comment on this agenda item?

5 COUNSEL LaFRANCHI: Madam Chair, may I just make
6 a note that for those people that are commenting from
7 the public, this is not -- this is not a substitute for
8 comments, and we will not be treating these as public
9 comments in lieu of comments on the record that would
10 be made through the OAL process. I just want to make

11 sure that people understand that this is not a part of
12 the --

13 VICE-CHAIR ANDERSON: Thank you, no, it's only
14 on what we're proposing to do that I would invite
15 comment.

16 JOHN STEWART: John Stewart, California
17 Association of 4-Wheel Drive and United 4-Wheel Drive
18 Associations. In looking and listening to these
19 discussions this is morning on this, I would beg to
20 differ with Commissioner Thomas' view on this, in that
21 these are -- the proposed regulations are very well
22 written and that the criteria and that the evaluation
23 of the grants program is within the law and having
24 regulations like this. And the -- it's not a
25 discretionary decision upon the part of the Division.

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1 It is actually required by law in order to handle and
2 dispense with public funds in a fair and responsible
3 manner. It's something that is open to public view as
4 it's done. It is not a discretionary action. It is
5 actually a required by law action. So from my read of
6 both the emergency regulations and these proposed
7 regulations, yes, I'm not quite comfortable. Yes,
8 there are a few grammatical issues in there, but by and
9 large they are very well written and, yes, the Deputy
10 Director and her staff have got to be congratulated for
11 having well written regulations. I've worked on
12 federal regulations all of my career, and, yes, it's a
13 difficult task, and this is a good job. So thank you.

14 VICE-CHAIR ANDERSON: The only other people that
15 I have who indicated interest in commenting on all
16 agenda items were Mr. Waldheim. Do you have anything
17 on this -- hang on just a minute, I'll get to her --
18 Mr. Pickett and Mr. Klusman. I didn't see your name on
19 one that said all items. I'll go look.

20 ED WALDHEIM: Ed Waldheim, CORVA, District 37,
21 AMA. As Mr. Stewart stated, it's been a big process of
22 going through these regulations. And it's been
23 traumatic for me personally because since 1983 I've
24 been involved with this Commission and the policies and
25 the ways we've gone through -- actually, we wrote all

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1 of the policies originally -- and to find out that on
2 the competitive bidding side of it all of a sudden, we
3 or you as Commissioners, you really don't have that
4 much power as far as where the grants go. And Ms.
5 Greene has made it very clear to me, Waldheim, you
6 know, it's a new time, it's a new era, and I think we
7 need to support the criteria. I intend to go through
8 the criteria again and correct the things that I think
9 makes it more realistic on what's happening on the
10 ground.

11 My biggest criticism of whatever it is on the
12 criteria is that we're not giving enough effort, enough
13 emphasis on the groundwork, what's happening to get the
14 trails done, what's happening to have customer
15 satisfaction. That is a big thing that we're missing
16 in the criteria. But I wanted to warn you,

17 Commissioners, now, that once the grants come in and
18 they're evaluated, it's going to be a lot tougher for
19 you to make any changes. You're going to have to have
20 darn good reason why you want to change it. And
21 perhaps it's for the better. That's the way it's
22 supposed to be in the first place. So the burden now
23 falls on the agencies putting in for the grants. They
24 better darn well put good grants together so they rank
25 high. If you don't go a good job, well then you're not
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1 going to get the money, period. If you don't even put
2 in for a grant, you're not going to get money. So it's
3 on a competitive basis, so I think on an overall basis
4 it's a good thing, the way it's going to move forward.
5 So I would suggest to the Commissioners, especially
6 Mr. Willard and Mr. McMillin, please go through
7 criteria very carefully and see if you understand what
8 that really means to you as an off-roader, what does it
9 mean to you on the public land. That's the key that
10 I'm looking at as the criteria because that's what
11 we're going to be judging these grants on.

12 VICE-CHAIR ANDERSON: Thank you. I'm sorry,
13 Ms. Schambach, I did find one with your name on it.
14 Mr. Klusman.

15 DON KLUSMAN: Don Klusman, California 4-Wheel
16 Drive Association. I think the question here that
17 you've brought up is how does the Commission respond to
18 these regulations. I've spent hours looking at these
19 regulations, and I want to commend staff for what

20 they've done. I don't necessarily agree a hundred
21 percent, 99.9 of it I agree with. But to have one
22 Commissioner write a letter saying this is how --
23 what's wrong with it, if I was sitting on the
24 Commission, I would have a real problem with that. I
25 understand this is a huge project, but especially with
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1 two new Commissioners that have really no clue what
2 exactly we're talking about here, like Mr. Thomas said,
3 the process is not done on the 22nd. The Commission
4 can always change regulations or ask for changes in
5 regulations. Once the regulations are done, they're
6 not concrete. Those regulations can be changed. We
7 went -- this Commission and this Division went for
8 years with no regulations. It wasn't until there was a
9 lawsuit filed saying you were using underground
10 regulations that the first set was done. And there's
11 been changes to that first set how many times now? And
12 this is a fluid process. So what you get today,
13 doesn't mean you have to live with it for the rest of
14 your life. So I would encourage you to go back and
15 look at these, and then make -- come to an agreement as
16 a Commission if you're going to do it that way.
17 Otherwise, it should be done as individuals. Thank
18 you.

19 VICE-CHAIR ANDERSON: Mr. Pickett. Pass.
20 You're coming up, Ms. Schambach.

21 KAREN SCHAMBACH: Karen Schambach, Center for
22 Sierra Nevada Conservation. Interesting historical

23 perspective here, as Don says, we used to not have
24 regulations, and then we did, and then they were, I
25 forget, maybe 30 pages long. And so about three

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1 summers ago, several people in this room sat down to
2 streamline the regulations. And I think we ended up
3 with a package of about 60 pages, and now I don't know
4 what it is. And I'm sorry to see that the deadline is
5 being moved because I was all set to stay up until two
6 o'clock in the morning Sunday to get my comments done.
7 That means now I have to put that off for another week
8 or so.

9 But I do commend the Commission staff. I think
10 that they did a stellar job of detail. I don't agree
11 with all of them, and I'll be sending written comments
12 on them. But having worked on regs, and these regs in
13 particular, I can appreciate the work that went into
14 them, and I thank staff. Thanks.

15 VICE-CHAIR ANDERSON: Mr. Tammone.

16 TOM TAMMONE: Is this individual or organization
17 or either?

18 VICE-CHAIR ANDERSON: Whatever.

19 TOM TAMMONE: Organization, CORVA. Anyway, I
20 personally don't have a problem with any of the
21 regulations. I know there are some minor items that I
22 plan on commenting on on the workshop on the 2nd of
23 June, but my biggest problem is we have a Commission
24 just as a body who just simply doesn't want to comply
25 with it. You look at the -- you look at the

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1 February 27th meeting and you look at 46 grants that
2 got thrown out, some of them got redone correctly, but
3 I don't know how we got \$2.9 million worth of
4 restoration grant, still staying above \$6 million. I
5 didn't see almost any changes in that meeting. And
6 quite frankly as far as all of the justification for
7 doing it, I got tired of reading it. And I didn't
8 agree with any of it. And it's obvious that the
9 Commission is doing everything it can to not comply
10 with this process.

11 The way I look at it is that I work for a
12 dealership, and I take -- I get a jeep, I give a
13 customer a jeep. I do minor modifications to it per
14 what the customer asks me to do. And if I didn't do
15 that, I wouldn't be there. We wouldn't have a
16 business. What this Commission does would be the
17 equivalent of me taking a jeep, turning into a boat
18 with no hole in it and no life preservers and expecting
19 everybody to buy it from me. How long would I be in
20 business? This is not working. And I draw the line.
21 John Brissenden, if you wind up getting reappointed, as
22 far as I'm concerned, this whole program can just go
23 away. Thanks.

24 VICE-CHAIR ANDERSON: Is there anyone else --

25 COMMISSIONER THOMAS: Madam Chair, I want to

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1 talk about these personal issues. I've said this at
2 other meetings. I would encourage this Chair to
3 exercise admonishment to individuals not to deal
4 with -- attack individual Commissioners about their
5 views. Let's all try to be as civil as we can be.

6 VICE-CHAIR ANDERSON: Point taken.

7 Any other comments from the public?

8 NICK HARRIS: Thank you, Madam Vice-Chair. I
9 didn't actually note this because I wasn't thinking it
10 was an item I was going to make a comment on. Nick
11 Harris, American Motorcyclist Association. I wanted to
12 just thank staff for the work they put into this
13 because I have been down to a couple of meetings where
14 we discussed this and we've also worked on this in the
15 past with the stakeholders. I mean anyone who has ever
16 dealt with regulations knows that if you change one
17 then page five changes. And you got to have a flow
18 chart to kind of walk you through it. What I think we
19 are kind of -- what I like about this whole process is
20 we want to create a predictable framework for scoring
21 grants so that the applicants have an idea coming in
22 where they rank, how much money they got in the past,
23 so ten years from now we can look back at this and have
24 a chart. And I think we are getting a little hung up
25 on the process -- we need to create a framework and

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1 then we can debate, this is worth five points, this is
2 worth 15 points, this is worth 20 points, and that I
3 think can be changed whenever you want. You can give

4 description to Division, we can have it at
5 stakeholders, we can discuss it in public meeting. But
6 we need to create a framework and scoring system. And
7 like I say, then we can tweak what's worth 20 points
8 and what's worth five points. But I think we need to
9 move forward on this. And I just think the
10 predictability of the process is fair for everybody,
11 for the public, for the applicants, and for everyone
12 else.

13 VICE-CHAIR ANDERSON: Thank you.

14 COMMISSIONER THOMAS: Question. Nick, would you
15 then bind the Commission to the score?

16 NICK HARRIS: I don't think you can bind the
17 Commission, but I think a commission needs to show you
18 why it is that they have changed the score. I think
19 you have always had the ability to change it. If you
20 say, well, I got some information from the applicant,
21 I'm raising the score, what you guys did. But it was
22 such a new process when we went through that last time.
23 I think it seemed a little ad hoc to folks, but maybe
24 it wasn't. And people can -- like I say, with the
25 predictability then an applicant can come in and say,

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1 well last year you docked me for this so they make sure
2 that they provide you that information. Like when you
3 asked for enforcement for ticket information, if they
4 didn't include you in that law enforcement program,
5 then you asked them where it was.

6 COMMISSIONER THOMAS: But it would be your
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7 position that this Commission should not be bound by
8 the recommendations and scoring that comes to it?

9 NICK HARRIS: I don't know that you are bound.

10 COMMISSIONER THOMAS: Well, I'm asking you the
11 question.

12 NICK HARRIS: My position would be that there
13 needs to be a good reason to change it, but I don't
14 think -- I don't think any commission is ever fully
15 bound, and I don't think that you can put that in law.
16 I mean you are still giving recommendations.

17 VICE-CHAIR ANDERSON: Okay. Yes, Mr. Wiley.

18 FRED WILEY: Thank you, Fred Wiley with the
19 Off-Road Business Association. I'm not sure that
20 everyone understands who and what the Off-Road Business
21 Association is, but we represent over 300 businesses in
22 California. These businesses meet payrolls and pay
23 taxes, sell their product to the residents of
24 California and citizens from around the nation and the
25 world. We're supporting the new regulations that are

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1 running in conjunction with the emergency regulations.
2 The reason for that is that there has to be some type
3 of rule of law that shows where we're going to head
4 with this. The other point that I would like to make
5 is at this point in time, it needs to be made to this
6 Commission that again they're missing a deadline. If
7 the general public and the people in the audience can
8 meet that May 22nd deadline, this Commission ought to
9 be able to meet it, as well. Thank you.

10 VICE-CHAIR ANDERSON: Thank you, yes.
11 KATHLEEN MICK: Good afternoon, I'm Kathleen
12 Mick, the U.S. Forest Service Trails Program Manager.
13 And welcome to Mr. Willard and Mr. McMillin, and I wish
14 you all the best in your new endeavors as
15 Commissioners. This is the binder for the emergency
16 regulations for 2005. These will be the regulations
17 that the agencies apply for for grants this cycle,
18 should the Legislature continue to fund the
19 \$18 million. The Forest Service for the first time
20 this year went on record and commented officially on
21 these emergency regulations. And I think although we
22 don't agree with everything that's occurring, I commend
23 the Division for at least taking the binder that we
24 submitted, which probably had a tab on every page, for
25 changes that we wanted to see, and it was a pretty

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1 exhaustive comment that we did. I commend the Division
2 on making, you know, probably 95 percent of the changes
3 that we suggested, including grammatical stuff. So I
4 give the Division their kudos for that.

5 My question is, just on the record, because I
6 was still confused at what the legal counsel said,
7 Mr. LaFranchi. As I understand it, the written
8 comments, the Division has said that they're going to
9 extend those sort of officially, unofficially until
10 June 2nd. Is that a correct understanding?

11 DEPUTY DIR. GREENE: That is correct. In
12 discussions that we -- and if want to hear it directly

13 from legal counsel, we can certainly do that. But in
14 our discussions, and if it would help, we can also get
15 it in writing from the OAL hopefully by the end of the
16 close today, that would indicate that, yes, as
17 Commissioner Thomas alluded to, ideally the hearings
18 and the end date would correspond, but recognizing the
19 time constraints we were under and scheduling to try
20 and make sure we had hearings available both in the
21 north and in the south, that we were not able to do
22 that, so, therefore, June 2nd was the last date of the
23 public hearing. If at that time it is submitted to us
24 at that hearing, then we are able to take those written
25 comments from any interested parties. So that would be

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1 technically June 2nd. That doesn't preclude us from
2 saying that certainly we would like them sooner rather
3 than later from everybody, if possible.

4 KATHLEEN MICK: So we're hoping to intend to
5 meet the deadline for May 22nd. Should that not be the
6 case given staffing issues, then if we submit written
7 comment by June 2nd, then legally those are still bound
8 by, and you've agreed to be bound by the legal
9 commitment to respond to those as if they were
10 submitted on May 22nd; is that the correct
11 understanding?

12 COMMISSIONER SPITLER: Excuse me, point of
13 order, Madam Chair, this is a public comment period for
14 the public to comment on the Commission actions. I
15 think it's really inappropriate for members of the

16 public to be asking questions directly of staff or of
17 counsel. I think if, Madam Chair, you wish to ask
18 those questions after the public comment period is
19 closed, that would be appropriate. But I think a back
20 and forth between members of the public and staff and
21 the counsel is really inappropriate.

22 KATHLEEN MICK: Duly noted. Thank you.

23 VICE-CHAIR ANDERSON: Thank you.

24 COUNSEL LaFRANCHI: Madam Chair, Commissioner
25 Spittler has a point. Questions may be directed to the
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1 Chair and then at your discretion you can direct them
2 to staff.

3 VICE-CHAIR ANDERSON: Thank you. I'm not using
4 a sufficiently sharp gavel, I'm sorry.

5 COUNSEL LaFRANCHI: If I might, though, quickly.
6 I believe that the concern is that the Commissioners
7 have expressed -- Commissioner Thomas, is that right
8 now the record, what's published in terms of the time
9 frame is comments are due by May 22nd. I believe what
10 would be good for the Division to do is go back and
11 publish a clarification that comments will be received
12 through the 2nd, and we will do that in conjunction
13 with OAL and make sure that everybody out there
14 understands how this will work in a written way so that
15 it's not misunderstood.

16 VICE-CHAIR ANDERSON: That would be helpful,
17 thank you. Okay.

18 At this point, we're 25 minutes late for our
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19 lunch break. I would appreciate it if you could be
20 back here at 1:15, which gives you not quite an hour.
21 I'm told that there's food in the vicinity; is that
22 correct?

23 COUNSEL LaFRANCHI: I have some history in this
24 part of town. I used to work across the street over on
25 R Street regularly. This cafeteria is one of the best

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1 state-run cafeterias I think in the state. So you can
2 all rest assured that if you eat here you will be doing
3 very well. There are other little places over on the
4 mall, and Vallejo's on the 4th --

5 VICE-CHAIR ANDERSON: We will reconvene at 1:15.
6 (Lunch break taken in proceedings.)

7 VICE-CHAIR ANDERSON: Moving to Agenda Item 6,
8 unfinished business. Reconsideration of the six
9 outstanding SVRA minor capital outlay budget proposals
10 2006/2007. I ask the department -- the Division to
11 give us a description of these.

12 CHIEF JENKINS: Thank you. Terry Harper, the
13 Division Maintenance Chief, is going to be making a
14 presentation. We also have the superintendents from
15 the respective units that will be available for
16 information and to answer questions and whatnot. So
17 I'll turn it over to Terry Harper.

18 MR. HARPER: Good afternoon, Vice-Chair,
19 Commissioners. My name is Terry Harper, I'm the OHV
20 Division chief and I'm here this afternoon to bring
21 back the six remaining 2006/07 minor cap outlay

22 projects that were reviewed by you -- actually, there
23 were seven that you looked at in December of 2005 and
24 you approved one.

25 Just as a reminder for the new Commissioners, 103

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1 the Commission has the responsibility of reviewing and
2 approving the capital outlay projects for the Division,
3 that includes minors and majors; minors meaning
4 \$500,000 or less, majors meaning over \$500,000.

5 I have with me this afternoon -- and she was
6 introduced a little bit earlier, Kathy Dolinar from
7 Ocotillo Wells, Superintendent; also have Andy Zilke,
8 Superintendent, Oceano Dunes; and Pete Yarbrough from
9 Hungry Valley.

10 I'm here to present the -- well, actually, what
11 I did was I put together a short PowerPoint that will
12 hopefully add a little more detail to the projects that
13 we are requesting funding for. So if we can go ahead
14 and get started. Vice-Chair, I'm not really sure how
15 you want me to do this. In the past I've read the
16 description of the project, where it was located, the
17 dollar amount, and also a brief description of what the
18 project will entail.

19 VICE-CHAIR ANDERSON: Brief.

20 CHIEF HARPER: Project number one, shop parking
21 lot repaving, Hungry Valley District, \$499,000. This
22 project will replace approximately 140,000 square feet
23 of asphalt concrete over four inches of compacted
24 aggregate base. If you'd like for me to go through the

25 slide presentation or just a description of the

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1 projects?

2 VICE-CHAIR ANDERSON: Let's see how it goes.

3 Let's try it here. We'll try it on this one.

4 CHIEF HARPER: If we can show the first slide.

5 In the year 2005, the winter of 2005, Hungry Valley
6 experienced over eleven inches of rain in a very short
7 period of time. At the time this was considered a
8 storm that you would normally see every 100 years.
9 That rain came down over a parking lot that was already
10 getting very old and also showing a lot of
11 deterioration. It also caused a mudslide just north of
12 the parking lot. About 5,000 yards of mud and debris
13 came down across the parking lot.

14 And I just want to show a few slides of what
15 we're dealing with. This right here is just a very
16 small example of the amount of debris that came down
17 over the parking area. Let's go to the next slide,
18 please. Of course, you can see we got 12 inches of mud
19 in quite a few of our buildings. Go to the next slide,
20 please. There is another example of the mud and debris
21 that we're dealing with.

22 Next slide. When it was all cleaned up, this is
23 what we were left with. As you can see, we have a
24 parking lot that has very little to no surface left.
25 We also have a parking area where we have a lot of sand

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1 and silt flowing into some of our drain areas, which is
2 the yellow drain right in the middle of this particular
3 picture. Go to next slide. Of course, we also had
4 some rutting as well, which is also depositing sand and
5 gravel into nearby low areas. Go to next slide,
6 please. And of course, this is in front of our
7 maintenance shop. One of the problems that we have
8 here is when we want to work on heavy equipment that
9 will not fit in the shop, we're required to work on it
10 on the outside of the building and --

11 (Proceedings interrupted by telephone.)

12 VICE-CHAIR ANDERSON: Okay. John?

13 CHAIR BRISSENDEN: Sorry, I have no idea why
14 it's doing that.

15 VICE-CHAIR ANDERSON: Continue, please.

16 CHIEF HARPER: Thank you. So anyway, it makes a
17 very, very difficult for our mechanic to do any kind of
18 work on the outside because you can see when he has to
19 roll around on the ground, he's rolling around
20 basically on sand and gravel. So it makes it very
21 difficult. So as you can see, we have a real problem
22 here, and we really need this project so that we have a
23 viable surface that will give us a lot of service for
24 the next 20 years.

25 VICE-CHAIR ANDERSON: I remember addressing a 106

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1 question to you about at -- one of the previous

2 meetings where this came up. My question was: How are
3 you accommodating future rainstorms of this size to
4 make sure that we don't cover this area again? Can you
5 describe -- I know that's not maybe that might not be a
6 part of your request for funds, which is primarily to
7 repave the parking lot. But how can we be sure we
8 aren't going to have to do this again, given what we
9 see as changes in climate.

10 CHIEF HARPER: Since that December meeting, I've
11 gone back to the Northern Service Center, who is part
12 of our agency that does our engineering acquisitions --
13 or excuse me, engineering, architecture and
14 acquisitions, as well. But anyway, I've asked that
15 they send down one of their geologists and engineers to
16 take a look at that area. Because also, too, you can
17 see that the -- if you look up behind in this
18 particular picture --

19 VICE-CHAIR ANDERSON: There's a wall there.

20 CHIEF HARPER: It shows it very well. There is
21 more material up there, and we don't want that coming
22 down across our new parking lot. So they're going to
23 send some folks down to take a look at it for a future
24 project to build a retaining wall, some type of
25 protection for this area. So that is a project we've

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1 already asked for.

2 VICE-CHAIR ANDERSON: That's a separate
3 question, but you are addressing it, okay.

4 CHIEF HARPER: The next project, please. Number

5 two, seven double-vaulted restrooms, Hungry Valley
6 District, \$300,000. This project will replace seven
7 existing vaulted toilets throughout the district. Do
8 you want me to go ahead and go through the pictures?

9 VICE-CHAIR ANDERSON: Yes.

10 CHIEF HARPER: Go back one, John, please.

11 VICE-CHAIR ANDERSON: This is the existing one,
12 right?

13 CHIEF HARPER: Yes. What you're looking at here
14 is a pretty typical vaulted area. What this is is an
15 actual early vaulted toilet built by a company called
16 Rom Tech. It was built back in the late '70s,
17 early '80s. This particular building has several
18 problems. One is it does not meet ADA. The interior
19 square footage is way too small. Also, too, you can
20 see there is no access or parking for ADA. It also
21 has -- one of the biggest problems that we had with
22 these and actually throughout all of the SVRAs, is
23 these particular ones, because of their design, they
24 basically smell. And what happens is that people avoid
25 using these, and they'd rather use the brush because

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1 they basically stink so bad. But the biggest problem
2 they're having with these is right now because of their
3 age and because of all of the seismic activity that
4 takes place down at Hungry Valley, the tanks have
5 cracked and we're now leaking effluent into the ground.
6 And, of course, California's Clean Water Act, we want
7 to avoid that. So for those reasons, we're asking to

8 replace all seven.

9 VICE-CHAIR ANDERSON: The ones that you're
10 replacing them with, do you have some -- do you have
11 any photographs here of what the new ones are going to
12 look like?

13 CHIEF HARPER: I don't have any photographs --
14 (Simultaneously speaking, Reporter interrupted.)

15 VICE-CHAIR ANDERSON: I have seen them myself
16 about I was wondering if you had any here. Okay.

17 CHIEF HARPER: That's going to be very, very
18 similar to the one you see right, only much bigger. In
19 fact, I'm going to show you one in our next slide. So
20 I think we'll be able to answer that question with the
21 Oceano project.

22 VICE-CHAIR ANDERSON: Okay.

23 CHIEF HARPER: Project number three, six
24 single-vaulted restrooms, Oceano Dunes, \$130,000. This
25 project will install six additional single-vaulted

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1 restrooms alongside six existing vaulted toilets. What
2 you're looking at here, this is typical delivery.
3 Unlike -- you know, usually what's thought about these
4 particular units, these really are a portable unit.
5 When they're delivered, they're delivered a tank, a
6 top, and a bench stack. Go to the next picture,
7 please. The way they're installed is, you take a dozer
8 out into the sand. You doze out about a four-foot
9 trench. Crane comes in, sets the tank. The tank is
10 what you see on the bottom. And then the top is set on

11 top of the tank and then the stack installed. Go to
12 the next picture, please. Again, just another typical
13 installation, the top going down on top of the tank.
14 Next, please. This is a typical installation for a
15 single vaulted restroom on the beach itself. You can
16 see that it has a building. The stacks all face to the
17 south so we can get ventilation in those. Of course,
18 we put a fence around to keep people from taking their
19 motorcycles inside. And then, of course, the ADA
20 access and parking is created. And that's done by
21 bringing in aggregate base material, compacting it, and
22 then building an access into the restrooms. There's a
23 little bit of sand on this one, but that's an ongoing
24 maintenance problem for the maintenance guys there at
25 Oceano. Go the next picture, please. This is a

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1 typical dune installation, again. It's almost exactly
2 the same except that it's backed up against the dune
3 area. Next picture, please. And this is what our
4 installation will look like once the six additional
5 vaulted restrooms are added to the existing. Go to the
6 next picture, please. And this is just a typical
7 weekend. As you can see, Oceano Dunes has a very large
8 visitation, somewhere around two million a year. So
9 these restrooms are badly needed and getting used quite
10 a bit.

11 Next project, project number four, vehicle wash
12 rack, Oceano Dunes, \$450,000. This project will
13 purchase and install a wash rack that includes

14 self-contained rack, vehicle lift, high-pressure
15 cleaner and filter system, and cover over the top to
16 prevent any rain intrusion during the winter months.
17 As you can see, we have a real problem at Oceano Dunes
18 with rust. Our vehicles, basically they don't last
19 long, three to four years is about all we get out of a
20 vehicle because of the harsh environment that these
21 vehicles have to basically operate in and be stored in.
22 And really the only way that we're going to get more
23 life out of these vehicles is to have the capabilities
24 of washing these vehicles after every shift, and
25 sometimes that could be two to three shifts a day

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1 depending on what the weekend looks like and what
2 superintendent Zilke has on staff for that weekend.
3 Go to the next picture, please. Up until just a
4 few years ago, we were just able to pull our vehicles
5 up in front of a shop area, take the water hose, wash
6 the doggone thing off, top and bottom, and put the
7 doggone thing away. We can no longer do that. Now
8 because of California's Clean Water requirements, we
9 can't do this. This is an area that we used to be able
10 to wash our vehicles in. As you can see, as you look
11 all the way through the pictures, you can see a tree
12 and marsh area, and we don't want that water running
13 into that area any longer. Next picture.

14 VICE-CHAIR ANDERSON: It's contaminated oils and
15 so forth or just because of the salt?

16 CHIEF HARPER: That's what we're trying avoid,

17 yes, because when you start washing the undercarriage,
18 especially into the transmissions, rear ends, you're
19 going to get that.

20 So when we found out that we could no longer
21 wash our vehicles in that particular area, we then
22 began the process of purchasing tokens to use at the
23 local car wash. Well, the Department of General
24 Services decided after a couple of years of that, that
25 that was -- that we actually really needed to do a

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1 contract to be able to continue that kind of use, and
2 that just wasn't feasible at the time. So we stopped
3 doing that. I don't think there is a next picture for
4 us to look at there.

5 VICE-CHAIR ANDERSON: Are these vehicles treated
6 when you purchase them with undercoating?

7 CHIEF HARPER: Yes, they are.

8 VICE-CHAIR ANDERSON: That's supposed to assist.
9 I have some experience from northern Wisconsin where
10 they used to salt all of the roads. After ten years,
11 the motor might be fine, but the rest it was kind of
12 rotting away. And that was in spite of putting the
13 undercoating on. It would help, but wasn't a total
14 solution certainly.

15 CHIEF HARPER: These vehicles before they're put
16 into service are sent to -- and I don't -- Andy, do you
17 know the name of the company that they're sent out to
18 locally? Anyway, they're sent out locally, and
19 undercoating is applied to the frames, to the

20 suspension, to the wheel wells, to the underbody side
21 of the vehicle, just hoping to get a little bit more
22 afterlife out of it. But anywhere where there is any
23 type of wear, where it wears off the undercoating we
24 can see rust.

25 VICE-CHAIR ANDERSON: Okay.

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1 CHIEF HARPER: Another thing that has created a
2 problem for us is just a few months ago, Division Chief
3 Jenkins and I met with the Department of General
4 Services to discuss getting more life out of these
5 vehicles, and we discussed many, many things. But one
6 of the things that we all agreed was probably the most
7 important thing that we could do is wash the vehicle.
8 And we really need to have the capabilities of doing
9 that. And without a wash rack, there is really no way
10 of really getting in -- I mean we can do the exterior.
11 We can still run them down to the car wash and get a
12 contract I guess, but you can't underneath and really
13 get underneath the engine, underneath the frame, into
14 the suspension, that kind of thing, without being able
15 to raise these vehicles up. And that's really what
16 we're trying to do here.

17 Let's go to the next project. Project number
18 five is vehicle storage, Oceano Dunes, \$170,000. This
19 project will construct a 100-foot long by 32-foot long
20 by 16-foot high vehicle storage building. As you can
21 see, another example of a rust problem that we have.
22 Let's go to the next picture. This is a pretty typical

23 storage building. In fact, this is one at Oceano Dunes
24 now. We would like to construct another one. That
25 would give us the capabilities of getting more of our
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1 vehicles inside after we clean them up.

2 Let's go to project number six, please. Project
3 number six, residence area development, Ocotillo Wells,
4 \$207,000. This project will construct two additional
5 residence pads 24-by-65 feet long. They will
6 complete -- they will be complete with a concrete pad,
7 utilities, shed shade structure and solar for both hot
8 water and electricity.

9 And, Kathy, I'd like for you to come up here,
10 please, if you could.

11 One of the biggest problems we have at Ocotillo
12 Wells, and I know anyone who has probably been down
13 there during the summer months knows how doggone hot it
14 gets down there, 110, 115 degrees. We have a real
15 difficult time recruiting folks to come to work for us.
16 And when you have over a million visitors a year and
17 over 3,000 first aid responses, we need the best people
18 that we can get down in that area. It's a huge area,
19 85,000 acres. So we need to recruit the best people
20 that we can.

21 What we found over the last couple of years is
22 most of the housing down in that area is pretty
23 substandard and people are just not interested in
24 living in it. And, of course, what is in better
25 condition is very, very expensive either to rent or to
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1 buy. And by providing these additional pads, it will
2 give us the ability to offer a pad that an employee can
3 bring their own mobile home into and live right in the
4 park. The second part of that is we rely very, very
5 heavily on our volunteers, and that's both volunteers
6 like yourselves, I'm sure, people here in this
7 audience, as well as local EMS units, local sheriff's
8 departments, and that kind of thing. And we need to be
9 able to provide an area for them to come in with their
10 trailers because this is what they want, come in with
11 their trailers or their mobile homes, be able to access
12 the water and the power. They'd really like to access
13 the sewer, but that's -- it's -- that's kind of hard to
14 do when you have 10 to 15 units coming in on -- or 20
15 units coming in on a weekend. But we want to be able
16 to provide as much utilities to these people as we
17 possibly can so that we can continue to get that kind
18 of help.

19 VICE-CHAIR ANDERSON: Okay.

20 CHIEF HARPER: Any questions?

21 VICE-CHAIR ANDERSON: Questions?

22 CHIEF HARPER: Kathy, is there anything you'd
23 like to add to that?

24 KATHY DOLINAR: Just one thing I'd like to add,
25 the pad use would be used year round, because in the

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1 wintertime we have over five agencies there at one time
2 assisting us. And out of those agencies, one of them,
3 the San Diego Off-Road Enforcement Team, is funded by
4 our grant program. The others are local San Diego
5 grants who come out needing a place to bring their
6 trailer rig so that they can assist us. During the
7 summer months when they're not in the area is when we
8 do intensive resource studies, including the flat tail
9 survey, and we're -- our staff in that also consists of
10 environmental services interns who come only for three
11 months of the year. And with them having the ability
12 to bring a trailer and stay in it during that time, it
13 makes it much more economically feasible for them to
14 work out there than try to find a place to live for
15 that interim time frame.

16 VICE-CHAIR ANDERSON: Yes, Mr. Priznich.

17 COMMISSIONER PRIZNICH: I have a couple of
18 questions. The unit that you're suggesting to spray
19 the salt off the vehicles, is there any idea from
20 anybody that would give us a -- where we could say that
21 a vehicle's life is extended by X amount of time
22 because it's being washed on a daily basis? Are there
23 any studies along that line? Because \$450,000 you're
24 asking for us to spend, and I haven't heard what
25 outcome we are going to get by spending that kind of

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1 money. Is there anything?

2 CHIEF HARPER: What we're hoping is by doing a
3 couple of the other things that we have talked about,

4 such as rotating vehicles, keeping them -- since the
5 consolidation of San Luis Obispo coast, it also gave us
6 a couple of -- they are not really beach campgrounds
7 but they are campgrounds but they are not right on the
8 beach. What we're hoping to do is rotate a couple of
9 vehicles and just use them strictly on the beach area
10 to extend them another year or two before they go out
11 onto the beach. And, of course, by washing them, it's
12 going to do nothing but help. To be able to get that
13 saltwater off, is really going to be the key to
14 stopping some of the rust that we see.

15 COMMISSIONER PRIZMICH: You had a Dodge pickup
16 there that you had on one of the displays that had
17 quite a bit of rust. What year was that Dodge?

18 CHIEF HARPER: That particular Dodge was a 2000.

19 COMMISSIONER PRIZMICH: And it had been on the
20 beach?

21 CHIEF HARPER: Its entire life.

22 COMMISSIONER PRIZMICH: And that picture was
23 taken?

24 CHIEF HARPER: Just two days ago.

25 CHIEF JENKINS: And if I may, having worked

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1 there many years, I was there in the '80s and also
2 there again in the '90s, and I've been talking to some
3 of the staff down there now, years and years ago we had
4 a lift rack that had been built at the time.

5 Subsequently had to be taken out. This was something
6 that had been built in the '60s. I think we took it

7 out in the late '70s or '80s because it wasn't safe.
8 The wood was rotting. It was one of the old
9 technologies we had. But we used to be able to pull
10 the vehicles up at the end of the day, hose the bottom
11 out and really flush the sand from around all the
12 undercarriage, and it really did make a tremendous
13 difference. And when we lost that facility at one
14 point because it just wasn't safe any longer and we had
15 to take it out, and lost that ability to really do that
16 daily cleaning because those vehicles are out there--
17 there is no vehicle that's designed to be day after day
18 after day, 14 hours a day driving up and down on a
19 salty, sandy beach. So the caking up of the sand
20 underneath just gets to be you're packing sand into
21 metal parts and then expecting them not to weather.
22 You're going to weather no matter what you do to those.
23 So it's that combination of being able to wash that
24 undercarriage. And then when you set them there just,
25 what is that, about a half mile off the beach where the

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1 maintenance yard is, and they're in that kind of salty
2 marine environment all night long with the salt mist
3 settling on them and everything else, that just
4 exacerbates the problem on the outside. So that's why
5 the combination of the wash rack to clear that
6 undercarriage, flush them off on the outside, and then
7 putting them into covered storage that's closed and
8 protect them somewhat from that salty air. The
9 combination should significantly extend based on the

10 experience of what we've seen over many years of
11 driving those vehicles at Oceano Dunes, it definitely
12 will extend the life of those vehicles.

13 COMMISSIONER PRIZMICH: I had one more question,
14 and it's in regard to Ocotillo Wells, I think it was.
15 There was a line item that identified \$12,000 for
16 inmate labor, and I just want -- generally inmates are
17 not paid. Is that for their guards? What is the
18 \$12,000 item? Is there an explanation on that?

19 KATHY DOLINAR: The labor does actually go to
20 CDF when they contract for the people to come out.
21 That's what's paid out of the contract is their nominal
22 fees that go into their facilities and such.

23 CHIEF HARPER: Just to follow up on that, I know
24 just a year or two ago, inmate labor used to be free,
25 but it isn't any longer.

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1 COMMISSIONER PRIZMICH: There is overhead, I
2 think is what they're doing is charging an overhead.
3 The way it was identified in the line item was a little
4 bit odd.

5 CHIEF HARPER: I would just like to add one
6 other thing to the Oceano Dunes wash rack. We're now
7 paying somewheres up for a typical loader or tractor or
8 whatever, upwards of right around \$200,000. And, of
9 course, for just the enforcement vehicle or maintenance
10 vehicle, they're running right around \$30,000. And we
11 are only getting three to four years out of a vehicle
12 that's costs \$30,000. It doesn't take much to be able

13 to justify that project. So if we can just get a
14 couple of more years out of it, that will save us a lot
15 of money over a period of just a few years.

16 DEPUTY DIR. GREENE: Commissioner Pri zmi ch,
17 along those lines as well, when you look at the green
18 sticker vehicles that we use, any of the bikes and ATVs
19 we actually in fact have to trailer those up into town
20 at this point in time to be able to wash them.

21 COMMI SSIONER PRI ZMI CH: I was just seeking an
22 explanation. I got it.

23 DEPUTY DIR. GREENE: I think where we really
24 have seen the most significant damage is now in wheel
25 bearings and half shafts. And that as Terry indicated,
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1 it just simple -- DGS has a certain time frame that
2 they expect a vehicle to last, and we're not being able
3 to meet that time frame. So we're really getting it
4 from both sides at this point in time.

5 COMMI SSIONER PRI ZMI CH: One of the things that I
6 did note was that your General Services Division is
7 often very helpful in these things. You had a good
8 solution before, just take it to the wash rack and they
9 wanted a contract for it. I can only imagine three
10 dollars to wash a car, they want a contract.

11 COMMI SSIONER McMI LLIN: I'd like to make a
12 comment. Finally something I understand here,
13 construction. But I think as the Commission's and the
14 Division's goals are to acquire, develop and operate
15 these OHV areas, I think this stuff, all six of them

16 are very, very important I think to operate these.
17 It's also our job to keep the water quality control
18 people off of your back and our back ultimately, to
19 stay off the Coastal Commission's radar screen, and to
20 be ADA compliant. And that's something that hits me at
21 home personally. I'm very familiar with that. So I
22 think these are great projects.

23 CHIEF HARPER: Thank you.

24 VICE-CHAIR ANDERSON: Other Commissioner
25 comments?

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1 COMMISSIONER THOMAS: On the Ocotillo Wells
2 project I've been always impressed, always impressed by
3 the State Parks history of building buildings that
4 last. If you go to a Asilomar or the Robinson-Jeffers
5 house or some of the State Park facilities that were
6 well built in the '20s and '30s and they are still
7 around. And in the last 20 years, 30 years in dealing
8 with the General Services buildings, it seems like the
9 quality of our buildings are not designed to last. And
10 certainly having us buy trailers is not building
11 something that lasts.

12 We have the opportunity, and this is really
13 perhaps somewhat secondary to our core mission, but,
14 nevertheless, we're building things right now. And
15 it's progress to see the solar hot water and
16 photovoltaic security lighting. We could have actually
17 perhaps have made these entirely photovoltaic and we
18 could have built them with some passive solar design

19 and built them in a fashion, adobe or something,
20 cement, that uses energy principles, but we're not.
21 And when I was on the CADA Board, I insisted and held
22 up a number of projects until they're better designed.
23 And when you drive back down here towards the Capitol,
24 you'll see a couple of my buildings. I wasn't very
25 popular when I did it because the staff didn't want to

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1 spend that extra money. They wanted low bid and get
2 done with it, but those are gorgeous buildings and they
3 will outlive me and many here.

4 I think we should in the future -- and I don't
5 know how to do this as a Commission short of telling
6 you you can't have your money until you come back,
7 which is not exactly the most progressive way to do
8 business -- we would like to see state employee housing
9 that lasts for generations, and that's a credit to the
10 State of California, and that is part of the desert
11 ecosystem and ecology, part of the desert environment.
12 This is not in my view -- I'm not going to vote no, but
13 I think we're shortchanging ourselves for when we fail
14 to build for many years to the future.

15 COMMISSIONER McMILLIN: I believe what they're
16 building are just the structures. They're not buying
17 the trailers or the mobile homes. The volunteers are
18 bringing those in.

19 COMMISSIONER THOMAS: But we should be
20 building -- it's for employee housing, and there is a
21 problem if we want to put in employee housing here.

22 And what I'm saying is instead of low bidding this
23 thing and just building a ramada with a couple of solar
24 panels on top and saying please come on in, we should
25 be building things that will house employees for 50

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1 years, and something we can be proud of.
2 CHIEF JENKINS: And recently just for
3 information because it does pertain precisely to what
4 you're saying because we do -- when I came into State
5 Parks and part of what you see as you go from park to
6 park is what they call park rustic architecture. So if
7 you go to Asilomar Conference Center, as we add
8 buildings, we do everything we can to ensure that they
9 meet Julia Morgan-style architecture that you find
10 there. And most recently as we're looking at some
11 upgrades that we need to do to the ranger station
12 facilities, at Ocotillo we were facing whether we
13 should start looking years down the line about
14 demolishing some of these old block buildings that are
15 to some degree energy efficient because of the block
16 and the cooling and whatnot and go back with portable
17 buildings. We made the decision that, no, we want to
18 stay with those original architectural themes whenever
19 we can. However, yes, you're correct on this one.
20 This is more of a shade ramada for trailers that are
21 kind of transient in nature. But absolutely I hear
22 what you're saying. I would concur with you completely
23 that wherever possible we would go for permanent
24 structures and try to find something that was

25 architecturally fitting with the landscape, kind of in 125

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1 the old arts and craft movement where architecture
2 should reflect the landscape.

3 COMMISSIONER THOMAS: Because if you go to
4 Santa Fe, they figured out how to build buildings that
5 look like they belong in the desert. We should be
6 doing the same. And, again, I don't know how we can do
7 any more than to encourage you, but we're going to
8 build this, and we won't have succeeded. So I think
9 the next time I'll vote no and encourage you to come
10 back and spend the money to build for the future.

11 VICE-CHAIR ANDERSON: Other Commissioners?
12 John, do you have anything?

13 CHAIR BRISSENDEN: No.

14 VICE-CHAIR ANDERSON: Anyone else? I would
15 entertain a motion.

16 COMMISSIONER SPITLER: Did we already do public
17 comment?

18 VICE-CHAIR ANDERSON: Sorry, public comment. I
19 beg your pardon, yes, public comment.

20 DON KLUSMAN: John Klusman, California 4-Wheel
21 Drive Association.

22 VICE-CHAIR ANDERSON: Thank you.

23 DON KLUSMAN: All of these projects are well
24 needed. I've been to each and every one of these
25 SVRAs. I would have a hard time living out there at

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1 Ocotillo without a shade structure, I'll tell you. And
2 I agree with Mr. Thomas' analogy that we should build
3 for the future. But there's a lot of difference in
4 building a shade structure than building housing, and
5 we're looking at a lot more money, and that's something
6 maybe we need to look out in the future to do out
7 there.

8 But currently, especially at Oceano, I have
9 dealt with four-wheel drives almost all of my life. If
10 you don't keep them clean, get that -- even when you
11 are not in the sand and the salt, if you don't get that
12 dirt out of there, the chemicals and everything just
13 eat away at those vehicles. I can almost guarantee you
14 that you're going to get at least two more years of
15 life out of those vehicles by keeping them clean.
16 Giving the money to a car wash is ridiculous, and
17 especially, you know, to do it right now, they're
18 talking now about an elevated system so you can get
19 that sand and salt out of there, all of these projects
20 we encourage because they all -- there's a need for all
21 of these. Thank you.

22 VICE-CHAIR ANDERSON: Mr. Pickett.

23 ED WALDHEIM: Ed Waldheim, CORVA and
24 District 37. I'm delighted for us to support those
25 projects as far as the housing down in Ocotillo Wells.

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1 A ramada gives the opportunity for those folks coming

2 to have their own home, so to say. For you to think
3 that you can fix a home and build it to the
4 specifications that will satisfy folks, it's never go
5 to happen. With the new homes, with motor homes and
6 trailers, fifth wheels and the four pull-outs that they
7 have, trust me, they'd rather be in their own and they
8 are paying on their own thing rather than having a
9 house built. So therefore in that dry environment, I
10 think the best thing is for us to have these ramadas.
11 And that's a real good thing.

12 I fell we definitely need to make sure we have
13 the car washes and the restrooms. I'd just like you to
14 remember that when we come to you on the grants portion
15 of it, there is the other side of the story to it, the
16 federal agencies said that we have facilities like at
17 El Mirage and Jawbone which are kind of like our SVRAs
18 but within the federal government side of it, so it's a
19 tremendous need that we have in those areas. And this
20 Commission has been good in helping us. I'm still
21 working trying to find the final grants to finish the
22 visitor center in El Mirage. So these are things that
23 are definitely needed for our visitors. There is no
24 reason our off-highway vehicle folks should not have
25 good facilities and well-maintained facilities. So I

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1 urge you to please support these projects.

2 VICE-CHAIR ANDERSON: Thank you. Bruce Brazil.

3 BRUCE BRAZIL: Bruce Brazil, California Enduro
4 Riders Association. First, I'd like to make a request

5 of the Commission, and it would pertain to this, under
6 Robert's Rules of Order, there is a procedure called
7 division of the question, where you can separate each
8 one of these projects out for discussion and voting,
9 rather than doing it as a package. I think that would
10 simplify things. I think that if there was one of
11 these projects that people were against, as in the
12 Commission or more, they would be able to vote that one
13 out and still go along with separate votes on the other
14 projects.

15 Now, with that out of the way, most of these
16 projects have to do with environmental concerns, leaky
17 toilets, getting rid of the oil and such from the
18 undercarriage of the vehicles. Projects like this,
19 housing pads, are to help support crews. I think these
20 are all projects and ideals that both sides of the
21 fence here are much in favor of, both environmental and
22 off-road public. Thank you.

23 VICE-CHAIR ANDERSON: Thank you. Karen
24 Schambach, pass, okay. Nick Harris.

25 NICK HARRIS: Nick Harris, American Motorcyclist
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1 Association. I want to thank you all for reconsidering
2 these. I know that they've been in front of you once
3 or twice. Just to say I share your concern of some of
4 the costs as you look at these things, at first it's
5 like, whoa, some of this stuff is pretty expensive. I
6 think it's all needed. I don't think that any of us
7 want to see us filing Water Quality Act and that kind

8 of stuff. If that's what it costs to get it done, and
9 I know state lands you've got a lot more requirements
10 than maybe some of the private sector folks are used
11 to, but I think we need to get this stuff built and get
12 it on the ground. Thank you.

13 VICE-CHAIR ANDERSON: Thank you, Mr. Harris.
14 Mr. Wiley, Fred? Pass. Mr. Conaty.

15 PETE CONATY: Good afternoon, Pete Conaty
16 representing the Friends of Oceano Groups, a support
17 group for Oceano Dunes, and I would urge you to pass
18 these minor capital outlay budget proposals, just as I
19 did back in September of last year.

20 Commissioner Thomas, as of point of information,
21 Asilomar was not built by the State. It was built by a
22 private nonprofit then turned over to the State when
23 they could no longer afford to keep it up. So I think
24 my information is correct on that, but your point was
25 well taken, and I certainly agree with it. So we would
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1 urge you to go ahead and fund all of these projects.
2 Thank you.

3 VICE-CHAIR ANDERSON: All right. That's the
4 last one I think that I have, for which I have paper.
5 Others?

6 JOHN STEWART: I believe I have submitted a
7 sheet for speaking. John Stewart, California
8 Association of 4-Wheel and United 4-Wheel Drive
9 Associations. Commissioner Prizmich asked about
10 studies dealing with saltwater and vehicles. I would

11 I like to refer you to the United States Navy in
12 specifics for operating machinery in a harsh saltwater
13 environment. They have many years of experience of how
14 to maintain vehicles, along with the Army and the
15 Marines, and the importance of proper maintenance and
16 building of infrastructure in order to maintain
17 equipment does help prolong the life of the equipment.
18 And it is a very, very important investment in the
19 future and in reducing the overall expenditures to the
20 program. So with that, also the leaky toilets, these
21 are dealing with clean water issues affecting public
22 health and safety. These are critical things that need
23 to be addressed and these are something that affect the
24 general health and safety of the public, something that
25 should not be considered lightly. They are serious

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1 issues that should be addressed properly and promptly.
2 Thank you.
3 VICE-CHAIR ANDERSON: Okay. One more.
4 MEG GROSSGLASS: Meg Grossglass with the
5 San Diego Off-Road Coalition. I think that all of
6 these projects should be funded, but especially the
7 Ocotillo Wells project. I know that sometimes there is
8 a lot of turnover out there because it is hard to find
9 housing, and that is a very well-used off-road park.
10 And it's where I play, and it's definitely needed.
11 VICE-CHAIR ANDERSON: I'm sorry I didn't catch
12 your name. Could you repeat it, please?
13 MEG GROSSGLASS: Meg Grossglass with the

14 San Di ego Off-Road Coal it i on.

15 VICE-CHAIR ANDERSON: Thank you. Anyone else?

16 All right. Then we will close the public comment
17 peri od.

18 And what is your desire here? I'll entertain a
19 moti on.

20 COMMI SSIONER WILLARD: I'd like to make a moti on
21 to approve the minor capital outlay budgets as
22 proposed.

23 COMMI SSIONER SPITLER: Point of order, Madam
24 Chair, this is a reconsideration of an item that was
25 already considered at a past Commi ssi on meeting

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1 therefore requires a vote to reconsider the item before
2 we actually take a motion on the item itself. I
3 believe a reconsideration takes a two-thirds vote of
4 the Commi ssi on.

5 COMMI SSIONER PRIZMICH: If that's correct, I'll
6 make that moti on to reconsider.

7 VICE-CHAIR ANDERSON: Okay. Is there a second?

8 COMMI SSIONER WILLARD: I'll second.

9 Commi ssi oner Thomas: I think only those that
10 voted.

11 VICE-CHAIR ANDERSON: Di scussi on on the moti on
12 to reconsider. No di scussi on on them. Then those in
13 favor, may we have a roll call, please.

14 MS. ELDER: Anderson.

15 VICE-CHAIR ANDERSON: Aye.

16 MS. ELDER: Bri ssenden.

17 CHAIR BRISSENDEN: Aye.
18 MS. ELDER: McMillin.
19 CHAIR McMillin: Aye.
20 MS. ELDER: Pri zmi ch.
21 COMMISSIONER PRIZMICH: Aye.
22 MS. ELDER: Spi tler.
23 COMMISSIONER SPITLER: Aye.
24 MS. ELDER: Thomas.
25 COMMISSIONER THOMAS: Aye.

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1 MS. ELDER: Willard.
2 COMMISSIONER WILLARD: Aye.
3 VICE-CHAIR ANDERSON: Okay. Now, a motion.
4 Thank you, Mr. Spitzer, for pointing out the rules. If
5 I make any other similar mistakes, please point to them
6 out.
7 COMMISSIONER WILLARD: I will resubmit my
8 motion.
9 VICE-CHAIR ANDERSON: Okay. Is there a second?
10 COMMISSIONER McMILLIN: Second.
11 VICE-CHAIR ANDERSON: It's been moved and
12 seconded that we approve these, and yours was for the
13 package as submitted?
14 COMMISSIONER WILLARD: Correct.
15 VICE-CHAIR ANDERSON: Further discussion by
16 Commissioners? Okay. Hearing none, I'll call for a
17 roll call vote, please.
18 MS. ELDER: Anderson.
19 VICE-CHAIR ANDERSON: Aye.

20 MS. ELDER: Bri ssenden.
21 CHAIR BRI SSENDEN: Aye.
22 MS. ELDER: McMi llin.
23 CHAIR McMi llin: Aye.
24 MS. ELDER: Pri zmi ch.
25 COMMI SSIONER PRI ZMI CH: Aye.

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1 MS. ELDER: Spi tler.
2 COMMI SSIONER SPI TLER: Aye.
3 MS. ELDER: Thomas.
4 COMMI SSIONER THOMAS: Aye.
5 MS. ELDER: Wi llard.
6 COMMI SSIONER WI LLARD: Aye.
7 VICE-CHAIR ANDERSON: Thank you. They're
8 approved.
9 CHIEF JENKINS: Thank you. And I just wanted to
10 point out that both Mr. Conaty and Mr. Thomas are
11 correct. That half the buildings at Asilomar are
12 original and half are re-creations based on the
13 original archi tecture.
14 VICE-CHAIR ANDERSON: I would just -- again, I
15 probably should have said this earlier, but it wasn't
16 necessary. But I think that of all of these, the one
17 where we're -- in spite of your comments, Mr. Thomas, I
18 think we're getting the most bang for the buck in
19 Ocotillo Wells because of the isolation of that place.
20 You have no idea how expensive it is to do anything,
21 even to get a light bulb changed; not if you have to
22 hire and electrician to come in and do it.

23 Next item on our agenda.

24 COMMISSIONER THOMAS: Well, sometimes cost needs
25 to give way to legacy.

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1 VICE-CHAIR ANDERSON: Okay. My picture of what
2 these residential buildings would look like is not
3 necessarily the same as yours, but I would welcome that
4 discussion.

5 I'm going to Item 6 (B), the six-month response
6 letter to the state auditor. I'm going to declare that
7 we've handled this item under the director's -- Deputy
8 Director's report, so we'll move to new business.

9 And the first item is approval for expenditure
10 of opportunity purchase funds for a state park
11 acquisition as known as Desert CahuiIIa or Truckhaven.
12 Material was in your packets on this. The Division has
13 a presentation discussing this.

14 COMMISSIONER THOMAS: Madam Chairman, does your
15 jumping of Item 6 (B), the unfinished business, does
16 that mean we're ratifying the six-month response or
17 not?

18 VICE-CHAIR ANDERSON: No, I thought we handled
19 that in the other discussion.

20 COMMISSIONER THOMAS: I know we talked about it,
21 but we need to ratify the response or do something with
22 it. We need to officially report back because that's
23 what Senator Morrow asked to us do. He made a very big
24 deal about the fact that the letter only came from the
25 chairman and not the entire Commission. So if we want

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1 to ratify that letter or not, we will be doing our job.

2 I'll move to ratify the letter and try to move
3 things along.

4 VICE-CHAIR ANDERSON: Other Commissioners -- is
5 there a second?

6 CHAIR BRISSENDEN: I'll second that.

7 VICE-CHAIR ANDERSON: Okay. Other discussion?

8 COMMISSIONER PRIZMICH: Well, I think we've set
9 some things in motion here today that deal with this.
10 We continue to beat a dead horse I think here, and the
11 letter has been provided, it's been testified to. We
12 are underway with some other efforts to deal with what
13 the Legislature wishes, and I think we would be better
14 off just to let sleeping dogs lie here. I don't think
15 there is a problem with just allowing that letter to go
16 through without a ratification because what I think
17 you're going to get is a divided vote.

18 COMMISSIONER THOMAS: Divided vote or not, we
19 have a duty to respond within a six-month period as a
20 Commission, which was done by the Chairman.

21 COMMISSIONER PRIZMICH: We had a duty to respond
22 within a 60-day period, and we didn't do that either.

23 COMMISSIONER THOMAS: Well, we're trying to do
24 our job, and I would encourage the Commission to ratify
25 the letter so that we can carry through on our

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1 obligations.

2 VICE-CHAIR ANDERSON: Other comments?

3 COMMISSIONER SPITLER: Public comment.

4 VICE-CHAIR ANDERSON: Just going to deal with
5 Commissioners at the moment. I'll get to the public
6 comment. I have -- in terms of my own feeling, John,
7 you didn't discuss this with me, but something that I
8 said earlier was that I would like to have this -- not
9 the tone of it, although I'll probably vote in favor of
10 ratifying it, but personally the tone that I would have
11 taken would have been slightly different and not
12 something that I mentioned earlier, kind of trying to
13 not point fingers and blame the staff in spite of
14 whether or not it's true or whether or not it's your
15 perception only, is not what I'm objecting to. It may
16 very well have been true that everything that you
17 commented on was true, but I didn't think that it
18 reflected the Commission in as positive a light as I
19 thought it might have. But I don't know how I would
20 suggest modifying this. So, with that in mind, anybody
21 else? I think all of the points -- I would share all
22 of the points that you wanted to make but not
23 necessarily the rationale behind them. Anyone else?
24 Okay. Public.

25 COMMISSIONER SPITLER: I'll just respond to

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1 that. I think I just want to thank Chair Brissenden
2 for drafting this letter and submitting it. I think
3 it's important that the request from the auditor

4 actually was that the Commission Chair respond to the
5 audit within a six-month period, and I think it's
6 important that we get something in. And I also think
7 it's very important that this Commission ratify this
8 letter today. So I'm glad that we're doing that, and
9 it's better late than never.

10 CHAIR BRISSENDEN: I'll chime in, too. I think
11 the timing was difficult to say the least. If we -- in
12 the best of all worlds, we would have had lots of time
13 for the entire Commission to weigh in on letters such
14 as this, but that wasn't available to us. And again I
15 point out at the beginning of my letter that it's been
16 very difficult to give staff support for much of our
17 work.

18 VICE-CHAIR ANDERSON: Well, okay. Public
19 comment.

20 ROY DENNER: Roy Denner, Off-Road Business
21 Association. As I indicated before, I was at that
22 hearing. My recommendation to this Commission is that
23 looking at the committee members, they were extremely
24 upset with the idea that it appeared at the last minute
25 representatives from the Commission threw something

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1 together just to get it in front of them for purposes
2 of the hearing. Secondly, they came totally unglued
3 when they learned that the entire Commission had not
4 approved the document that was submitted to them at the
5 last minute.

6 My recommendation is your next interface with
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7 that committee should be a positive one. It could be a
8 new document or a planned new document that your new
9 subcommittee might put together within the next 30
10 days, some kind of a positive step with the audit
11 committee I think would work to your benefit. To try
12 to ratify something after the fact that those committee
13 members already think is ludicrous I think would just
14 open the door for more criticism of the activities of
15 the Commission.

16 COMMISSIONER THOMAS: Madam Chair, the record
17 should reflect that the letter dated April 10th was 16
18 days prior to the April 26th hearing date and was
19 received numerous days before the hearing by the audit
20 staff who failed to transmit the letter to the joint
21 Assembly and Senate members. That was in the record.

22 COMMISSIONER SPITLER: A point of order.
23 Actually, the letter was sent directly to the staff of
24 the Joint Legislative Audit Committee at least a week
25 to ten days before the hearing.

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1 COMMISSIONER THOMAS: That's my point is that
2 they admitted at the hearing that they had received it
3 but not forwarded it along to the representatives. And
4 that gap should dissuade anyone from believing that
5 people weren't diligent in filing the letter in a
6 timely fashion.

7 NICK HARRIS: I'm running out of time here.

8 VICE-CHAIR ANDERSON: No, your time hasn't
9 started.

10 NICK HARRIS: I'm just kidding. Nick Harris,
11 American Motorcyclists Association. I would just like
12 to suggest that you maybe -- I don't know what the
13 legality is, but if you go over this by e-mail real
14 quick, meeting with each other in the next couple of
15 days. I'm not sure how this is going to help you guys
16 make your case for having a shared vision with the
17 Division. I just think this letter points a lot of
18 fingers, and I'm not saying they're all inappropriate.
19 I don't know all of the details of how things have been
20 worked out. But to go in and try to sing Kumbaya after
21 sending something like this just seems to be not in
22 your best interest, thank you, especially with two new
23 Commissioners.

24 JOHN STEWART: John Stewart, California
25 Association 4-Wheel Drive Clubs and United 4-Wheel

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1 Drive Associations. I'm not so sure that the
2 ratification process is the appropriate way to address
3 this issue at this point in time. It's clear that this
4 letter was drafted without all of the Commission having
5 an opportunity to voice their input for consideration
6 in the letter of content. And the fact that it is
7 three months late, yes, that's important to keep in
8 mind that these things have to be addressed and should
9 be addressed in a prompt manner.

10 I think the important thing is that in moving
11 forward and looking at the future and approaching this
12 as a positive aspect and showing a timeline for

13 resolving the issues addressed in the audit is being
14 put together and looking into the future and looking at
15 the positive side, rather than looking at the back side
16 and trying to cover it up in the back side. So look to
17 the future and address the next deadlines promptly, and
18 I think that would actually be more well received
19 within the JLAG and within the appropriate chain of
20 command, and make sure that it is all Commissioners
21 that have an opportunity to voice their opinions and
22 their views for inclusion in any future responses.
23 Thank you.

24 ED WALDHEIM: Ed Waldheim for CORVA and
25 District 37. Let's be original. Let's not do cut and
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1 paste, guys. Mr. Spitler filled out the form. He
2 didn't use us. He didn't come in front of all of us to
3 get the letter done and approved for A, B, C reasons.
4 Let's not keep compounding the problem. Certainly, you
5 folks can be original in coming up with a letter that
6 is truly a letter from this Commission as has been
7 requested. If you rehash the same thing, you're going
8 to be a laughingstock of the Legislature, especially
9 when they bring you up on the stand. And if they were
10 to subpoena any of you to come up there and testify,
11 you would have the same nice hot seat that Mr. Thomas
12 had when he was over there. So I would say come up
13 with a new letter shared amongst yourselves and get it
14 approved and go forward with it.

15 DEPUTY DIR. GREENE: Commissioner Anderson, if I
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16 may. I feel a need at this point, I really do, on
17 behalf of staff and the entire Division need to set the
18 record straight. And it's indicated.

19 COMMISSIONER THOMAS: Wait.

20 DEPUTY DIR. GREENE: I'm sorry, Commissioner
21 Thomas, I was up at the table at the JLAG hearing just
22 like you were, and I took many comments from that
23 committee, as well.

24 On numerous occasions, in December and again in
25 January, and again in March, we put the issue of the
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1 audit on the agenda for the Commission. We offered to
2 help. We looked for guidance and direction. When the
3 initial audit came out, we offered assistance at that
4 time have to have an immediate meeting so that the
5 issues could be addressed. It is very difficult for me
6 to sit here and have it said that Division staff was
7 not available to help this Commission respond to either
8 the 60-day or the six-month audit. And when those
9 items were raised at the Commission meetings, in the
10 December meeting, it was postponed, any discussion was
11 postponed about the audit. In the January meeting,
12 only one item on the agenda of four was addressed. And
13 at the March meeting, only one item of four items that
14 were identified for the Commission to respond to the
15 audit were addressed.

16 So I just need to make it clear that we have on
17 many occasions -- we received a letter from, at that
18 time chair, Spittler in November, and we put that letter

19 in the meeting minutes for the upcoming meeting in
20 December to have that discussion, as well. So I would
21 really -- if we are talking about trying to move
22 forward, I'm sorry to have to bring up some of this old
23 information, but it is extremely important for me and
24 for my staff that I don't have it told that we were not
25 making an attempt to try and help this Commission.

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1 VICE-CHAIR ANDERSON: I appreciate your
2 comments, Ms. Greene, but the reality of the perception
3 may be quite different, and there's obviously a
4 difference of opinion on the part of some of the
5 Commissioners about this. And I think that we need to
6 move forward and decide on we're either going to ratify
7 this or we're going to move without ratifying this and
8 move on to the next -- and I'm not sure where this body
9 is going to go. But I'd like to see us move forward
10 and not try to revisit those old things, whether it's
11 reality or perception, it's too late to revisit. I
12 think we need to set an approach that's going to work
13 in the future.

14 DEPUTY DIR. GREENE: I would agree with you and
15 stand beside you on that.

16 VICE-CHAIR ANDERSON: To the extent that we
17 can -- I don't know how we can press the time frame
18 other than to say that if I chose to ratify this, this
19 letter, I would say that I would only -- personally I
20 would only make modifications to one -- to probably the
21 second paragraph in the tone, mostly there about -- I

22 think that there were other options for us to use to --
23 we may not have been aware of all of those options, but
24 I think that there were other options to move forward
25 in. And the fact that we missed previous deadlines is
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1 a concern, and we need to try to meet them as much as
2 possible. I'm undecided about what to do. You guys --

3 COMMISSIONER SPITLER: Madam Chair?

4 VICE-CHAIR ANDERSON: We have a motion and
5 second. Is there any additional public comment?

6 COMMISSIONER SPITLER: Point of order, I think
7 the public comment period is actually closed.

8 VICE-CHAIR ANDERSON: I actually didn't close
9 it.

10 COMMISSIONER SPITLER: Okay. Are we still doing
11 the public comment period then?

12 VICE-CHAIR ANDERSON: We got distracted by one
13 of the comments, so yes. Is there anyone else with
14 public comment?

15 DAVE PICKETT: Dave Pickett, District 36, just a
16 point of clarification. At the October meeting last
17 year, post the 60-day response, I had made requests for
18 a copy of said response. So awareness by the
19 Commission that was in force at that time, they had
20 full knowledge. A member of the public asked for a
21 copy of that. Thank you.

22 VICE-CHAIR ANDERSON: Thank you. I'm going to
23 close public comment at this point. I don't see anyone
24 else waiting to get up, so yes.

25 COMMISSIONER SPITLER: Okay. Madam Chair,

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1 perhaps the maker of the motion might accept a slight
2 amendment for the Chair to work with the Vice-Chair to
3 revise the tone as appropriate in paragraph two and
4 throughout the letter as needed to address the concerns
5 of the Vice-Chair.

6 COMMISSIONER THOMAS: I would be willing to do
7 that. I do want to separate the actions that we're
8 taking here. The tone is really irrelevant or not as
9 relevant as our duty and responsibility to reply to the
10 JLAG's request for response. You may not care for the
11 response or the tone or the content of the response,
12 but we had a responsibility to respond. Somebody did,
13 the Chair did respond, and now the motion asks that we
14 accept that response as a Commission. You may disagree
15 with the content entirely. It's a procedural matter to
16 get on record with the Commission and -- to get the
17 Commission on the record with JLAG that we, in fact,
18 responded in as expeditious way as possible. That's
19 point one.

20 Point two is concerns about the tonality and
21 information can be dealt with either subsequently
22 through the committee system or any other informal
23 ways. And I would ask you to put aside your concerns
24 with content so that we can just keep the record clear
25 and move forward.

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1 COMMISSIONER SPITLER: Madam Chair.

2 VICE-CHAIR ANDERSON: Mr. Spitzer.

3 COMMISSIONER SPITLER: I think, Commissioner
4 Thomas, that was exactly what I was proposing. I
5 haven't heard any concerns raised about the content of
6 the letter. I have heard the Vice-Chair and Deputy
7 Director raise some concerns about the tone, and I
8 think that's an area where we don't necessarily need to
9 cause problems if we don't need to. So that's why I
10 suggested that we ratify the letter today with the
11 understanding that the Chair and the Vice-Chair, which
12 I guess would be a letter editing committee, would
13 revise the letter's tone, not the content, as they see
14 necessary.

15 COMMISSIONER THOMAS: That would be fine with
16 me. I'd accept that amendment as long as the revision
17 is handled as a subsequent communication with the audit
18 committee.

19 COMMISSIONER PRIZMICH: For my own personal, I
20 think the tone does go to the issue of the record here,
21 and I don't think you can separate it and pretend like
22 the tone doesn't matter. But I would not be willing to
23 have an endorsement made today and then rewrite it in
24 the hopes that it's going to -- that the tone would be
25 better later on. So I would vote no on that.

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1 CHAIR BRISSENDEN: As the maker of the letter, I

2 certainly would be more than happy to sit down with the
3 Vice-Chair to address the tone. I think the essence of
4 the statement is still my experience. I won't deny
5 that.

6 COMMISSIONER PRIZMICH: Your experience may not
7 be the experience of the rest of the Commission,
8 though, that's the difficulty here.

9 COMMISSIONER SPITLER: I think that's where the
10 revision would need to come in, Chair Brissenden, to
11 reflect -- that this letter now reflects the experience
12 of the entire Commission.

13 So I think, Madam Chair, I think we've had
14 enough discussion. Maybe we should just vote on this
15 and move forward.

16 VICE-CHAIR ANDERSON: Are you making an
17 amendment to the original motion, Mr. Spitler?

18 COMMISSIONER SPITLER: No, the maker of the
19 motion made this amendment.

20 VICE-CHAIR ANDERSON: Is that all right to the
21 second?

22 CHAIR BRISSENDEN: That is correct.

23 VICE-CHAIR ANDERSON: Okay.

24 COMMISSIONER McMILLIN: I've got a question.
25 What's the new guys going to look like here on the

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1 signature of this letter? Is this letter coming from
2 us also without having any prior knowledge of the
3 history, other than I did read the JLAG report, but I
4 didn't obviously participate in any of it.

5 COMMISSIONER THOMAS: Which might argue for an
6 abstention.

7 We are really trying to ratify the letter that
8 the Chair sent at the time, and you're not endorsing
9 it. You weren't there.

10 VICE-CHAIR ANDERSON: Okay. We're ready for a
11 roll call. Everybody clear on what we're doing? Okay.
12 Roll call, please.

13 MS. ELDER: Anderson.

14 VICE-CHAIR ANDERSON: Aye.

15 MS. ELDER: Brisenden.

16 CHAIR BRISSENDEN: Aye.

17 MS. ELDER: McMillin.

18 CHAIR McMillin: Abstain.

19 MS. ELDER: Priznich.

20 COMMISSIONER PRIZNICH: No.

21 MS. ELDER: Spittler.

22 COMMISSIONER SPITTLER: Aye.

23 MS. ELDER: Thomas.

24 COMMISSIONER THOMAS: Aye.

25 MS. ELDER: Willard.

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1 COMMISSIONER WILLARD: Abstain.

2 VICE-CHAIR ANDERSON: Okay. The motion carries.

3 All right. We're at 2:30. Let's see, another
4 half an hour if necessary, and we will take a break if
5 it looks like it's going beyond that. Any members of
6 the public who need to, you can always take a break.

7 All right. New Business, Item A, staff.

8 CHIEF JENKINS: Rick LeFlore has been doing a
9 lot of the point work for us on this project, the
10 Freeman properties acquisition, an area known as
11 variously Truckhaven or Desert Cahilla. So I believe
12 that Rick has a presentation prepared. Mr. LeFlore.

13 RICK LEFLORE: Thank you, Phil. Madam Chair,
14 Commissioners, let me adjust this, I am Rick LeFlore,
15 State Park Superintendent Environmental Compliance for
16 the California State Parks Off-Highway Motor Vehicle
17 Recreation Division. Pleasure being here today.

18 Vice-Chair Anderson, I wanted to extend my thank
19 you for your one-person capital outlay subcommittee
20 tour of the Truckhaven and Ocotillo Wells area of the
21 past weeks. I understand it was rather hot down there,
22 and you had some long dusty days, but we did appreciate
23 having your company down there, so thank you.

24 This morning -- I'm sorry, this afternoon, it's
25 been a long day. This afternoon, I'll be actually

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1 doing this in a two part. I'll be giving you a
2 narrative description of the project. This is a rather
3 complex undertaking, and then I will speak to overhead
4 slides. When we're at that point, when I'm speaking to
5 slides, I will ask the Commissioners to take a place
6 where you're not straining your necks because I will be
7 speaking up to slides and you don't have hard copies of
8 them.

9 COMMISSIONER SPITLER: We have TVs.

10 VICE-CHAIR ANDERSON: We have TVs.

11 RICK LEFLORE: Never mind. With us we have a
12 number of technical experts that have actually worked
13 with us along the way, so I wanted to introduce them,
14 Steve Christensen, our land agent. We have Bruce Lund,
15 our on-the-ground geo tech guy. And then Phil Hines,
16 Cultural Resource Specialist; Victoria Harris, she's
17 environmental regulator expert from Thomas Reid
18 Associates. And you met earlier our two area district
19 superintendents, Mike Wells and we have Kathy Dolinar.

20 This agenda item is to hear the Off-Highway
21 Vehicle Division recommendation for approval of
22 \$670,000 from the Division Opportunity Fund to be used
23 toward the acquisition of the approximately 4,000 acre
24 Freeman properties within the greater 15,000 acre
25 Truckhaven-Desert Cahuilla area that adjoins Ocotillo

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1 Wells and Anza Borrego State Park in southeast
2 California. The action will also face subsequent
3 approval by the State Publics Works Board, now
4 projected for its July meeting to meet critical project
5 time constraints. The other funding component for this
6 acquisition is from a federal appropriation of \$680,000
7 with a total project acquisition funding cost of \$1.35
8 million.

9 The Trust for Public Lands holds the purchase
10 option on the Freeman properties. This option must be
11 exercised by July 17th, '06, and they have 60 days then
12 to close the undertaking. For you information, the
13 federal funding portion was a congressional earmark

14 sponsored by 51st District Congressman Bob Filner. The
15 actual bill language reads:

16 "Acquisition of Land along
17 California 86 at the Desert Cahilla
18 Prehistoric site, Imperial County,
19 for environmental mitigation related
20 to reducing wildlife mortality while
21 maintaining habitat connectivity."

22 And I did that in more than one breath. The
23 Division has critically reviewed this language in
24 context with its enabling legislation and mission and
25 has confirmed with Congressman Filner's office, as well
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1 as with involved federal and state agencies, that
2 managed off-highway vehicle recreation occurring on the
3 subject properties is an inclusive use. The
4 acquisition proceeding has been found to be a
5 categorical exclusion for NEPA purposes and
6 categorically exempted under CEQA.

7 It is significant to point out that allocation
8 of these dollars today is for acquisition purposes
9 only. This is not a land use management decision
10 agenda item in front of you today. After the
11 acquisition has been performed and the properties have
12 been brought into State ownership, a public land-use
13 management and environmental review process will be
14 undertaken to determine how best to manage and steward
15 this area. The public management planning process will
16 include consideration of designation of appropriate use

17 areas and routes for vehicular travel and other
18 identified uses. Results of this planning effort will
19 be brought back to this Commission for its due
20 consideration.

21 Recognition and consideration will be given to
22 the existing Anza Borrego State Park, State Lands
23 Commission, and Anza Borrego Foundation ownership in
24 the area to ensure that the entire area receives
25 comprehensive and cohesive management direction. Once

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1 acquired, California State Parks will seek the most
2 appropriate classification of these properties
3 consistent with Public Resources Code and available
4 funding source constraints. As part of this
5 classification and designation process, alternatives
6 will be weighed including, but not limited to, addition
7 of the entire or partial acreage into Anza Borrego
8 State Park and/or Ocotillo Wells State Vehicle
9 Recreation Area or designation of the entire or partial
10 acreage as a separate California State Parks unit.

11 In the interim period between completion of this
12 acquisition and prior to establishment of the
13 long-range management plan, California State Parks will
14 ensure that all applicable environmental protection
15 laws, regulations and orders are complied with;
16 established off-highway motor vehicle recreation
17 activities will be continued and managed in a manner
18 consistent with all applicable environmental protection
19 laws, regulations, and orders for the protection of the

20 properties' unique, scenic ecological, archaeological,
21 historical, geological, and paleontological features.
22 State Parks will embark upon enforcement and
23 educational efforts to inform the public that the
24 properties have been so acquired and will be managed in
25 accordance with all applicable environmental protection
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1 laws, regulations and orders. Further, public health
2 and safety measures be initiated as needed in the
3 public interest.

4 To close this narrative, I note that the
5 California Legislature has just submitted a letter of
6 support for this project signed by 26 southern state
7 elected representatives.

8 I'll now shift and provide a brief overview of
9 the subject area via the PowerPoint presentation. This
10 area is significant for its unique natural and
11 cultural features and values as well as for the
12 off-highway motor vehicle recreation based activities
13 that have been found here for over the past 50 years.
14 All three of these elements being the core of the
15 mission of California State Parks and the Off-Highway
16 Vehicle Motor Recreation Division.

17 The area is located in southeast California near
18 the Salton Sea immediately adjoining State Route 86 and
19 north of State Route 22. Six hundred thousand acre
20 Anza Borrego State Park is immediately to the west
21 while 85,000 acre Ocotillo Wells State Vehicle
22 Recreation Area is immediately to the south.

23 Truly this is a checkerboard area; that's why
24 your decision today is critical to move these entire
25 properties forward. The 4,000 acre subject properties

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1 are bold green. They stand out in the bold green and
2 consist of about six-and-a-half sections. There are
3 State Lands Commission school land sections, about
4 6,000 acres of them also checkerboarded. You'll see
5 those in a lighter green. Ocotillo Wells State Vehicle
6 Recreation has lands within Sections 28 and 30, that's
7 down to the lower part of the map in front of you, and
8 they have areas north of State Route 22 that are
9 actually within the Truckhaven Cahilla area.
10 You'll see a section three in the upper part, that's
11 managed by Anza Borrego Desert State Park. It's the
12 upper part of Section 3. While the Anza Borrego
13 Foundation owns Section 17, kind of to the left middle.
14 Multiple private property owner sites are indicated by
15 the crosshatched areas and they are scattered as you
16 can see across the area. The Bureau of Land Management
17 manages the fish traps area to the northeast, the upper
18 right-hand corner of the map. And if you look at the
19 very top of the boundary of the area, note the
20 Torres-Martinez Indian Reservation. Most significant,
21 though, for the future of this area is the new
22 construction as noted to the immediate east. That
23 would be towards the Salton City area.

24 The area lies at the foot of the Santa Rosa
25 Mountains, receives less than three inches of rain a

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1 year. When it gets it, it tends to happen in August in
2 large buckets. The western portions support scenic,
3 undulating sandstone ridges interspersed with desert
4 washes with descriptive names such as Palm, Big,
5 Gravel, Coral, Grave, and Verbena. Eastern portions
6 consist of gravel terraces and alluvial fans forming
7 the western edge of the Salton Trough. Geological and
8 paleontological values are the subject of much
9 scientific and public interests.

10 Predominant vegetation types is typical Sonoran
11 Desert scrub, includes four native fan palm oases. The
12 conditions of those oases have deteriorated to a
13 certain extent and they would prove to be good
14 candidates for restoration management once this area is
15 acquired.

16 VICE-CHAIR ANDERSON: This is not what it looked
17 like two days ago, three days ago.

18 RICK LEFLORE: Good point. Well, having hosted
19 varying degrees of motorized recreational activities
20 since World War II, the area concurrently exhibits
21 important foraging grounds for the Prairie Falcon and
22 Golden Eagle. Peninsular Range desert bighorn sheep,
23 while not evident in large numbers, have left evidence
24 of presence and have critical habitat areas so
25 designated within the project area. California State

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1 Parks and this Division has extensive experience in the
2 management of critical habitat areas and sensitive
3 species and is prepared to work with the Fish and
4 Wildlife Service and Department of Fish and Game to
5 identify needed protections and avoidance measures as
6 identified.

7 The project area encompasses ancestral lands of
8 the Desert Cahuilla, as well as those of the larger
9 Cahuilla Group of independent tribes. There are over
10 75 prehistoric and historic sites identified to date
11 with Division of Cultural Resources specialists having
12 played a lead role in these survey efforts. Features
13 found include rock circles, fish traps, rock features,
14 trails, seasonal sites and historic roads.

15 Much vehicular access is centered around
16 obtaining the site's sweeping upland views of
17 surrounding desert mountains, plateaus and washes, as
18 well as of the nearby Salton Sea.

19 With no developed facilities present, camping is
20 typically in self-contained RVs that tend to congregate
21 in large numbers in the lower broad and flat areas near
22 accessible dirt roads. They can have upwards of 2500,
23 3,000 visitors on a good weekend during the fair
24 weather season down there, which lasts around six
25 months, leading to a total of about 90,000 visitors per
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1 year.

2 Four-wheel drive expeditions are highly popular
3 and stage out of the self-contained camping areas,

4 those camping areas as they're spread.

5 Organized events are quite popular. Groups such
6 as Tierra del Sol and CORVA hold well-attended and
7 highly-organized special events throughout the area.

8 The site area's extensive mud hills, sandstone
9 ridges and interspersed sandy washes create challenging
10 conditions for specialized four-wheel drive off-highway
11 motor vehicle enthusiasts in particular. All skill
12 levels find challenges in the undulating terrain of the
13 back country.

14 Off-Highway Motor Vehicle Division survey teams
15 have documented about 250 miles of existing recreation
16 access routes interspersed throughout the entire
17 Truckhaven-Desert CahuiIIa area. Within the
18 acquisition area that's the subject today, it works out
19 to around 50 to 60 miles of such routes. No signage or
20 fencing exists to delineate property ownership. On the
21 map the green lines indicate routes that were driven by
22 our survey teams. The yellow lines indicate
23 recreational routes that were sourced and confirmed
24 from aeri als. The gray lines you see to the right, to
25 the east of the area are existing roads and indicators

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1 of the creeping subdivision developments from the
2 Salton City area.

3 About 17,000 building permits have been issued
4 for the greater Salton City area located immediately to
5 the east of these properties. Housing starts are
6 evident along formerly remote Truckhaven-Desert

7 Cahuilla access routes. Should this land purchase
8 option expire in the upcoming months, development
9 interests have indicated their desire to make offers on
10 the properties, foreclosing efforts to consolidate the
11 checkerboard ownership into a collaborative public
12 ownership and stewardship. When the Division first
13 showed interest in this area in the early '90s, the
14 area on the slide appeared away from urban threats. In
15 the few months since this slide was taken, houses and
16 sod lawns have since filled in. So things are moving
17 rapidly there.

18 Rapid development threatens future access
19 possibilities, regardless of the choice of outdoor
20 recreation activity. Habitat values and connectivity
21 for wildlife corridors will be irrevocably damaged if
22 these properties end up under development.

23 California State Parks believes that moving
24 these properties now from private to public ownership
25 as described is the highest and best way to provide

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1 proper management and stewardship of the area's many
2 natural, cultural and recreational assets.
3 Accordingly, a Commission yes vote for these
4 opportunity purchase dollars is recommended by the
5 Off-Highway Motor Vehicle Recreation Division.

6 That concludes the slide portion of this.
7 Daphne, Phil and I will be available for questions as
8 well as our technical staff. Thank you.

9 VICE-CHAIR ANDERSON: Questions from the
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10 Commi ssi oners, comments?

11 COMMI SSI ONER THOMAS: In your presentati on, you
12 talk about gi vi ng the Commi ssi on due consi derati on when
13 you got to the land use designati on and pl anni ng
14 standpoi nt or stage. What di d you mean by that?

15 RICK LEFL ORE: Well, we wi ll undertake i t as a
16 general pl an process, and so that woul d be a document
17 that woul d have to be certi fi ed by thi s Commi ssi on.

18 COMMI SSI ONER THOMAS: That means we woul d
19 approve a general pl an for the use of thi s area?

20 RICK LEFL ORE: That i s correct.

21 COMMI SSI ONER THOMAS: Is that di fferent than
22 what we woul d do i n other state vehi cle recreati on
23 areas?

24 RICK LEFL ORE: No.

25 VICE-CHAIR ANDERSON: I have a questi on, ki nd of
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1 a follow up on that. If one document i s prepared wi th
2 proposed management opti ons del i neati ng wi thi n that
3 document, perhaps -- and I' m j ust throwi ng thi s out,
4 perhaps certai n areas managed by Anza Borrego and
5 others, by Ocotillo Wells, woul d thi s be then a general
6 management pl an for the enti re area where i t woul d have
7 to be adopted by say both the State Parks Commi ssi on
8 and by thi s Di visi on Commi ssi on? Or woul d i t be --
9 woul d the area end up bei ng separated and at what poi nt
10 mi ght we have i nput i nto what that separati on looked
11 l i ke. Can you el aborate on that?

12 RICK LEFL ORE: Thi s i s certai nly not a typi cal
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13 cut and died it's SVRA or State Park or state
14 recreation area. At this point going into it, we will
15 undertake that collaborative planning process between
16 Operations Division and this Division, and at the end
17 come out with who's doing what. It could be, well, you
18 won't see lines between what Borrego staff manages and
19 what we do. Having said that though, since it involves
20 Operations Division also, I would expect a decision
21 document also have to go in front of the State Park and
22 Recreation Commission for approval also.

23 COMMISSIONER WILLARD: Madam Chair, I want to
24 make sure I understand the situation. So what's before
25 us now is strictly for the acquisition of property, and
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1 that's why it's categorically exempt from CEQA?

2 RICK LEFLORE: Correct, this is a real property
3 transaction today.

4 COMMISSIONER WILLARD: So you'll come back again
5 at a future day with a specific land use plan after
6 you've done lots of studies, surveys. CEQA I imagine
7 would then have to come into play. Would a NEPA
8 process also come into play?

9 RICK LEFLORE: So the first part of your
10 question, yes, an emphasize on lots, lots of planning,
11 lots more survey work and the like. Right now we're
12 looking into the question of whether or not we would
13 also do a NEPA level review. It isn't a problem for
14 us. We're encouraged by CEQA to combine multiple
15 environmental review processes. Because they're

16 originating federal dollars to this, it could very well
17 be that NEPA would be triggered. We haven't come to a
18 conclusion of that at this point yet.

19 COMMISSIONER WILLARD: So then to follow on,
20 this acquisition isn't prejudiced toward a final use.
21 I think you stated that it could end up in Anza
22 Borrego, Ocotillo Wells or even a separate unit.

23 RICK LEFLORE: That's correct.

24 COMMISSIONER WILLARD: So lots of study before
25 anything is decided with the property?

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1 RICK LEFLORE: Yes.

2 COMMISSIONER WILLARD: Thank you.

3 COMMISSIONER McMILLIN: I just want to make a
4 statement. I want to thank you for going out there
5 last week. I'm very familiar with this area, and by
6 obvious observation, it belongs on our applicart. And
7 I just hope today that we all agree on that, and then
8 we can go through this process to decide how we can
9 preserve what does need to be preserved out there. And
10 the people in the interim, they've been using it for 50
11 years, what would be your "expectated" time line --
12 that's probably not a good word, you fix that for me.
13 What expectations would you have for that coming back
14 to us?

15 RICK LEFLORE: That's a difficult radar screen
16 as this Commission has seen efforts of -- other general
17 plan efforts, I'd give it a very qualified it depends.
18 I would love to be able to tell you we'll be back in 18

19 months, 24 months, 36 months. This is very high on the
20 department's radar screen in terms of priority. We
21 will give it high priority. But when you actually open
22 up to a full public process, it's very difficult, take
23 mandates --

24 COMMISSIONER McMILLIN: But the important thing
25 is not letting this option expire and letting those big
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1 bad homebuilders come in and build homes on it.

2 RICK LEFLORE: The gun we're all facing is, yes,
3 the end of the option takes us into mid September. If
4 we don't have a deal, we're going to have a real
5 difficult situation on the ground.

6 COMMISSIONER McMILLIN: We definitely, like I
7 said, to repeat myself, by obvious inspection this
8 belongs either in the SVRA down there or the State
9 Park. And it's got trails all over it, so it's going
10 to be SVRA. We just have to decide through the proper
11 environmental process how to pull out what needs to be
12 protected, so.

13 RICK LEFLORE: Would agree, and certainly as a
14 part of the Deputy Director's continued reports we will
15 keep this body apprised of how we're doing.

16 COMMISSIONER THOMAS: Rick, I was trying to
17 remember, last time we approved or even reviewed a
18 management plan, and I couldn't remember. Have we ever
19 in my five years reviewed a management plan?

20 VICE-CHAIR ANDERSON: Your first meeting, I
21 think.

22 RICK LEFLORE: It hasn't been since I've been on
23 board, and that's been since '01.

24 COMMISSIONER McMILLIN: I don't think you've
25 ever bought anything.

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1 RICK LEFLORE: Hollister Hills.

2 VICE-CHAIR ANDERSON: Hollister Hills.

3 RICK LEFLORE: I think that was '01.

4 DEPUTY DIR. GREENE: I believe that was 2000.

5 COMMISSIONER THOMAS: I do remember the argument
6 over the cattlemen's noise zone. The cattlemen were
7 upset because the OHV were upsetting their homes up on
8 the ridge.

9 DEPUTY DIR. GREENE: That was in 2000, so there
10 was a planned expansion of the trails there.

11 COMMISSIONER THOMAS: And did we ever -- is
12 there anything else in the works so I can look forward
13 to like Deer Creek area or Prairie City or any of these
14 management plans?

15 VICE-CHAIR ANDERSON: I have a follow-up
16 question and request.

17 RICK LEFLORE: The Division is currently working
18 on Carnegie SVRA. As you know, we've had acquisition
19 properties down there that haven't been accessed.
20 We've had to go back and actually take care of existing
21 Carnegie, which we are doing. So we have held back
22 that general plan amendment that we had moving forward
23 pending completion of that work done at Carnegie.
24 Again, I would love to give you a target date on it,

25 but we are going to be diligent on it.

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1 COMMISSIONER THOMAS: Anything in the works for
2 Prairie City, Deer Creek management?

3 VICE-CHAIR ANDERSON: Mr. Thomas, if you don't
4 mind, I have a more comprehensive list I would like to
5 propose, and this has nothing to do with the
6 Truckhaven. So just kind of mentally set this aside.

7 I would like to see, like on a spreadsheet,
8 please, a list of all of the SVRAs and the status of
9 their direct management plans, the dates that they were
10 adopted. Kathy, when I was out looking at the Ocotillo
11 Wells and the Truckhaven area, indicated that the
12 approved general management plan for Ocotillo Wells was
13 approved when there was 15,000 acres, and now there's
14 85,000 acres. So there's definitely a need for an
15 amendment to that general management plan, as well.

16 So I would like to see something that looks like
17 a comprehensive list of like if there's an existing
18 general management plan, and there haven't been
19 significant expansions, perhaps an area could go lower
20 on the list; but I would see revision of the Ocotillo
21 Wells SVRA general management plan as moving high on
22 the priority list as a good faith direction while we're
23 dealing with the Truckhaven expansion so that we might
24 begin looking at that general management plan
25 amendment, as well, and maybe that --

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1 RICK LEFLORE: That's a good point.

2 VICE-CHAIR ANDERSON: -- makes your plate
3 fuller, but I think is essential in convincing many of
4 the members of the public that we're capable of doing
5 something useful up here.

6 CHIEF JENKINS: So I'll take it that was a
7 request and maybe --

8 VICE-CHAIR ANDERSON: Yes, please.

9 CHIEF JENKINS: -- next meeting, I suppose --

10 VICE-CHAIR ANDERSON: That would be good if you
11 could give me a schedule and some projected dates.

12 CHIEF JENKINS: Absolutely.

13 VICE-CHAIR ANDERSON: This decade or the next,
14 whenever it is.

15 CHIEF JENKINS: We will put together a --

16 VICE-CHAIR ANDERSON: Not for the report.

17 CHIEF JENKINS: -- spreadsheet matrix that
18 indicates where each project is currently in the time
19 frame, and we'll present that at the next meeting.

20 VICE-CHAIR ANDERSON: That would be useful.

21 CHIEF JENKINS: Absolutely.

22 RICK LEFLORE: Thank you for that suggestion.

23 VICE-CHAIR ANDERSON: Now, other questions with
24 regard to this particular unit? Other Commissioners?

25 Okay. I have a big list of members of the

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1 general public who are interested in commenting on

2 this. I'll start at the top, and those of you who know
3 you want to comment on this might get in a lineup.

4 Mr. Klusman, and next is Mr. Pickett,
5 Mr. Waldheim. I don't know how you guys get put at the
6 front of the list all the time, but anyway.

7 DON KLUSMAN: Don Klusman, California 4-Wheel
8 Drive Association. We support the acquisition of this
9 land.

10 VICE-CHAIR ANDERSON: Okay. Thank you.
11 Mr. Pickett.

12 DAVE PICKETT: Dave Pickett, District 36, we
13 also support the acquisition on this property.

14 VICE-CHAIR ANDERSON: Thank you. Mr. Waldheim.

15 ED WALDHEIM: Ed Waldheim for CORVA and
16 District 37. We definitely support this project.
17 Having been down there as often as we have, this is one
18 of the examples of no management when we started in
19 1973. Just buy the property and get out of our way and
20 leave us alone. We'll take care of the rest. This is
21 exactly what is happening here. No management, no law
22 enforcement, nobody holding our hands, and the place is
23 beautiful. The Tierra del Sol folks and Cal 4-Wheel
24 folks and the CORVA folks, those people in recreation
25 should go use it, it is incredible. But the

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1 encroachment of housing is unbelievable. It's like Cal
2 City all over again, it's all over the place. It's
3 just starting to come in there. So we definitely need
4 it. It is open space. Anything that we purchase,

5 remember we may use a motorcycle or jeep, but it's
6 still open space. Remember the distinction there, and
7 that's what we're after, preserving our open space,
8 that's what we are about.

9 VICE-CHAIR ANDERSON: Thank you. Bruce Brazil.

10 BRUCE BRAZIL: Bruce Brazil, California Enduro
11 Riders Association, and I'm in support of expanding
12 opportunities for the OHV communities. I've never been
13 down there. From what I've heard from the people, it
14 must be a great area to ride. My one concern is the
15 possible outcomes of this property. It could all go
16 into the State Park, could be OHV, could be a
17 compromise of both. I'm just wondering if there is
18 something that could be worked out with, I guess, the
19 Parks Department where whatever properties are going to
20 be utilized by the Park, our OHV fund would be refunded
21 that money so we are not paying for Parks' property.
22 Thank you.

23 VICE-CHAIR ANDERSON: Karen Schambach. Pass,
24 okay. John Stewart.

25 JOHN STEWART: John Stewart, California

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1 Association of 4-Wheel Drive, United 4-Wheel Drive
2 Associations, and Tierra del Sol 4-Wheel Drive Club out
3 of San Diego. I'd like to make a quick comment in that
4 Rick LaFlora, his presentation, touched on some of the
5 major events. Tierra del Sol as a club has been
6 hosting a recreational event, family recreational event
7 in the Truckhaven area for 44 years every year. We

8 have been growing by roughly 10 percent per year. I
9 was chairman of that event for four years in a row. We
10 did attract phenomenal crowds, all well-managed,
11 well-maintained, well-behaved, so we like to think.
12 And, yes, as Mr. Waldheim said, that area is well cared
13 for by the people that use it.

14 One other aspect to really consider on this is
15 that the local community actually helps us put on our
16 event. The Salton Senior Center hosts a Sunday morning
17 breakfast for our participants. The proceeds from that
18 breakfast pays their annual operating of that building.

19 (Proceedings interrupted by telephone.)

20 VICE-CHAIR ANDERSON: Thanks, John. It's a
21 constant reminder that you're still there.

22 JOHN STEWART: The real key element here is that
23 recreation, motorized recreation over the years is an
24 economic engine that is driving and maintaining the
25 housing opportunities and the lifeblood of that

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1 community out there. And from all aspects, as a
2 recreation we support the acquisition of this. It's a
3 natural area. It offers opportunity that we do not
4 have other places in the state. So encourage you to,
5 yes, go ahead and acquire this property. Let's let the
6 public process work out and actually determine what is
7 there that has to be set aside for preservation and
8 actually make a good recreation opportunity. Thank
9 you.

10 VICE-CHAIR ANDERSON: Thank you. Roy Denner.

11 ROY DENNER: Roy Denner, Off-Road Business
12 Association. I represent the motorized off-highway
13 vehicle recreation industry. Our current estimates are
14 that economic impact of OHV recreation in the State of
15 California are in the neighborhood of \$9 billion.
16 That's a really strong economic engine. I think that
17 the Division and the Commission actually by law have a
18 requirement to take a look at providing opportunities
19 to keep this economic engine running. You know, on
20 behalf of the thousands of people that are employed in
21 this state by the OHV industry, I recommend that you
22 purchase this property, in getting on with deciding the
23 best use of it. Thank you.

24 VICE-CHAIR ANDERSON: Amy Granat.

25 MEMBER OF THE PUBLIC: Pass.

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1 VICE-CHAIR ANDERSON: Carmen Lucaz.

2 CARMEN LUCAZ: May I put my reports on the table
3 and ask that everybody --

4 VICE-CHAIR ANDERSON: Hand them to one of the
5 staff members, they'll distribute to them.

6 CARMEN LUCAZ: What I would like very much,
7 before I introduce myself, is to advise the Commission
8 that these are my personal reports, and they're
9 confidential in nature. But I think it's fair that you
10 understand what's in my visual memory of the Freeman
11 property. These are beautiful aesthetic photographs,
12 they do depict the desert environment in the spring if
13 you're lucky enough to get there. The desert

14 environment is extremely rough. The resources that are
15 there are unique. I would like you, while I'm talking
16 to you, to kind of thumb through these and please at
17 the end of this process allow me to take them back with
18 me. I say that with an invitation at any time any of
19 you care to come to San Diego, I'm happy to tour this
20 area with you. So that's my opening here.

21 For the record, I am Carmen Lucaz. I'm a
22 Kwaaymi Laguna Band of Mission Indians. I'm from
23 San Diego County. I live on my ancestral lands in
24 Laguna Mountains, California. My grandfather is Adolph
25 Voogo (Phonetic) who was a Cahuilla, Mountain Cahuilla
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1 Indian. We go -- and our traditional territory is from
2 the mountains down through the desert across to the
3 Salton Sea, down south across and over to the Colorado
4 River.

5 On my ancestral lands, I have cultural resources
6 that give testimony to my ancestors being in this area,
7 the Truckhaven area. The Truckhaven area is just south
8 of Santa Rosa Mountains, which holds the Wonder stone
9 quarry. Wonder stone is a beautiful stone that comes
10 in multi colors that is used for tools. When you find
11 that 80 miles away, and it gives testimony to the old
12 folks traveling. Additionally, there is obsidian.
13 Obsidian comes from the Salton Sea. That gives
14 testimony to the old folks picking up these resources.
15 Obsidian was again used for tools, all of these items,
16 it was astonishing to me.

17 I've been raised as an American Indian to
18 understand that the Truckhaven area for me personally,
19 my history was those are the bad lands. You will die
20 if you go in there. I remember reading the desert book
21 of desert -- California Colorado Deserts, I believe it
22 is, written by some guy from Europe. He was a
23 school teacher. He rode that desert from Palm Springs
24 down through the Colorado Desert. Got into this
25 Truckhaven CahuiIIa project, had to lead his horse

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1 through there because it was so difficult. He would
2 find people who found sulfur watered springs and, you
3 know, folks go crazy. When it's too hot for them, they
4 think the best thing to do is take your clothes off so
5 they would be stark naked there dead from drinking
6 poisoned water. This is serious business out here.
7 We're in a different society today where we've been
8 brainwashed that beauty, air conditioning, lots of
9 money, resources, it doesn't make any difference, as
10 long as we are having fun, got a lot of money to pay
11 for all of this, who in the hell cares. But,
12 nonetheless, the reality is if you don't pay attention
13 you can die out there.

14 So I was astonished when I have been employed by
15 Anza Borrego, as well as Ocotillo Wells State Parks,
16 and finally by the Trust of Public Lands as a Native
17 American to actually walk some of this acreage out
18 there, which I did last May through last June. It got
19 to be 120 degrees, and I did a great deal of that by

20 myself with the accompaniment of a Narney archeologist
21 from Ocotillo Wells, who thank God for him, I would
22 have never been able to do this because he made sure I
23 knew where I was on the map. And he moaned and groaned
24 constantly because I continued to stay out there while
25 it was too damned hot, don't you know you don't have
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1 any good sense. But, yes, I did know where I was, and
2 I loved being out there. And I want you to know for me
3 personally it was a spiritual journey to locate these
4 old trails and more importantly to follow them across
5 mesa to mesa and to know the legends I grew up with I
6 was giving validation to them.

7 And I want you to know that these things are
8 special. You talk about jewels and diamonds and money.
9 We talk about our cultural resources and our connection
10 to the land. I cannot tell you how important that is.
11 It saddens me that we're in a society today that gives
12 more about recreation than they do with what their
13 creator gave them. I can't help any of that. I spent
14 20 years in the Marine Corps, and I'm happy to say I'm
15 a retired Marine. That gives me the right to stand
16 here and tell you what's at the depth of my soul. And
17 that is that we need to find these resources and
18 protect them.

19 Now, I would ask that you folks find the money
20 to help State Parks acquire it, but I think it's unfair
21 to come here and tell you that I also know that there's
22 a lot of environmentalists, and some of you folks have

23 got close objections to them and the prejudices that
24 are still alive today in this country, whether you like
25 it or not they're here. When I first started this

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1 project all I heard was, oh my God, OHV, you must have
2 lost your mind. What's the matter with you. Don't
3 know they don't know how to take care of the land out
4 there. The only people who can do that is Ocotillo
5 Wells. Well, I'm here to tell you that's a bunch of
6 BS. That's not correct. I have worked for both
7 organizations, and I'm happy to tell you after ten
8 years of working with Ocotillo Wells, where we've been
9 out there surveying over 22,000 acres and we have found
10 cultural resources on the ground that have included
11 human remains, and we've processed those according to
12 the law. We have asked the staff and the management at
13 Ocotillo Wells please fence this off, do not bring
14 attention to it. They have responded immediately. I'm
15 happier to tell you that the off-road people, the guys
16 who like the adrenaline pump who ride those motorcycles
17 out there a hundred miles an hour, have not in over ten
18 years damaged one of those fences. So I may be
19 stubborn, but I would like to think -- I'm not naive
20 enough to think that Ocotillo Wells still cannot manage
21 these lands because I'm here to tell you that indeed
22 they can.

23 And I would encourage you to look at the long
24 range overall consequences of what we're asking you to
25 do today. I would ask you to be creative in your

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1 thought and in your position with the information
2 people give you. Remember many people have just one
3 interest, and I can stand here and tell you mine is my
4 traditional cultural background. And I don't speak
5 just for myself or I've always said I don't speak for
6 anybody other than myself. Since there are no other
7 Indians here today, I will take the liberty to say I
8 believe that I speak for us all. We do indeed care
9 about our heritage. We do indeed know that these
10 resources are not being created any longer, and we do
11 indeed understand that we have a right to participate
12 in the process and to ask you to please help us -- help
13 the public to understand how vital these resources are.

14 I've learned over the years --

15 VICE-CHAIR ANDERSON: Thank you.

16 CARMEN LUCAZ: I know, but I've listened to
17 these guys give you a bunch of BS all day. I want to
18 finish what I have to say.

19 VICE-CHAIR ANDERSON: I want to give you another
20 minute and then finish up.

21 CARMEN LUCAZ: Thank you. I'm almost through.
22 I want to say that I have an understanding here, and I
23 believe that if we do this correctly, if we do this
24 correctly, we can satisfy everybody's interests and
25 still protect these resources.

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1 VICE-CHAIR ANDERSON: Thank you very much.

2 CARMEN LUCAZ: I thank you for allowing me to
3 tell you what's in my heart. Thank you.

4 VICE-CHAIR ANDERSON: Thank you, Carmen. Okay.
5 Courtney Coyle.

6 COURTNEY COYLE: I'm Courtney Coyle, attorney
7 for Carmen Lucaz. I'm also on a Trust for Public Lands
8 California Advisory Board, but I'm not here in that
9 capacity today. I'll be quick. In case she wasn't
10 clear, we support the acquisition before you today.
11 I'd just like to underscore two issues. One is the
12 critical timeline. The option must be exercised, as
13 you heard, by July of '06. This deal has been around
14 for two-and-a-half years now. So we need action now to
15 avert the potential for the development, which would
16 not offer any benefit to DPR.

17 Second, the land use management issues, we
18 understand that cultural resource preservation as
19 potential for compatible OHV activity will be worked
20 out during the DPR planning and environmental processes
21 post acquisition, the who gets what issue. We believe
22 this will be fully vetted and will include discussion
23 of restoration projects to mitigate historic
24 recreational use as may be appropriate.

25 We also respectfully request four things. One

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1 is that you support the acquisition of the property
2 before you here today. Second, in the future that you
3 dedicate funding towards management and restoration of

4 the property, particularly for tribal cultural
5 resources and Native American sacred places. Third,
6 the DPR include the timely and meaningful inclusion of
7 all the stakeholders, particularly in discussions and
8 decisions to include Native Americans, and we think
9 that that's required by the National Historic
10 Preservation Act Section 106 process because of the
11 federal funding nexus. Fourth is that we would ask
12 that DPR work without delay with all of the landowners
13 in the project, that includes state lands, Commission,
14 BLM, and the other private landowners out there to
15 develop a cohesive management plan for the entire
16 project area. Thank you very much.

17 VICE-CHAIR ANDERSON: Thank you. Bob Hamm.

18 BOB HAMM: Thank you, Bob Hamm. I'm here on
19 behalf of the County of Imperial. Our board of
20 supervisors has looked at this acquisition on two
21 separation occasions, most recently on Tuesday, at
22 which time they sent a letter, and I believe you all
23 have it, so mercifully I will not read it at this time.
24 Basically the county is supportive of this acquisition.
25 They did make it clear the first time we talked about

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1 this when Kathy Dolinar came down to present a number
2 of issues with State Parks before the board, that they
3 politely but I think pretty firmly expressed their
4 interest that they want to be in the loop all the way
5 on the development of this. This is entirely within
6 the confines of Imperial County. We believe that the

7 historic uses can continue, should continue, and that
8 we also believe that, as the people from the tribe
9 believe, there are some cultural sites that are worthy
10 of protection, and we want to see that that happens as
11 well. Thank you.

12 VICE-CHAIR ANDERSON: Thank you. Meg
13 Grossglass.

14 MEG GROSSGLASS: Meg Grossglass from the
15 San Diego Off-Road Coalition. SDRC fully supports the
16 Division's plan to purchase this property. Providing
17 more recreation opportunities to family is the
18 responsibility of the Commission, and SDRC would like
19 to see the Commission fulfill that responsibility.

20 VICE-CHAIR ANDERSON: And Pete Conaty.

21 PETE CONATY: Good afternoon, Commissioners.
22 I'm going to speak for myself and not my clients
23 because they're all here to speak for themselves.
24 First of all, I'd like to hand you the original copy of
25 the letter from the Legislature signed by 26

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1 legislators. I would note that these signatures were
2 gathered in the course of one day. I believe I could
3 have doubled the amount of signatures if I had had more
4 time. You will note that it is signed by Senator
5 Denise Ducheny and Assemblywoman Bonnie Garcia, who
6 represent that area. It is also signed by
7 Assemblywoman Nicole Parra, chairwoman of the Joint
8 Legislative Audit Committee. And it is signed by
9 members of both parties, including the two republican

10 leaders in the Assembly and the Senate. So there's a
11 lot of interest in the Legislature over this purchase.

12 And I think this is kind of a watershed moment
13 for a new Commission to move forward. If there was
14 ever a piece of property that ought to be purchased by
15 the Off-Road Commission, this is it, and you'll hear
16 all about that. And I was going to say a lot more.
17 But the bottom line is there's a lot of attention on
18 this particular purchase by the Legislature. My office
19 has already received numerous phone calls wanting to
20 know the outcome. So I think that you can do a very
21 good thing here today by approving the purchase. And I
22 think you would help to improve the Commission's
23 relationship with the Legislature. Thank you very
24 much.

25 VICE-CHAIR ANDERSON: Thank you. Are there any
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1 other members of the public to who care to comment on
2 this?

3 NICK HARRIS: Good afternoon, Commissioners,
4 Nicholas Harris, American Motorcyclist Association, and
5 we are in support of this acquisition. I know there
6 are some members of the public, including the OHV
7 public, that have expressed some concerns, and I guess
8 I don't know of a single piece of property in the state
9 that we could buy that there wouldn't be a question
10 about what's going to happen. I mean you have to go to
11 CEQA, you have to go through the public process. But
12 this seems to be like the -- we got to know now, and

13 I'm very confident that the process will be followed
14 and the right result will be met. And I would like to
15 really support the Division and thank them for moving
16 quickly on this. Thank you.

17 VICE-CHAIR ANDERSON: Next.

18 FRED WILEY: Good afternoon, Commissioners. I'm
19 Fred Wiley with the Off-Road Business Association, and
20 also briefly representing the California Nevada
21 Snowmobile Association. We also wish to support the
22 purchase of this land for expansion of OHV opportunity,
23 along with the protection that the lady mentioned for
24 the history of the area. Thank you.

25 VICE-CHAIR ANDERSON: Anyone else?

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1 COMMISSIONER THOMAS: You know when you got the
2 snowmobile association supporting the desert purchase
3 you got to pay; you got it made. This is a deal that
4 can't miss.

5 TOM TAMMONE: I have a lot of concerns about
6 this.

7 VICE-CHAIR ANDERSON: Name, please.

8 TOM TAMMONE: Tom Tammone. I do have a lot of
9 concerns. I talked to everyone in this room, and
10 everyone is going along with this, and I see a red flag
11 here. I've seen red flags all week. I'm seeing this
12 all violating our principles here. I agree with John
13 Stewart on a lot of things. I can't agree with him on
14 this. We can't go against the principles of the audit
15 and say, we're going to go ahead and buy land and we're

16 not going to care what happens to it. I would have to
17 insist that there is some control language to at least
18 return any land that is not used for OHV recreation,
19 either paid for out of Parks fund or sold off, and
20 money be returned to the fund.

21 I remember the old (Inaudible) to the farm. I'm
22 already seeing a scenario play out here. We all know
23 what we need to do, and we're already looking at this
24 very, very tempting piece of property, and we're
25 already violating our principles. If we're really

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1 going to have a fair unbiased program, we need to apply
2 it to everything. We can't say it doesn't apply to
3 this and then it's going to apply to everything else.
4 We're going down a dangerous road here, folks. All of
5 the red flags are up.

6 This meeting, I don't even think it should have
7 happened. I have stated that publically. I don't like
8 this issue with the teleconference. I think other
9 people should have took part. Mark McMillin, it would
10 have been nice if you could have it down in your area
11 where people face a 1200 mile round-trip drive to come
12 out here, they all could have put out. But the meeting
13 was noticed too late for any of us to get anything
14 involved. That was wrong. But other than that, I
15 always support anything that's going to increase
16 motorized recreation, but I'm not going to go against
17 the principles of the audit. Thank you.

18 VICE-CHAIR ANDERSON: Anyone else? For the
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19 record because -- perhaps it was in a packet, I didn't
20 get a chance to look through, but last night I received
21 an e-mail on my home computer from a representative for
22 the Desert Protective Council indicating -- let's see,
23 it's actually Desert Protective Council Foundation
24 indicating their support for this acquisition.

25 Did anybody else get this besides me?

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1 COMMISSIONER McMILLIN: I haven't looked at my
2 e-mails.

3 VICE-CHAIR ANDERSON: I'll make sure that I
4 forward the letter to Rick and staff so the rest of you
5 can see this.

6 I want to share a couple of thoughts -- I will
7 close the public hearing.

8 I want to share with you a couple of thoughts
9 which coincide with some of the comments made by the
10 public. I did meet with Ms. Lucaz while I was out
11 there and another representative of the Torres Martinez
12 Tribe, which has the lands of this project. They were
13 also generally supportive of this. And their number of
14 sites that they were concerned about there is larger
15 than the number Rick mentioned. It's kind of all of
16 the same sense, everyone felt that more research needed
17 to be done and that we could make this process work.
18 So if everybody believes that, I hope you're wrong,
19 Mr. Tammone, but we will certainly try to prove that
20 you're wrong.

21 I would second the comments that in spite of

22 what we would -- what is obviously an unmanaged, in
23 terms of public agency management, the county, no state
24 agency, no one is controlling the use out in that area,
25 and yet the area was probably cleaner than any other

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1 OHV area that I have ever been to. And they could not
2 possibly have gone out there just ahead of me to make
3 sure it was cleaned up in front of me. So I was
4 impressed by the internal management within the users
5 out there.

6 Many of you who haven't been there, may have
7 been like me, and thought that it was part of the SVRA
8 already because when you drive across S 22 and you look
9 on the left-hand side, you're looking at this parcel.
10 And when you look at the right-hand side, which doesn't
11 look as nearly as interesting for riders, the right is
12 Ocotillo Wells and to the left is this Truckhaven
13 parcel, and we're going, oh, looks like it would be
14 more fun to ride over there than over here. And so I
15 concur with that.

16 Okay. How many more items do we have -- I'm
17 going to if there are no -- if there are any other
18 Commission comments?

19 COMMISSIONER WILLARD: I just have a question
20 perhaps of staff. What would happen if we allocated
21 funds and then ultimately none of the lands went into
22 OHV use? Would we get monies refunded from another
23 unit if it turned into a state park or it were to
24 become a part of Anza Borrego?

25 CHIEF JENKINS: You know, there's probably a lot
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1 of ways to answer that, but quite honestly that would
2 be something we would have to deal with at the time.
3 The chances right now of not being able to maintain a
4 level of opportunity when it is existent, to the extent
5 that it has, we would not basically be moving forward
6 on requesting this commitment of funds unless we had a
7 good feeling based on the research that we have already
8 done on the ground, based on the data that we've
9 collected, the preliminary data that we've collected,
10 that there is an outstanding opportunity and
11 outstanding chance that we will be successful in
12 getting a level of recreation out there that will be
13 justified by the funding that's being spent on the
14 location.

15 So we feel very strongly that this is a good
16 investment of the funds, and that we would be able to
17 have an appropriate level of recreation out there for
18 the investment of OHV trust fund dollars. However, if
19 it turned out at the end of the day that that was not
20 the case, that is certainly something that we would
21 come back to this group and try to make a decision
22 about how to proceed and work collaboratively with the
23 Department as we proceeded on that.

24 VICE-CHAIR ANDERSON: Okay. Any other
25 Commission questions or comments? And then I'll call
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1 for the question and then we'll take a break because
2 our stenographer needs it.

3 COMMISSIONER WILLARD: Just like to make a quick
4 comment that this -- to me at least this indeed is the
5 poster child for the appropriate type of acquisition
6 that we should be looking at. It's got numerous
7 aspects of it that just scream out that this is
8 something that the Division should be dealing with,
9 perhaps better than any other agency. We have the
10 expertise to deal with the issues and to ensure that
11 the property is handled appropriately. And I'm 100
12 percent convinced that it's going to go through a very,
13 very thorough and rigorous investigation, and that what
14 comes out at the end will be something that hopefully
15 we all can be proud of. I just want to make sure that
16 if for some reason it does end up going non-OHV
17 recreation, that we have an opportunity to revisit it.
18 My opinion is that it should be, if not 100 percent,
19 the vast majority of it should be, you know, OHV use.
20 But definitely would like to revisit the funding aspect
21 of it if indeed it doesn't go that way.

22 COMMISSIONER THOMAS: Call the question.

23 VICE-CHAIR ANDERSON: Okay. Ready, John?

24 CHAIR BRISSENDEN: I'm here.

25 VICE-CHAIR ANDERSON: Okay. Wake up. I was

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1 making sure you're still there.

2 CHAIR BRISSENDEN: I haven't taken a nap yet.
3 VICE-CHAIR ANDERSON: Could we have a roll call,
4 please?
5 COMMISSIONER SPITLER: Do we have a motion?
6 COMMISSIONER PRIZMICH: I'd like to make that
7 motion.
8 COMMISSIONER THOMAS: I thought you made that
9 motion.
10 VICE-CHAIR ANDERSON: No, you didn't. No, you
11 didn't hear me. You're making that motion,
12 Mr. Prizmi ch? I'll second it.
13 Now, for the roll call.
14 MS. ELDER: Anderson.
15 VICE-CHAIR ANDERSON: Aye.
16 MS. ELDER: Bris senden.
17 CHAIR BRISSENDEN: Aye.
18 MS. ELDER: McMillin.
19 CHAIR McMillin: Aye.
20 MS. ELDER: Pri zmi ch.
21 COMMISSIONER PRIZMICH: Aye.
22 MS. ELDER: Spi tler.
23 COMMISSIONER SPITLER: Aye.
24 MS. ELDER: Thomas.
25 COMMISSIONER THOMAS: Aye.

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1 MS. ELDER: Wi llard.
2 COMMISSIONER WILLARD: Aye.
3 VICE-CHAIR ANDERSON: Incredi bl e.
4 (Appl ause.)

5 VICE-CHAIR ANDERSON: We're going to take a
6 break so our stenographer can flex her fingers and
7 we'll hopefully maybe -- what do you need, ten minutes?
8 Ten minutes.

9 (Break taken in proceedings.)

10 VICE-CHAIR ANDERSON: The next one is -- I'm
11 talking about under New Business, Item B. John, was
12 this yours.

13 CHAIR BRISSENDEN: It was just a request to
14 bring forward Division -- I think it got garbled a
15 little bit between Phil and I, and I apologize for not
16 correcting it. To bring forward Division strategy for
17 a long-term plan for expenditure of accumulated
18 restoration money.

19 VICE-CHAIR ANDERSON: So this is just a request
20 for --

21 CHAIR BRISSENDEN: Further information on their
22 proposals to how to prioritize and appropriately
23 expend -- or I should say attract grant applications so
24 that we may expend those legislatively-mandated
25 restoration monies so that the cumulative amount can

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1 start to drop down. Is that a fair --

2 COMMISSIONER SPITLER: If I may?

3 VICE-CHAIR ANDERSON: Yes.

4 COMMISSIONER SPITLER: This was an item that
5 I've been raising for some time and happy to see on the
6 agenda. The issue here is, as the old Commissioners
7 know and the new Commissioners will soon learn, that in

8 the past three years or so, the program has accumulated
9 roughly 10 to \$11 million surplus in restoration, which
10 has remained unspent and is growing every year that we
11 under spend the amount that the Legislature has
12 directed us to spend on restoration purposes. And I've
13 been requesting for some time some type of budget plan
14 from the Division on how are we going to address this
15 surplus, how are we going to spend it down and ensure
16 that we are fulfilling the legislative requirement of
17 AB 2274 by spending on restoration.

18 And so this item really is to start this
19 discussion, and hopefully what will come of it will be
20 a plan for how in the next say two to three or however
21 many years the Commission deems appropriate, we get to
22 the point where we've actually spent down that
23 restoration fund and are spending restoration dollars
24 as they come in as required by law.

25 VICE-CHAIR ANDERSON: Are you suggesting we

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1 might put together a subcommittee on this?

2 COMMISSIONER SPITLER: I think at this point we
3 need to hear from the Division because they had been
4 requested to prepare a budget plan on how to deal with
5 restoration. So I think we need to hear the Division's
6 presentation on how to address the \$10 million surplus,
7 and then we will see what happens after that.

8 COMMISSIONER THOMAS: Madam Chair, this is a
9 critical aspect of the strategic plan and the common
10 vision.

11 VICE-CHAIR ANDERSON: Well, it certainly is a
12 part of it, I would absolutely agree.

13 COMMISSIONER THOMAS: For some of us it might
14 even be critical. But, nevertheless, I, too, would
15 like to hear the -- well, I would ask the maker or the
16 person who put this on the agenda, are you looking for
17 a motion at the end of this or just a report?

18 CHAIR BRISSENDEN: Well, if there's a motion
19 that comes out of it. I think it was designed to be a
20 discussion to prompt the Division to raise this to a
21 level of critical mass so we can go forward.

22 COMMISSIONER THOMAS: I'm going to speak to some
23 scheduling because if our next meeting is in
24 September --

25 VICE-CHAIR ANDERSON: That's our next

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1 face-to-face meeting.

2 COMMISSIONER THOMAS: Next face-to-face meeting,
3 then we have a deadline, reporting deadline of
4 August 17th for the JLAG process. We would like to
5 have some kind of a plan to present to JLAG on
6 August 17th. So working back from that, I would love
7 to hear what the staff has to say.

8 VICE-CHAIR ANDERSON: Can you give us a
9 projected date by which you might --

10 CHIEF JENKINS: I would be happy to update you
11 on where we are currently in the process. Having heard
12 everything that was presented and discussed at the last
13 meeting when we discussed using some of the funds

14 perhaps in State Parks, looking at other ways to get
15 access to the funds perhaps with future
16 supplementations to the grant program, et cetera.

17 And, first of all, I like to apologize, Chair
18 Brissenden, that, yes, we did have somewhat of a
19 miscommunication there or misunderstanding. I
20 understood you wanted more of a presentation of where
21 we were today based on the request and the discussion
22 we had at the last meeting. Because we have taken
23 this, some of the discussions that were made at that
24 meeting, proceeded. So that was as I understood it.
25 So my apologies if you were looking for a formal

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1 written report on that.

2 So we did proceed after the last meeting to
3 approach the Operations Division of California State
4 Parks and look at how they could spend appropriately --
5 where there were opportunities to appropriately use
6 these restoration funds, how they could spend part of
7 the restoration account monies in California State
8 Parks that are not part of the formal SVRA system. We
9 engaged in discussions at the executive staff level,
10 and then subsequently went down to the Division chief's
11 meeting. I met personally with the Chief of the
12 Resources Division, Rick Rayburn, he came over; Deputy
13 Director Greene; myself; and some of his staff; Rick
14 LeFlore. We all sat down and discussed what are the
15 possibilities on how we should proceed.

16 What resulted from that was a letter that went

17 out to all of the State Parks superintendents in the
18 state asking them to look at their different areas of
19 responsibility, the lands that they manage, and
20 determine if there were any properties that were
21 damaged by OHV use or that had projects that would
22 qualify as restoration projects. They were then
23 requested to send projects in.

24 Today was the deadline to get those in. We will
25 be putting together a budget change proposal based on
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1 the returns that we get from those superintendents.
2 Rick Rayburn was also aware of some projects that were
3 in the park infrastructure database. They keep a
4 catalog, kind of a backlog of projects they would like
5 to proceed with when funding becomes available, and
6 they had various projects. For instance, as we
7 discussed at the last meeting, some of the projects up
8 in Tolowa Dunes where there was damage to wetlands,
9 damage to back dune areas that need to be repaired. So
10 they're putting this all together. They're trying to
11 get a picture of the total dollar value that would be
12 needed to apply to do some of those projects. We don't
13 have that number yet. I expect that very soon.

14 VICE-CHAIR ANDERSON: Within a couple of weeks
15 you might have something that you could send to the
16 Commission?

17 CHIEF JENKINS: Expect to have something very
18 soon because we have to submit that budget change
19 proposal immediately. So I would say within a couple

20 of weeks we will have a number. I would be happy to --

21 VICE-CHAIR ANDERSON: If you could send that
22 around to the Commissioners, that would be useful.

23 CHIEF JENKINS: I would be happy to do that. So
24 that was one prong of that approach that we discussed
25 that last time.

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1 As far as the other approaches, like if we
2 wanted to have a future budget change proposal to bring
3 some of those monies forwarded as an add-on to the
4 Grants and Cooperative Agreements program, I think the
5 best way to proceed with that or what would certainly
6 help us at the Division level would be some sort of a
7 direction and indication from the Commission about what
8 would you like to see in the range of dollar values for
9 that.

10 It's one of those where if we were to plan
11 either a portion of that 10 or \$11 million or a large
12 majority of those monies, we would need to do lots of
13 preliminary work with the various agencies that would
14 be applying to let them know that these monies will be
15 available in the coming year.

16 We're going to put in a request to the
17 Legislature to allocate funds for this program because
18 there's, of course, a lot of start-up time that needs
19 to be done to identify the projects, design the
20 projects, build in the capacity to actually spend the
21 monies and get the work done. So if we could get some
22 sort of an indication, we would be happy to then begin

23 working towards that end for the coming year. That
24 would be something in a positive nature that we can do.

25 And certainly we should continue -- will

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1 continue to discuss this with other agencies. I know
2 that Fish and Game is interested in funds. We need to
3 continue to kind of scan the horizon and encourage
4 other federal agencies, U.S. Fish and Wildlife Service,
5 for instance, to apply for those funds in the grants
6 program.

7 COMMISSIONER THOMAS: How would -- for instance,
8 Fish and Game or any other state agency, but
9 particularly an agency with land that has been damaged
10 by OHV that needs restoration activity, how would they
11 go about accessing these funds?

12 CHIEF JENKINS: We can't give grants to other
13 state agencies, so you kind of would have to look at
14 the separation between state agencies and federal
15 agencies. So we can, of course, do the cooperative
16 agreements with federal agencies, and we're well versed
17 with how to do that with our partnerships BLM and
18 Forest Service. So working with Fish and Wildlife
19 Service would be quite simple.

20 Working with Fish and Game, there's multiple
21 ways that that could be achieved. It could be done
22 through interagency agreements where we would identify
23 a project, we would set up a measure capital outlay
24 project. This Commission would have to approve a major
25 capital outlay project. We would then continue with an

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1 interagency agreement to perform the work.

2 Al ternatively, what we just became aware of, for
3 instance, yesterday was that Fish and Game, the
4 Department of Fish and Game had an add-on for funds to
5 come directly from the trust fund into their agency for
6 use to buy fencing, to install fencing and signs to
7 prevent OHV intrusion. We don't know any of the
8 details of that. That's something that's happened at
9 the legislative level. Fish and Game did not come to
10 us ahead of time for that particular project. So we
11 just literally became aware of that yesterday and are
12 trying to ascertain if they just didn't know that there
13 was a better way to go. We certainly let it be known
14 that we would prefer that those sorts of projects be
15 funneled through this Division and this Commission so
16 that you would have that process followed whereby you
17 could approve those capital outlay projects.

18 COMMI SSIONER THOMAS: Aren't you both in the
19 resources agencies?

20 CHIEF JENKINS: We are both in the resources
21 agencies.

22 COMMI SSIONER THOMAS: And doesn't the resources
23 agencies actually approve the BCPs and change proposals
24 as they go out of the door?

25 CHIEF JENKINS: You're assuming that it

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1 initiated from Fish and Game. I don't know that that's
2 the case.

3 COMMISSIONER THOMAS: I see. It was initiated
4 outside of Fish and Game.

5 CHIEF JENKINS: Literally, don't know.

6 COMMISSIONER THOMAS: Well, it wouldn't be
7 initiated inside because it would have gone through
8 interagency.

9 CHIEF JENKINS: One would hope.

10 COMMISSIONER THOMAS: It has to be outside.

11 VICE-CHAIR ANDERSON: Who knows.

12 CHAIR BRISSENDEN: Madam Chair.

13 VICE-CHAIR ANDERSON: Yes, Mr. Brissenden.

14 CHAIR BRISSENDEN: There has been in the past
15 years federal applications that have been turned down
16 for what sounded like, in their words, for minor
17 technical details. Can we sort back through those and
18 request those people to resubmit and have those
19 evaluated?

20 VICE-CHAIR ANDERSON: I would assume that those
21 people would be resubmitting in the next cycle.

22 COMMISSIONER THOMAS: We would have to encourage
23 them.

24 VICE-CHAIR ANDERSON: We certainly could.
25 That's certainly another avenue to go.

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1 CHAIR BRISSENDEN: I would certainly encourage
2 the Division to comb their past applications and ask
3 for resubmittals from those because some of the

4 difficulties -- I heard about one application made them
5 feel like they're being singled out just because of
6 little details. So we need to encourage those kinds of
7 applications, not discourage them.

8 VICE-CHAIR ANDERSON: All right. Is anyone
9 proposing any action here or is this just a report?

10 COMMISSIONER THOMAS: No, I would move that we
11 direct the staff to give us a long-term plan for
12 expending the accumulated restoration funds. I think
13 we need to get beyond raising problems at meetings,
14 hearing the realm of possibilities, and then not acting
15 on the solutions.

16 VICE-CHAIR ANDERSON: Is there a second?

17 CHAIR BRISSENDEN: I'll second.

18 VICE-CHAIR ANDERSON: Okay. Discussion?

19 COMMISSIONER WILLARD: Madam Chair.

20 VICE-CHAIR ANDERSON: Yes.

21 COMMISSIONER WILLARD: It looks to me that the
22 funds coming in, approximately 9.5 million a year, are
23 based upon a calculation from the gasoline income tax?

24 VICE-CHAIR ANDERSON: Yes, fuel tax.

25 COMMISSIONER WILLARD: And so I take it then we
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1 don't know what amounts of funding we will have in the
2 future because that whole calculation could change some
3 significant amount?

4 COMMISSIONER THOMAS: We have an accumulated
5 surplus actually in the account.

6 VICE-CHAIR ANDERSON: Yes, we're talking about
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7 expending funds that have already been received.

8 COMMISSIONER THOMAS: You're right as to future
9 funds.

10 COMMISSIONER WILLARD: But I mean if we don't
11 know if we're going to have much money coming in, are
12 we told we have to spend this within some period of
13 time or does it make sense for us to have it in the
14 bank waiting for things like Ocotillo Wells to come
15 along, and we have this property that now needs a
16 tremendous amount of restoration, and so we can then
17 use the funds at that time?

18 COMMISSIONER THOMAS: We're almost continuously
19 short, so there's always a -- from my understanding, we
20 are accumulating at a much more rapid rate --

21 VICE-CHAIR ANDERSON: No experience with not
22 having enough restoration money.

23 COMMISSIONER THOMAS: Never been a problem.

24 VICE-CHAIR ANDERSON: The Legislature also in
25 their budget process needs to act on how much we have
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1 available to give away, right?

2 COMMISSIONER THOMAS: Right.

3 CHAIR BRISSENDEN: We don't want them surfacing
4 in the next audit that is something we didn't do.

5 VICE-CHAIR ANDERSON: Right.

6 CHAIR BRISSENDEN: It's legislatively mandated.

7 COMMISSIONER THOMAS: Exactly.

8 VICE-CHAIR ANDERSON: Okay. There's been a
9 motion and a second. Any other discussion on this?

10 COMMISSIONER SPITLER: Yes, Madam Chair, I would
11 like to ask the federal agencies to come up and give
12 us, if they can, an estimate on how much they might be
13 able to spend in restoration in the current grant cycle
14 and then coming grant cycles.

15 And the reason for this is that the past few
16 years we've spent the vast majority, I don't know the
17 percentage, but I would estimate 80 to 90 plus
18 percentage of the funding in restoration on the grants
19 program. And there's obviously some upper limit in
20 terms of how much the federal agencies are able to do
21 in a single year and do so, you know, obviously
22 efficiently and effectively. And I think that to the
23 extent that we can be moving towards that upper limit,
24 I think we should do so. So I'd like to hear from the
25 agencies in terms of what they think they might be able
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1 to do in this coming grant cycle and in future grant
2 cycles.

3 VICE-CHAIR ANDERSON: Well, we've got -- we've
4 got the person here from the BLM and Forest Service.
5 Don't leap forward too fast there.

6 COMMISSIONER SPITLER: I know that I have
7 received in the past a budget plan from BLM that
8 outlined in the neighborhood of 3 to \$6 million a year
9 over the next ten years for restoration. I just want
10 to make sure that that's accurate and where in that
11 range we might be thinking.

12 KATHLEEN MICK: Good afternoon, Kathy Mick.
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13 VICE-CHAIR ANDERSON: It doesn't sound like your
14 microphone is on.

15 KATHLEEN MICK: Maybe I'm not talking into it.

16 I was going to talk about this in my rescope
17 discussion, but since Chair Spittler brought it up, one
18 of the things that we've been facing at the Forest
19 Service in terms of restoration is that there's been
20 hesitancy to take on too much restoration until the
21 route designation process has been completed.

22 After several meetings this year, the deputy
23 regional forester feels that we still have the ability
24 to successfully implement some restoration projects on
25 national forest system lands in California without

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1 jeopardizing that process, although realizing that it's
2 a somewhat of a delicate balance to do so.

3 What we've looked at is approximately shooting
4 for a goal of \$10 million this year in projects to be
5 submitted -- but that is just a goal; it's not a
6 promise -- and hoping for a realization of about
7 \$7 million to be before the Commission. Again, that's
8 just a goal, not a promise by any means.

9 One of the other things that is holding us back
10 is to have sufficient funds to do NEPA. We don't have
11 a whole bank account of cash laying around to do NEPA
12 projects. So one of the things we are trying to do is
13 look at projects that already have a decision on them
14 and then go from there. So over the next couple of
15 years, I think in right sizing our trail and road

16 system with route designation, there's significant
17 opportunity to do restoration, although we have other
18 recreation interests to consider as well in terms of
19 non-motorized recreation. But on the average, I would
20 say anywhere between -- at least in talking to the
21 hydrologist preliminarily, probably a steady 3 to
22 \$5 million worth of projects over the next couple of
23 years, depending on different on-the-ground decisions
24 and resource issues. Questions?

25 VICE-CHAIR ANDERSON: Mr. Keeler.

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1 JIM KEELER: I appreciate Commissioner Spittler
2 giving me a reminder of what our old guidelines were.
3 I think we could easily continue to spend at least
4 \$3 million a year at the California Desert District.

5 VICE-CHAIR ANDERSON: You need to introduce
6 yourself.

7 JIM KEELER: I'm sorry, Jim Keeler, BLM
8 California State Office. I believe that we have enough
9 on the books in the California desert to continue that
10 program at at least a \$3 million per year level. So
11 depending on what we can pull together for Bakersfield
12 and some of the north and eastern offices, 3 to
13 \$5 million a year is possibly not unreasonable for us
14 either.

15 VICE-CHAIR ANDERSON: Okay. Thank you.

16 Does that answer your question, Mr. Spittler.

17 COMMISSIONER SPITTLER: Yes, it does. Thank you.

18 VICE-CHAIR ANDERSON: Okay. Other Commissioner

19 questions or comments on this?

20 All right. Public comment.

21 JOHN STEWART: John Stewart, California
22 Association of 4-Wheel Drive Clubs, United 4-Wheel
23 Drive Associations. I'll interrupt that a discussion
24 of a spending plan for restoration funds should be part
25 of your strategic plan. In other words, it should be a
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1 goal within a strategic plan on how you are going to
2 account for public funds, how are you going to manage
3 public funds, and how are you going to manage a
4 recreation program for the state, knowing that a
5 recreation program has several facets of which the
6 restoration is just one of the facets of it and as such
7 it should be an integral component of a strategic plan,
8 complete with a set of guidelines and goals. And that
9 any restoration efforts should be reality, in other
10 words, can it be accomplished? Is it feasible to
11 accomplish? Is it really a restoration effort? What
12 is the rationale behind it? Just don't go spending
13 funds just because it looks good, feels good. There
14 is -- sometimes the smell of the restoration project
15 is really bad, such as closing roads or revegetating
16 roads that are in congressionally designated wilderness
17 areas. Let's look at something that is a part and
18 parcel to a direct nexus to OHV recreation. Like I
19 said, the key thing, though, is that any spending of
20 restoration funds should be part of the consideration
21 of an overall strategic plan for managing recreation

22 for the state. Thank you.

23 VICE-CHAIR ANDERSON: Next.

24 BRUCE BRAZIL: Bruce Brazil, California Enduro
25 Riders Association. And I'd kind of like to add on to
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1 what Commissioner Willard had alluded to as far as the
2 gas tax. Presently the percentage of monies that are
3 going toward restoration comes from unregistered OHVs
4 that are being utilized on public properties. The
5 figure that they're using says that approximately 40
6 percent of the OHVs out there are unregistered.

7 According to last year's grant process, if you
8 go through all of the forms that the legal entities put
9 in their citations and such, you'll find out by
10 on-the-ground figures, less than three percent of the
11 contacts out there had to do with citations for
12 unregistered vehicles. So we're talking a big
13 difference between 40 percent of the vehicles out there
14 and less than three percent. So you may want to hang
15 on to that money for a little while before you spend
16 it. You may not have it after the gas tax comes out.
17 Thank you.

18 COMMISSIONER SPITLER: Just a clarification for
19 the speaker, actually the number of illegal vehicles is
20 54 percent.

21 BRUCE BRAZIL: I guess we don't get to talk back
22 and forth, but that's okay.

23 VICE-CHAIR ANDERSON: Next, please.

24 JAY WATSON: Thank you, Commissioners. My name
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25 is Jay Watson with the Student Conservation Association
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1 and just wanted to speak for a moment to the importance
2 of a restoration component to an OHV program in this
3 state. It's been a longstanding need and since it was
4 put in place, a lot of very good work has been done.
5 That work, not only is it an investment in the
6 landscape, but it really is a cornerstone to a balanced
7 OHV program. And the availability of that funding has
8 also allowed organizations like SCA to leverage other
9 private funds, federal funds and private contributions
10 towards restoration, as well.

11 And if that seed money wasn't there from the
12 Commission, that additional funding would not have been
13 made available. And as it was mentioned in route
14 designation processes, as those roll forward and are
15 completed, there will be an increasing need for
16 restoration funding on top of that which is already
17 being expended and already being used by several
18 federal agencies.

19 And I would hope that as you develop a strategic
20 plan for spending -- spending plan for that unspent
21 restoration monies, that you really put a purposeful
22 emphasis on youth organizations, not only SCA but
23 California Conservation Corps, other conservation
24 corps, other youth groups. It's an investment in their
25 future. Many of them will become the future land

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1 managers of the American Landscape, and I think
2 exposing them to restoration, exposing them to the OHV
3 community and that form of recreation is a very
4 important experience for them. And they will be better
5 managers as they take the reins of some of the folks
6 who are here in this audience. So it's an investment
7 in the future. It's an investment in the land. We
8 fully support a strong restoration program and thank
9 you for the chance to comment.

10 VICE-CHAIR ANDERSON: Next.

11 FRED WILEY: Good afternoon, Fred Wiley, with
12 the Off-Road Business Association. I just have a
13 couple of comments. First of all, in the audit, the
14 auditor had a question about the policy of closure as a
15 requirement of a restoration grant. I don't know at
16 this time whether or not there has been a legal
17 determination, but I think that's a question that this
18 Commission really needs to review.

19 The other issue is that these dollars have been
20 based on a long overdue Fuel Tax Study. The numbers
21 that you're seeing now in this account are far higher
22 than they were ever intended to be because we were all
23 promised under 2274 that this was going to about a
24 one-year process. I think we are now at four years and
25 maybe even longer.

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1 So to talk about monies are in reserves based on

2 a promise that was made to a lot of the community, I
3 think really should be redetermined by this group and
4 wait until the next Fuel Tax Study comes out because
5 there may not be any other money coming from the
6 unregistered vehicles. As Mr. Willard stated, I think
7 maybe you need to look at saving some of that and see
8 where we go. Thank you.

9 VICE-CHAIR ANDERSON: Anyone else?
10 Ms. Schambach.

11 KAREN SCHAMBACH: Karen Schambach, CSNC and
12 PEER. I agree that the planning for the spending of
13 the restoration fund should definitely be part of the
14 strategic plan, and I think we need to consider a lot
15 of things that earlier speakers said, including the
16 previous speaker. We don't know what the future
17 restoration fund is going to be. I suspect it's still
18 going to be fairly high just because anecdotally when
19 I'm out and about I still see a lot of unregistered
20 vehicles.

21 But the other point that I wanted to make is
22 that we need to remember that planning restoration
23 projects is a legitimate restoration expense, and I
24 hope that this Commission would encourage the agencies
25 to remember that and to not let a lack of planning be

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1 an impediment to putting in projects that -- even if
2 they do it in two phases, that they put in -- you know,
3 if they have a project that needs doing and they don't
4 have the federal funds to do the planning for the

5 restoration, that they can apply for a grant to do that
6 planning and then a later grant for the actual
7 restoration. Anyway, thank you.

8 VICE-CHAIR ANDERSON: Next.

9 ED WALDHEIM: Ed Waldheim for CORVA and
10 District 37. I would not be that quick in trying to
11 spend the money that we have set aside on this
12 restoration. It's a foul program as far as the
13 percentage is concerned. One out of five, I believe it
14 is; for every vehicle that is a registered motorcycle,
15 there are five that are unregistered. That is a
16 totally, totally unrealistic number. When the bill was
17 passed, we said okay, we'll let it slide for the first
18 year until we've have the gas tax. We have been
19 saddled with this now for last four years because we
20 don't have the gas tax. It is a windfall for the
21 restoration project.

22 Having said that, you need to hold on to that
23 money so we can farm it out as we go along, as we
24 really have legitimate restoration projects that are
25 definitely going to come on line. Because this is not
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1 going to continue to keep coming in the way it is. We
2 have to change those numbers. We cannot live with
3 \$3.5 million to manage public lands while we're using
4 \$7.9 million to close the public lands. It makes no
5 sense. If you want to continue that, we should change
6 the name of this Commission to the non-motorized
7 commission. So do not spend this money. Don't get

8 hasty in spending this money because you definitely
9 will need it.

10 Now, if you sit there and the Legislature steals
11 it, well, then the environmental community can go after
12 the Legislature for stealing that money like they stole
13 the \$54 million over the history of the 30 years that
14 we have been running this program.

15 TOM TAMMONE: Tom Tammone, CORVA. Again,
16 considering the situation with the Fuel Tax Survey, I
17 challenge anyone to really kind of explain to me how
18 they even come up with these DMV figures in the first
19 place. I still insist that just using the scoring
20 system, you know, with the money open to all categories
21 is the most legitimate way to distribute the funds.
22 And, again, that's the only way to really find out what
23 the real legitimate distribution ought to be. It is
24 just -- have this grant cycle, just simply open it up
25 and tell the agencies just to submit the grants for

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1 what you need per proper management actions, not per
2 politics. Thank you.

3 VICE-CHAIR ANDERSON: Okay. I'm going to close
4 the public comment on this agenda item.

5 Additional discussion by Commissioners?

6 COMMISSIONER SPITLER: Madam Chair.

7 VICE-CHAIR ANDERSON: Yes.

8 COMMISSIONER SPITLER: I think that it's a good
9 start to suggest that the Division develop a budget
10 plan for restoration, but frankly I think the

14 too far out in front of the agencies so that we're
15 spending money or asking them to come up with projects
16 that aren't worthy of restoration projects. But my
17 experience over the past four years or so since on this
18 Commission since we've had this program has been that
19 the agencies have come up with in the neighborhood of
20 \$10 million or so in legitimate restoration projects a
21 year. The Commission hasn't always supported all of
22 those projects, but I think that they are able to do
23 that. So I'd like to maybe just throw that out to the
24 Commission and also ask the staff if they think that's
25 an approach that they would support.

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1 CHIEF JENKINS: As far as the mechanics of it,
2 that's a very reasoned approach because one of our
3 concerns would have been that if we get like the whole
4 10 million and try to spend that in one year, just the
5 sheer volume of program oversight, audit and whatnot.
6 So this approach of taking it kind of incrementally at
7 that level process-wise within the Division is very
8 doable, I believe. It is something that, of course, we
9 would want to check -- I would hesitate to speak for
10 Ruth, for the department or agency, but certainly we
11 would go present that with our support. That would be
12 a reasonable approach that could be implemented and
13 look for their direction.

14 It's one of those issues that certainly I think
15 we all want to get that money on the ground in an
16 efficient manner and using it at that pace allows us to

17 give it the oversight collectively, the Commission and
18 Division, and I think spend it in a reasonable manner.

19 VICE-CHAIR ANDERSON: Mr. Thomas, you look like
20 you want to say something.

21 COMMISSIONER THOMAS: No. I'm just asking at
22 this stage does that -- Commissioner Spitler, do you
23 want to move the amendment? Do you want to move the
24 motion? How do you want to proceed?

25 COMMISSIONER SPITLER: If you would amend the

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1 motion to reflect that approach of adding roughly
2 \$2.5 million a year for each of the next, however many,
3 three to four budget years until the money is sent
4 down, I would -- if you would accept that amendment, I
5 would offer it.

6 COMMISSIONER THOMAS: I would accept that in
7 light of the fact that the staff has told us that they
8 can do that.

9 VICE-CHAIR ANDERSON: Additional comments?

10 COMMISSIONER PRIZMICH: The only comment I would
11 have is I think that's a fairly reasoned approach. I'm
12 a little bit concerned about spending in the future
13 because we don't know what's going to occur with the
14 gas tax, and I know we've been waiting, but it would be
15 perhaps a little bit premature at this juncture to
16 spend into the future and might -- if we could cut that
17 three or four years down to a couple of years and see
18 what it is that we are going to get out of the gas tax,
19 I think that might be a real reasonable approach.

20 VICE-CHAIR ANDERSON: I need a factual piece of
21 information here, point of information.

22 Is the gas tax a percentage of the price of the
23 gasoline or is it a fixed cents per gallon?

24 CHIEF JENKINS: It's a fixed amount. It's 18
25 cents per gallon to be used off-road.

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1 VICE-CHAIR ANDERSON: Thank you.

2 COMMISSIONER SPITLER: In response to
3 Commissioner Priznich, I think that's fine. I think,
4 you know, if we want to aim for the next couple of
5 years, obviously this will all change when the gas tax
6 comes out. I think the point is to try to spend down
7 the reserve in the next three to four years or so.

8 So if we want to kind of limit the motion to
9 saying we'll add \$2.5 million for the next budget year,
10 two for the next two years, and aim to spend down the
11 reserve over the next three to four, I think that's
12 fine. And obviously we will have to come back and
13 revisit this after the Fuel Tax Study comes out.

14 CHAIR BRISSENDEN: Second to the motion agrees.

15 VICE-CHAIR ANDERSON: Thank you, John.

16 COMMISSIONER THOMAS: Just, Madam Chair, so we
17 get the motion clear, so the motion is to direct staff
18 to develop a long-term plan for expenditure of
19 accumulated restoration monies, A; and B?

20 COMMISSIONER SPITLER: Spend down the reserves
21 over the next three to four years; and, C, add roughly
22 \$2.5 million, if the administration can support it,

23 propose adding \$2.5 million to the budget over
24 the '06/'07 and '07/'08 budget years.

25 COMMISSIONER THOMAS: Thank you. That's my 219

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1 motion.

2 COMMISSIONER WILLARD: Madam Chair, a "new be"
3 question. The \$2.5 million that's proposed, is that
4 coming out of the 11 million unexpended obligation
5 amount that we have right now?

6 VICE-CHAIR ANDERSON: We can understand that
7 that would be the sense of the motion, yes.

8 COMMISSIONER WILLARD: Thank you.

9 COMMISSIONER SPITLER: That would come out of
10 amount that's dedicated for restoration.

11 COMMISSIONER McMILLIN: So this is just a
12 direction that Phil is going to go work on to bring it
13 back for us to look at before we pull the trigger on
14 it?

15 VICE-CHAIR ANDERSON: No, I think part B, which
16 is to ask for the additional money actually requires
17 some budget action, right?

18 COMMISSIONER McMILLIN: For all of us, we would
19 be looking at it again.

20 COMMISSIONER THOMAS: It's policy direction from
21 the Commission. It's two types of policy. The first
22 is prescriptive planning, and the second is
23 prescriptive budgeting.

24 COMMISSIONER McMILLIN: But even on the
25 budgeting, we would be looking at those?

1 COMMISSIONER THOMAS: We wouldn't really deal
2 with it.

3 VICE-CHAIR ANDERSON: In the past we haven't
4 really seen those requests before they actually went to
5 the Governor.

6 COMMISSIONER THOMAS: They go into the budget
7 system, and we don't see them, so.

8 COMMISSIONER WILLARD: Just so I'm clear, again
9 being the new guy on the block here, the 2.5 million,
10 that's going to be an increase in the amount of money
11 available for grants, for restoration?

12 VICE-CHAIR ANDERSON: For restoration grants.

13 COMMISSIONER SPITLER: That intention would
14 be -- that's up to the Legislature to make that
15 determination, but the intention would be to ask the
16 Legislature to increase the grant amount about --
17 '06/'07 grant cycle by 2.5 million dedicated for
18 restoration out of the amount that's set aside
19 legislatively for restoration.

20 CHAIR WILLARD: The unexpended obligation
21 amount?

22 COMMISSIONER SPITLER: Correct.

23 COMMISSIONER THOMAS: You're moving quickly for
24 a "new be".

25 CHAIR BRISSENDEN: I think he found the light 221

1 switch. What do you think?
2 VICE-CHAIR ANDERSON: Any other comments or
3 questions from Commissioners?
4 Can we have a roll call on the motion?
5 MS. ELDER: Anderson.
6 VICE-CHAIR ANDERSON: Aye.
7 MS. ELDER: Brissenden.
8 CHAIR BRISSENDEN: Aye.
9 MS. ELDER: McMillin.
10 CHAIR McMillin: Aye.
11 MS. ELDER: Prizmich.
12 COMMISSIONER PRIZMICH: Aye.
13 MS. ELDER: Spittler.
14 COMMISSIONER SPITTLER: Aye.
15 MS. ELDER: Thomas.
16 COMMISSIONER THOMAS: Aye.
17 MS. ELDER: Willard.
18 COMMISSIONER WILLARD: Aye.
19 MS. ELDER: Unanimous.
20 VICE-CHAIR ANDERSON: Okay.
21 DEPUTY DIR. GREENE: If I may, Chairman, just
22 for clarification purposes, as I think the Chief just
23 indicated that and Commissioner Spittler acknowledged,
24 that from a staff perspective we think and appreciate
25 the fact that this courtesy has been given and the

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1 discussion taken place. Certainly, obviously, we will
2 have to go back to the administration to look at that
3 for approval.

4 VICE-CHAIR ANDERSON: We understand that. You
5 do what you can do.

6 COMMISSIONER SPITLER: One final question before
7 we leave this item, does the staff think it would be
8 necessary and/or helpful to have a Commission
9 subcommittee to work on some of the kind of longer
10 term -- the planning aspect of the budget planning side
11 of things, or not necessary or helpful?

12 DEPUTY DIR. GREENE: No, I think it's always
13 helpful to be able to do some of the work outside of
14 these meetings. So I think if we may look at this in a
15 couple of different phases because I think, as
16 indicated earlier, once the Fuel Tax Report comes out,
17 then you're going to start to mix subcommittees of
18 strategic planning and restoration and all of these
19 together.

20 But in the interim, I certainly -- it would be
21 helpful for us as we try and look, as Commissioner
22 Anderson identified before, Fish and Wildlife, BOR,
23 some of the connections that some of you may have that
24 may help us be able to achieve those results because I
25 do have some worries that what was done yesterday, as
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1 indicated earlier, by Fish and Game and suddenly we're
2 looking at a legislative add-on where we haven't had
3 any input into that. So it's somewhat problematic.

4 VICE-CHAIR ANDERSON: Is there a Commissioner
5 who wishes to volunteer for this task?

6 COMMISSIONER SPITLER: I have a little bit of
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7 interest in the subject.

8 VICE-CHAIR ANDERSON: Okay. So unless I hear
9 objection from Chairman Brissenden, I'm going to --

10 CHAIR BRISSENDEN: You'll not hear an objection.

11 VICE-CHAIR ANDERSON: -- appoint Commissioner
12 Spittler to work with the staff on this restoration
13 plan.

14 COMMISSIONER SPITLER: I see Commissioner
15 McMillin looking inquisitively as if he might want to
16 join me.

17 COMMISSIONER McMILLIN: Not myself. I've
18 already got a subcommittee. Is there a limit on the
19 number of subcommittees we can be assigned in one day?

20 COMMISSIONER THOMAS: None whatsoever.

21 COMMISSIONER SPITLER: Just wait until you miss
22 a meeting, then you'll see how many you can get.

23 VICE-CHAIR ANDERSON: All right. We need to
24 move. It's coming up on 4:20.

25 CHAIR BRISSENDEN: Speaking of missing a

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1 meeting, Madam Chair, my graduates have just arrived.
2 I'm about to depart, unless you absolutely need me for
3 the last item.

4 VICE-CHAIR ANDERSON: I don't know. We will try
5 to move as quickly as possible. Stay on as long as you
6 can, John.

7 DEPUTY DIR. GREENE: Okay. Just for
8 clarification purposes, this building does close at
9 five o'clock.

10 VICE-CHAIR ANDERSON: I want to be out of here
11 by then.

12 C, Project Scope Amendments. Yes, we'll do the
13 BLM first. We're going to do the BLM first because we
14 know it's the most controversial. And I'm sorry about
15 scrambling the order here, but I think there are more
16 of you interested in --

17 DEPUTY DIR. GREENE: I believe at this point in
18 time BLM has withdrawn that request to have that issue
19 on the agenda at this time.

20 VICE-CHAIR ANDERSON: Is that correct? Yes.

21 COMMISSIONER THOMAS: That's a smart move BLM,
22 thank you.

23 VICE-CHAIR ANDERSON: Three is off the agenda.
24 Number one.

25 JANELLE MILLER: Good afternoon, Commissioners,
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1 Janelle Miller. I'm the manager of the Grants and
2 Cooperative Agreements. This is my first opportunity
3 to present an action item before you. And last but not
4 least on the agenda, that is, Item C one and two, and
5 that is a request from the Forest Service for a major
6 amendment rescope on two grants. I'm going to provide
7 you with a brief overview of this action. And if you
8 have very specific or detailed questions, Kathy Mick
9 from the Forest Service is here to answer those
10 questions.

11 The request is to rescope two grants, OR-2-SW-22
12 for \$45,000 and OR-2-SW-26 for \$50,000. These two

13 projects were approved by the Commission under the 2003
14 regulatory process.

15 VICE-CHAIR ANDERSON: Short interruption here.

16 Chairman Brissenden, thank you very much. I
17 think you're gone already.

18 CHAIR BRISSENDEN: No, no, you cut out there for
19 a moment, Madam Chair.

20 VICE-CHAIR ANDERSON: I think you can go off to
21 your graduates.

22 CHAIR BRISSENDEN: I thank you. I thank all of
23 the staff and Commissioners in bearing with me in being
24 out here in New York. This was a very busy meeting,
25 and I think we accomplished quite a bit today. Thank
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1 you all, and I look forward to seeing you soon.

2 VICE-CHAIR ANDERSON: Okay. Thank you.

3 COMMISSIONER THOMAS: Good-bye New York.

4 VICE-CHAIR ANDERSON: You can now resume.

5 JANELLE MILLER: The first one, OR-2-SW-22, it
6 was approved December 5th, 2003, and the deliverables
7 were in the areas of conservation, enforcement,
8 restoration, and non-CESA, and other activities, which
9 included the Lake Tahoe Basis Snowmobile Study and for
10 staff and salary. The current expiration date for this
11 grant is December 5th, 2006.

12 The next one is for OR-2-SW-26, which was
13 approved December 3rd, 2004 for law enforcement aerial
14 overflights and other activities non-CESA, which
15 included salary and travel for the OHV coordinator,

16 planning and preparation of restoration plans and
17 projects, restoration NEPA, and trails and resource
18 specialist consultation. The request for this rescope
19 is for \$95,000 from OR-2-SW-22 for 45,000 and OR-SW-26,
20 50,000 in law enforcement to conservation and add
21 deliverables to OR-2-SW-22 to include specific tasks
22 within law enforcement.

23 If this scope amendment is approved, they
24 request time extension until May of 2007.

25 VICE-CHAIR ANDERSON: Okay. Let's take these 227

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1 one at a time. Do you have any of questions for either
2 Kathy or the staff?

3 KATHLEEN MICK: If I may, Chair Anderson, I
4 would like, just for the benefit of the two new
5 Commissioners, to just give them a very brief overview
6 of what's going on. And then if you can let me know
7 which one you want to handle first, that would be
8 helpful.

9 Basically what happened is in two different
10 years -- and we're going back to the 2003 regulatory
11 process -- we asked for funding in law enforcement two
12 years in a row that basically would have allowed us to
13 hire a law enforcement specialist for the regional
14 office. Due to a variety of reasons, we were not able
15 to hire that position. We have some unexpended
16 balances that we wish to continue on with the
17 deliverables. We have a part-time person that is going
18 to continue that work, but we do not have the ability

19 to spend all of the funding within the allotted time
20 frame with only a person working part-time. So at this
21 time, we want to take some of the law enforcement
22 funding and move it to conservation where we have staff
23 and have projects that we can implement.

24 COMMISSIONER THOMAS: Madam Chairman, question:

25 It's not as if law enforcement is overflowing in the

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1 national forests, it's not as if there's so many law
2 enforcement personnel out there that we just have to
3 stop hiring them. As I remembered through five, six
4 years now, the law enforcement program is in absolute
5 deficit. It's a critical shortage, and I'm surprised
6 that you haven't been able to hire somebody. I know I
7 worked very hard to get this funding initially, and
8 it's disappointing that you're not proceeding.

9 So can you tell us a little more, other than we
10 just couldn't do it?

11 KATHY MICK: Yes, Commission Thomas, there is
12 nobody more disappointed about this than we are because
13 we had several candidates interested and wanted to
14 bring them in to concentrate on the OHV issues region
15 wide.

16 What did occur is we've had a tremendous amount
17 of attrition in the law enforcement officer forces on
18 the forest; combined with a decrease in appropriated
19 funding; and to top it off, we've had difficulty,
20 because of the way that law enforcement pay is
21 structured, to be able to hire a specialist for the

22 regional office that would be able to maintain their
23 law enforcement retirement fund. Given that there are
24 different categories of enforcement in terms of law
25 enforcement officer or special agent, they would have 229

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1 had to have come in as a special agent. The region can
2 only have so many. We already have our allotment.

3 And so it has been just a plethora of things
4 that have gone wrong. To exacerbate the matters right
5 now, because of the depleted forces out in the field,
6 the number one priority for law enforcement, should
7 appropriated dollars become available, is to hire field
8 enforcement officers as opposed to another person for
9 the regional office.

10 COMMISSIONER THOMAS: Is there not something we
11 can do to rescope your funding so that we can keep it
12 in the law enforcement program?

13 KATHLEEN MICK: Well, the balances that we want
14 to move are not all of the funding that we have
15 available. So we are keeping a portion of the
16 unexpended balances in law enforcement. We have two
17 different part-time folks that are coming in to help
18 us. Gary Barnett is one of them. And just single
19 handedly, Gary has made a number of strides in the
20 enforcement deliverables that were assigned to the
21 original projects, including a new eastern bail
22 schedule, letters sent to the courts, to the chief
23 attorney to the criminal division to move forward on
24 changing bails in the other districts. OGC is now

25 involved, and the court is interested in moving those
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1 bail schedules higher. We're working on a regional CFR
2 because of some of the problems that we've had in
3 getting forest orders. We're working on templates for
4 OHV forest orders. So the work is continuing, just not
5 as fast.

6 So what will happen is if we don't rescope the
7 money, then we will just end up turning that back to
8 the trust fund, and that may be the desired outcome.

9 COMMISSIONER THOMAS: I understand. And Gary
10 Barnett does a wonderful job. There is no question,
11 and there is no question about your intentions.

12 But we need to solve this problem, not avoid it
13 and move funding away from a problem. If the issue is
14 funding because of lack of appropriate dollars, is it
15 more important to supplement the current dollars? In
16 other words, are you short money and so you decide to
17 scrap the program because you were ten percent short?

18 KATHLEEN MICK: No, we are not going to scrap
19 it. It's just that we're looking -- we've backed up a
20 little bit, and we're trying to look at utilizing some
21 of the personnel that we already have so that this year
22 we would come in with funding to help supplement what
23 we already have, spread the work across the work force,
24 and utilize those folks to get the work done as opposed
25 to hiring another position. They are just not going to
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1 hire another position for the regional office, given
2 that right now the appropriated dollars are decreasing
3 and forests are looking at cutting back personnel.
4 There is no way we can build up the top and have the
5 ground constricted to a certain amount of funding.

6 COMMISSIONER THOMAS: Even though by building up
7 the top, you could do the planning and organization to
8 get longer -- long-term funding at the ground, that's
9 not going to be -- that's not an attractive planning
10 and preparation? It's not attractive?

11 KATHLEEN MICK: It is. And so to that end, what
12 we're hoping to do is in the deliverables we're going
13 to be working on our LEMAR system, and we've worked
14 very hard over the last couple of months on changing
15 some of the retrieval codes so that we now will have
16 the ability to pull information on red sticker
17 violations, green sticker, separate winter and summer,
18 as well as looking at a couple of differences between
19 the way that we pull violations, so that we can start
20 to use the program that we have in place to analyze
21 trends. And then do, as you suggested, and you and I
22 have talked about on many occasions, is to try and then
23 look at the hot stops and then really go after them and
24 deal with the issues.

25 COMMISSIONER THOMAS: Thank you.

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1 VICE-CHAIR ANDERSON: Other questions?

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COMMISSIONER SPITLER: Yes.

VICE-CHAIR ANDERSON: Yes.

COMMISSIONER SPITLER: Under the old OR-2-SW-22 original deliverables, I see that there was a \$100,000 for restoration decommissioning project planning leader and \$50,000 NEPA for restoration. Are you proposing to rescope that?

KATHLEEN MICK: No, no, that has for the most part -- and I have budget figures that's on 22. In those two accounts, there is a thousand dollars left. Because what happened when I went on detail to work over at State Parks for a year, they brought in a detailer, shifted some of the deliverables, and most of that restoration planning occurred in the past grant cycle. So some of the stuff you heard this year and approved was a result of that funding and deliverable.

VICE-CHAIR ANDERSON: Anyone else? Are you ready to move? Public comment.

COMMISSIONER SPITLER: Anyone left?

KAREN SCHAMBACH: Karen Schambach, Center for Sierra Nevada Conservation and PEER. We support this rescoping. The projects to which it's proposed to move them were a couple that actually were approved and then fell below the cut line, one of them being, as I

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1 understand it, the Procomatic studies, and those are
2 really crucial, completing those are really crucial to
3 the route designation process. So I do support this
4 proposal. Thanks.

5 VICE-CHAIR ANDERSON: Next.

6 FRED WILEY: Fred Wiley with the Off-Road
7 Business Association. We would like to support both of
8 those rescope projects. Thank you.

9 JOHN STEWART: John Stewart, California
10 Association of 4-Wheel Drive Clubs and United 4-Wheel
11 Drive Associations. I understand some of the dilemma
12 that Ms. Mick and the Forest Service is going through
13 with their budget hassles of trying to move money
14 around and pay the bills. This is a reasonable effort,
15 and it should be supported by the Commission. We
16 support this.

17 VICE-CHAIR ANDERSON: Anyone else?

18 COMMISSIONER THOMAS: I've got another question
19 for Ms. Mick if the public question is closed.

20 VICE-CHAIR ANDERSON: Yes, I'll close the public
21 hearing portion.

22 COMMISSIONER THOMAS: Ms. Mick -- the public
23 comment period.

24 VICE-CHAIR ANDERSON: The public comment.

25 COMMISSIONER THOMAS: The Lake Tahoe Basin

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1 Snowmobile Study that you're rescoping, what was that?

2 KATHLEEN MICK: That was the Missions study, and
3 that's through Desert Research Institute, and they're
4 contributing half of the study funding. And the OHV
5 Commission graciously is contributing through the OHV
6 Trust Fund of the Division the other half. And that
7 should be completed, if this all goes through. The

8 gentleman wants a little bit of an extension to
9 continue on some analysis, and it should be completed
10 by the end of summer if not by, I think it was,
11 October.

12 COMMISSIONER THOMAS: Is this the fuel, burned
13 fuel analysis?

14 KATHY MICK: Yes.

15 COMMISSIONER THOMAS: That's the two stroke
16 motor analysis?

17 KATHY MICK: That's correct.

18 COMMISSIONER THOMAS: We've actually never seen
19 any of the documents associated, the methodology, the
20 scope of work.

21 KATHY MICK: Yes, you have. And I can get you
22 another copy of that. I have one in the file that I
23 can make and send to you. I don't want to give you my
24 file copy, but it was before the Commission when the
25 actual original proposal was heard. And that was

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1 before some of the changes. So the one thing it didn't
2 do was go through what scientific studies now have to
3 go through, which is the peer review process.

4 COMMISSIONER THOMAS: It's in the peer review
5 phase?

6 KATHY MICK: No, the study is ongoing. The
7 researcher has been working on the Tahoe Basin for the
8 last two years to complete the study.

9 COMMISSIONER THOMAS: I would be interested in
10 that data when it comes in.

11 KATHY MICK: It was coincidental that two days
12 ago he sent me an e-mail saying that he's starting to
13 finalize his analysis on that study.

14 VICE-CHAIR ANDERSON: Anything else?

15 COMMISSIONER SPITLER: Ms. Mick, what about
16 inventory road list areas?

17 KATHY MICK: I'm for once happy that somebody
18 asked me that question. Because I do have, and I think
19 if somebody would be so kind --

20 DEPUTY DIR. GREENE: Commissioner Thomas, can
21 you help me out for a minute. Is this in addition to
22 the issue that we're talking about here on the
23 inventory road list, or is this a separate issue?

24 KATHY MICK: Don't ask me, it's not my question.

25 COMMISSIONER THOMAS: It's not my question.

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1 DEPUTY DIR. GREENE: I'm sorry, Commissioner
2 Spitler. I'm trying to make sure that we're clear on
3 the item of business at hand. Chairman Spitler?

4 COMMISSIONER THOMAS: He's not chairman anymore.

5 DEPUTY DIR. GREENE: Sorry, my apologies.

6 COMMISSIONER SPITLER: I was just curious as to
7 what the status of the Forest Service efforts on road
8 list areas are.

9 DEPUTY DIR. GREENE: So this is separate then
10 from the two items that are before you right now?

11 KATHY MICK: At the last Commission meeting,
12 Commissioner Thomas had asked for information. I came
13 prepared in case the question was asked again because I

14 didn't want to not be able to answer the question
15 again. So I came prepared, but it isn't in direct
16 relationship to this rescope, no.

17 COMMISSIONER SPITLER: Ms. Mick had expressed
18 she had gone through great pains to prepare information
19 on this question with the mere hope that someone might
20 ask it. I felt it was at least my duty to ask the
21 question of her.

22 COMMISSIONER THOMAS: I apologize for not
23 following up for the third meeting in a row. Thank
24 you.

25 KATHY MICK: So it did get on the agenda. It's
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1 an agenda item, and we didn't do the federal report.

2 But before you, regardless, if you want to hear
3 about it, you have letters, one that came from the
4 Regional Forester of the Pacific Southwest Region to
5 Secretary Mike Chrisman in regard to inventory road
6 list areas within the national forests of California.
7 And in that letter, it basically reiterates our stand
8 that that the national administration had invited the
9 states to be able to petition for involvement into road
10 lists. The State of California had a desire to do that
11 through the Resources Agency. There has been dialogue
12 between both agencies.

13 So the letter of April 4 is a result of that
14 dialogue, which basically the Forest Service has
15 committed to following the interim directive for the
16 road list area, which means that we will not construct

17 or reconstruct any new roads until the petition has
18 been either approved or disapproved.

19 The second letter that you have before you is in
20 regard to the route designation process, but it goes
21 through the different steps that folks would use to
22 separate what's going on in the step two route
23 designation process to closing roads, trails, or areas
24 that may be receiving resource damage, particularly in
25 those areas within a forest plan that are designated --
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1 that have some sort of special designation for closure,
2 but may not have a current forest order.

3 VICE-CHAIR ANDERSON: Thank you.

4 Are we ready to --

5 COMMISSIONER SPITLER: I just have one final
6 small comment. I support this item and am prepared to
7 support it today.

8 I just have a request of staff in the future
9 when we do rescope items to provide just a little bit
10 more information to the Commission, particularly some
11 of the financials and the deliverables --

12 KATHLEEN MICK: That's my fault, not the staff's
13 fault. That's my fault because it was particularly
14 difficult for these two projects. We had some
15 confusion that some of the old rescopes were part of
16 these. We had to get that fixed. And then, just quite
17 frankly, with all of our finances being centralized to
18 Albuquerque, you cannot believe what it takes to find
19 out your true balances on an account. That is

20 completely the Forest Service, not the Division staff.

21 COMMISSIONER SPITLER: I'm not placing blame and
22 casting fault on anyone. I'm just suggesting next time
23 we have a major rescope, a little bit more information
24 up front would be very helpful.

25 KATHLEEN MICK: Duly noted.

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1 VICE-CHAIR ANDERSON: Okay. You're ready to
2 vote, Commissioners? Roll call, please.

3 COMMISSIONER SPITLER: Do we have a motion?

4 VICE-CHAIR ANDERSON: I'm making it to approve
5 these two rescopes.

6 COMMISSIONER WILLARD: I'll second.

7 MS. ELDER: Anderson.

8 VICE-CHAIR ANDERSON: Aye.

9 MS. ELDER: Brissenden, not there.

10 McMillin.

11 CHAIR MCMILLIN: Aye.

12 MS. ELDER: Prizmich.

13 COMMISSIONER PRIZMICH: Aye.

14 MS. ELDER: Spitzer.

15 COMMISSIONER SPITLER: Aye.

16 MS. ELDER: Thomas.

17 COMMISSIONER THOMAS: Aye.

18 MS. ELDER: Willard.

19 COMMISSIONER WILLARD: Aye.

20 VICE-CHAIR ANDERSON: That concludes the formal
21 part of the agenda. Before we actually adjourn, I have
22 two items.

23 First, I want to revisit the request of
24 calendaring this teleconferencing meeting. Actually, I
25 have to ask Daphne for some recommendations, then

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1 decided that I would give you some proposed time
2 frames.

3 I'm looking at, in terms of my own personal
4 calendar, something around possibly these -- one of
5 these three time frames: June 30th, July 15th, and
6 August 5th. Those would avoid major conflicts with my
7 schedule. I think we're talking about possibly -- and
8 you'll have to check with Chairman Brisenden -- maybe
9 two to three hours in an afternoon when we might hold
10 this teleconference meeting to develop our materials
11 for August.

12 COMMISSIONER SPITLER: I would suggest sooner is
13 better. So August 5th is 12 days before we're supposed
14 to write a one-year response to the auditor. So I
15 would suggest the 30th of those days would probably be
16 the best.

17 COMMISSIONER WILLARD: Both of those days are
18 Friday? I don't have a calendar in front of me.

19 VICE-CHAIR ANDERSON: That's why I said time
20 frames because I don't even know what day of the week.

21 (Simultaneously speaking, Reporter interrupted.)

22 VICE-CHAIR ANDERSON: Thursdays, Wednesdays, but
23 somewhere around that date is all I'm suggesting. So
24 if you have conflicts, I know that John will be in
25 contact with you for specific dates.

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1 Okay. So you would like one of the earlier
2 dates?
3 COMMISSIONER WILLARD: Yes, I agree. And
4 June 30th works for me.
5 COMMISSIONER PRIZMICH: Fine for me.
6 COMMISSIONER THOMAS: And earlier in the day is
7 better for me because I have a 3:30 appeal hearing on
8 the 30th.
9 VICE-CHAIR ANDERSON: Earlier in the day for
10 Mr. Thomas. Time of day makes no matter to me.
11 COMMISSIONER WILLARD: Earlier is better.
12 COMMISSIONER McMILLIN: Earlier is better for me
13 or even the 29th.
14 VICE-CHAIR ANDERSON: Actually the 29th is a
15 better day for me, but I'm flexible.
16 COMMISSIONER THOMAS: I can do the 29th, as
17 well.
18 VICE-CHAIR ANDERSON: 29th, Mr. Priznich, a
19 Thursday?
20 COMMISSIONER PRIZMICH: That's fine.
21 VICE-CHAIR ANDERSON: If you could confirm those
22 dates with John, and we will try for the 29th.
23 And then my last item is I'm going to appoint
24 myself. Since Mr. Waldheim is no longer on the
25 Commission, I'm going to name myself subcommittee of

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1 one for awards.

2 I have a suggestion for an award recipient, and
3 I want it on the record that I'm putting myself in that
4 position. If there are people that members of the
5 public would like to recommend for awards, they can
6 submit them to me.

7 COMMISSIONER SPITLER: Who is the award for?

8 VICE-CHAIR ANDERSON: Well, what I was
9 anticipating was something for Harold Soens, who was
10 the gentleman who just passed away. Okay. That's the
11 only one I have so far. But I'll talk to Mr. Waldheim.

12 Are we ready to adjourn? Can I have a motion?

13 COMMISSIONER THOMAS: We are, and I so move.

14 COMMISSIONER WILLARD: Second.

15 COMMISSIONER McMILLIN: And I had a good time.

16 VICE-CHAIR ANDERSON: Thank you very much.

17 We're adjourned.

18 (Meeting adjourned at 4:44 p.m.)

19 --oOo--

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